

**Testimony of New York City Department of Consumer Affairs  
Before the  
New York City Council Committees on Consumer Affairs and Transportation  
  
Hearing on  
Introductions 529-A, 713-A & 950 Regarding Sightseeing Buses**

September 26, 2016

Good morning Chairman Espinal, Chairman Rodriguez, and members of the Committees on Consumer Affairs and Transportation. I am Mary Cooley, Assistant Commissioner for Legislative Affairs, and I am joined by my colleagues Alba Pico, First Deputy Commissioner, Tamala Boyd, General Counsel, Amit Bagga, Deputy Commissioner for External Affairs, and Casey Adams, Deputy Director for City Legislative Affairs. Thank you for inviting DCA to testify about Introductions 529-A (“Intro. 529-A”), 713-A (“Intro. 713-A”) and 950 (“Intro. 950”), which would both introduce new regulations and alter existing regulations with respect to the sightseeing bus industry in New York City.

DCA’s new mission, which we just unveiled a few weeks ago, is to protect and enhance the daily economic lives of New Yorkers to create thriving communities. DCA’s work has expanded to include an increased focus on equitable enforcement coupled with business education, and—with paid sick leave, commuter benefits, and the City’s new Office of Labor Policy and Standards—ways to protect workers in New York City. The agency licenses approximately 81,000 businesses across 55 different industries, mediates complaints between consumers and businesses, conducts patrol inspections and legal investigations, and educates businesses about laws and rules. In addition to its licensing and consumer protection, DCA operates the Office of Financial Empowerment, the first local government initiative in the nation aimed expressly at educating, empowering and protecting those with low incomes.

We appreciate the opportunity to be here today with our partners from the New York City Department of Transportation (“DOT”) to discuss the proposed changes to the regulation of the sightseeing bus industry. As our colleagues have testified, the sightseeing bus industry plays a vital role in supporting our city’s booming tourist economy and we share a collective goal in ensuring that industry can thrive. We believe that some of the proposals being discussed today will help bring sensible regulation to this industry.

Intro. 529-A

First, we will discuss Intro. 529-A, a bill related to safety standards for sightseeing bus drivers. Given that these large buses with many passengers are challenging to maneuver through New York City streets, DCA supports the Council’s proposal to ensure that sightseeing bus companies employ safe and qualified drivers.

DCA commends the Council for taking the step to, for the first time ever, introduce standards that sightseeing buses must comply with in the process of hiring drivers into our Administrative

Code. Specifically, Intro. 529-A would mandate that sightseeing bus drivers possess a valid commercial driver's license, a provision that would require drivers to comply with a host of attendant federal<sup>1</sup> and state<sup>2</sup> regulations meant to ensure drivers meet a high standard for safety. Some companies in the industry might already require that their drivers hold these types of licenses, but, as safety is paramount, it is critical that the standard become an explicit requirement for sightseeing bus drivers. As our preliminary research into certain standards proposed in the bill indicates that there might be some discrepancies between these standards and existing state and federal standards, we would very much appreciate the opportunity to work with the Council, the Law Department, and all relevant agencies to develop standards that are consistent with federal and state standards and that the Council and the administration feel are sufficient to ensure the safety of sightseeing bus passengers.

Because this provision better enables DCA to meet its regulatory obligations, we also support the requirement that licensees promptly notify the agency about any traffic incidents involving their buses. So as to further ensure that the agency is equipped to fulfill these obligations, we respectfully suggest the companies also be required to provide information about the drivers involved in the incident so that we can crosscheck this information with the roster of employees the company has provided. Additionally, even though it would not be required by the bill, it would be very easy for bus companies to comply by registering for the License Event Notification Service, commonly known as LENS,<sup>3</sup> administered by the New York State Department of Motor Vehicles, in order to receive notification as soon as one of their drivers is involved in an incident while operating a sightseeing bus or their own private motor vehicle. This will enable sightseeing companies to better monitor the conduct of all their drivers to ensure the safety of their customers.

In order to ensure that DCA can properly enforce the provisions of the bill and conduct any necessary investigations, we would like to respectfully recommend three other minor additions. First, sightseeing bus companies should certify that all employees on their roster of drivers meet the employment criteria and comply with Federal Motor Carrier Safety Administration regulations for commercial driver's licenses. Second, DCA would like to require that sightseeing bus companies maintain records sufficient to demonstrate compliance with the safety requirements for drivers and that they be required to produce such documents upon DCA's request. Third, DCA would prefer to be notified of any crash or traffic infraction immediately, rather than within five days, in order to request documents from the company to verify compliance with the provisions of their license.

We will now turn to Introductions 713-A and 950, related to the number and operation of buses in our streets.

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<sup>1</sup> <https://www.fmcsa.dot.gov/regulations/title49/b/5/3>

<sup>2</sup> <https://dmv.ny.gov/brochure/cdl10sec01.pdf>

<sup>3</sup> <https://dmv.ny.gov/dmv-records/license-event-notification-service-lens-accounts>

## Intros. 713-A and 950

Both Intro. 713-A and Intro. 950 seek to bring a much-needed balance to the way sightseeing buses interact with other users of New York City streets and sidewalks. In light of some operational issues that would be caused if Intros 713-A and 950 were enacted together, DCA would like to further discuss a licensing system that would address concerns about safety and congestion without hindering the growth of small companies.

Before we discuss the data on sightseeing companies and buses, we should note that our historic information on sightseeing bus license plates is not comprehensive because, for many years, our database was designed to override any prior bus roster information. We have since made changes to our system to begin capturing the overwritten plate information, and we have gathered as much data from our archives as possible for the hearing today. We think that the data we have assembled, which include historical snapshots of the industry over the past decades, will provide some insight into how the sightseeing bus industry has evolved over the years.

DCA currently licenses eight sightseeing bus companies, which operate a total of 237 buses. The number of licensed companies and the number of buses has fluctuated over time- from 19 companies and 125 buses in 1991; to 33 companies and 349 buses in 1997; to 11 companies and 167 buses in 2008. From the data we have available between 1991 and 2016, the average number of licensed companies is 21 and the average number of buses is 243.

Intro. 713-A, which would require that sightseeing bus companies seek authorization for on-street stops from DOT before applying for their DCA license, would result in an organic ceiling on the number of buses operating in particular locations. As we all know, and as our colleagues from DOT have testified, there are many instances in which licensed sightseeing bus companies stop at certain locations where they are not authorized to stop. Based on complaints and anecdotal information we have received from residents of different communities, community boards, and elected officials, this has created a variety of issues with respect to congestion as well as vehicular and pedestrian safety.

One key reason for the challenges described today is that sightseeing companies are licensed to operate by DCA, and therefore may begin offering tours, before DOT has had a chance to determine the appropriateness of their operation and assign them on-street stops. Intro. 713-A will join and streamline what are currently independent review processes and ensure that only companies whose operations and stop locations are approved by DOT will be eligible to receive a DCA license.

DCA would like to note that permanently limiting the number of plates, as proposed in Intro. 950, could have the consequence of granting a particular company or handful of companies an unfair advantage over new entrants into the market. New and smaller companies would not have the flexibility to grow and the dominant positions of larger companies could be locked in. Indeed, if the number of buses were fixed permanently today, the largest company, Gray Line, would be able to operate 93 buses, while the smallest company, Experience the Ride, would only be able to operate four buses. While DCA certainly supports of the crafting of thoughtful policy to manage the number of buses in our streets, we would like to further discuss the mechanics of

imposing a limit on the number of buses in a way that is fair for small and large operators, particularly since ensuring a thriving marketplace is central to our agency's mission. Further consultation with the Law Department regarding the process for distributing plates fairly and legally under such a cap would also be necessary.

Thank you for the opportunity to testify today. We look forward to continuing to work with the Council on the proposed legislation and are happy to answer any questions.

**NEW YORK CITY DEPARTMENT OF TRANSPORTATION  
TESTIMONY FOR HEARING BEFORE THE  
CITY COUNCIL COMMITTEES ON  
CONSUMER AFFAIRS AND TRANSPORTATION  
REGARDING INTRODUCTIONS 713-A, 950 and 529-A  
SEPTEMBER 26, 2016**

Good morning Chairs Rodriguez and Espinal and members of the Committees on Transportation and Consumer Affairs. My name is Margaret Forgione, Chief Operations Officer at the Department of Transportation. I am joined by Alex Keating, Director of Special Projects for Transportation Planning and Management, and Jenna Adams, Director of Legislative Affairs.

Thank you for the opportunity to testify on the important topic of regulation of the sight-seeing bus industry in New York City. As you know, the New York City Department of Transportation (DOT) and the Department of Consumer Affairs (DCA) share responsibility for regulating sight-seeing bus companies in New York City. This reflects the need to protect customers' rights as well as manage these companies' authorized use of our curb space.

For the last six years, New York City has attracted record numbers of tourists. Last year, nearly 60 million people visited the City and 2016 estimates show even more visitors this year. We are fortunate that New York is a destination for people across the country and the world. Tourists come to experience our wonderful city and fuel our economy to the tune of over \$40 billion in spending each year, supporting more than 360,000 jobs.

New York City's population of 8.5 million also continues to grow and we are experiencing an employment and construction boom. We have a continued duty to maximize safety and mobility as more people choose to live and work in New York City. As of now, we are facing decreasing travel times in Manhattan's central business district. The average traffic speeds in Manhattan were 8.2 mph in 2015, compared to 9.4 mph in 2010.

With an unprecedented number of residents, commuters and tourists, we all need to move on our limited road space and mass transit systems. At the same time, as our recently released five-year Strategic Plan makes clear, we are urgently moving to more sustainable transportation options. Therefore, we continue to manage our streets to support efficient modes of transportation, such as travel by foot, by bus, or by bicycle.

Not only are our streets crowded, but so are our sidewalks. Many of our dense and bustling neighborhoods and commercial corridors are now packed with pedestrians. Every inch of sidewalk space is not only incredibly precious for pedestrians, but also for other competing uses: loading and unloading at the curb; street furniture such as newsstands and bus shelters, as well as other sidewalk amenities.

Addressing challenges created by a surge of pedestrians at iconic locations in our already crowded City has been a focus for DOT recently—whether we look for solutions to crowds on the Brooklyn Bridge promenade or as we construct “pedestrian flow zones” through Times Square.

For all of those reasons, DOT recognizes the need to better regulate the sight-seeing bus industry. While the number of licensed buses has fluctuated under 200 in recent years, we have seen the number of licensed buses grow to 237 as of today. While this is not a large number relative to our total road users, sight-seeing buses are large vehicles, with significant curb use impacts. And they are traveling through the streets in the busiest, densest parts of our City’s central core and overlapping with transit operations and hubs.

Currently a handful of companies operate double-decker tour buses that allow passengers to hop on or off at designated stops, providing transportation between points of interest while narrating information about sights along the way. Another company also provides guided sight-seeing and entertainment in specialized stadium seating buses.

DOT requires all companies requesting authorization for bus stops to provide their proposed schedule information. Once a stop is authorized, DOT requires timely updates of any changes to their schedules and ownership. However, the information provided is limited and rarely updated. Accordingly, we know relatively little about actual schedules, duration in stops, if buses are stopping in unauthorized locations, and numbers of buses on the streets at a given time.

To learn more about the industry, DOT recently collected data at 14 locations, monitoring over 1,200 sight-seeing bus arrivals and departures. We found that most stops average about four to nine buses per hour. Peak sight-seeing operations take place mainly between noon and 4:00 p.m. each day and start to steadily drop off later in the day.

During peak times we saw double-running—when companies utilize two buses for every one that is scheduled to stop—and arrival frequencies in excess of the schedules submitted for authorization. While two-thirds of buses were observed loading and unloading passengers within three minutes or less, 17 percent stayed at the curb for more than 10 minutes.

In the data we saw examples of good actors at major destinations expeditiously loading and unloading passengers as required by our traffic rules. We also saw examples of stops with problems.

Here at Park Row next to City Hall—which averaged nine buses an hour and peaked at fifteen—one-fifth of buses obstructed a travel lane and nearly a quarter blocked a crosswalk. This is one of the busiest locations for sight-seeing buses in the City and often sees a frequency of buses that is double what is authorized by DOT.

At 7<sup>th</sup> Avenue and 47<sup>th</sup> Street in Times Square—which averaged six buses an hour and peaked at seven—nearly two-thirds of buses stayed at the curb for more than ten minutes. A quarter of the buses obstructed a travel lane and half contributed to sidewalk crowding.

On the other hand, we saw an example of efficient loading at the Metropolitan Museum of Art. Eighty-nine percent of buses loaded and unloaded in one minute or less and all did so in less than ten minutes. Observations at this stop also demonstrated frequent use by bus companies not designated to stop there – a fairly common occurrence not unique to this location.

DOT's Bus Stop Management Unit receives requests from multiple types of bus operators seeking permission for loading and unloading customers. This includes MTA buses, intercity buses such as Megabus and BOLT, public transportation buses such as New Jersey Transit, as well as sight-seeing buses.

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

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

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

Certainly, many locations throughout the City do have the capacity for sight-seeing buses operations. In fact, at the request of Brooklyn Borough President Adams, our Bus Stop Management Unit recently worked in collaboration with sight-seeing bus companies to proactively identify new



sight-seeing bus locations in Brooklyn. This resulted in adding new sight-seeing bus stops near Barclays Center and the Brooklyn Museum. These operations began this past July.

Turning to the legislation before the Council today, amendments to the law in Intro 713-A would mandate that sight-seeing bus companies first have authorization from DOT for their bus stops before receiving an operating license from DCA. DOT strongly supports these proposed changes and we would like to thank Council Member Johnson for his partnership on this bill.

Currently, sight-seeing bus operators can be granted DCA licenses without receiving approval from DOT for their proposed stops and schedule. This leads to buses on the street utilizing unauthorized stops including MTA bus stops, locations authorized for other companies, or curb locations with no authorized bus stop.

Under Intro 713-A, the process for assigning stops would be similar to our process for siting intercity bus stops, including a Community Board consultation process. Combined with strong enforcement, this change would help ensure that DOT can effectively authorize bus stops in a coordinated manner and prevent over-saturation.

Another step to encourage compliance for sight-seeing buses would be to raise fine amounts for violations by sight-seeing buses. Raising fines to equal those currently in place for intercity buses may be a good place to start. DOT should also be authorized to promulgate violation codes specifically tailored to problem activities for sight-seeing buses.

Consistent reporting of stop location and activity are needed to improve monitoring and enforcement of sight-seeing bus curb use. It is very likely sight-seeing bus operators already collect GPS location information, as it is widely used in fleet management. That data would let DOT more accurately understand and describe conditions on our roads, as well as the impact of sight-seeing buses at key locations by showing where buses are actually traveling and stopping. Location information could also highlight certain types of unauthorized activity to help target enforcement.

In addition, DOT currently makes very limited use of cameras to collect information about activity at sight-seeing bus stop locations to assess current conditions. Cameras can show information about activity at the curb not shown by location data alone, such as whether buses are actively loading and unloading passengers.

Regarding Intro 950, we believe the intent of the proposal is to limit sight-seeing buses on our busiest corridors and in the few heavily impacted neighborhoods, not to ban sight-seeing bus activity across the entire City. We understand the impulse to institute a cap, but do not want to discourage competition for new entrants into the market or prevent growth in outer boroughs. At the same time however, we agree that we should manage the impacts of sight-seeing buses to prevent problematic curb uses and make sure that certain areas of the City are not over saturated.

DOT supports steps, including those in Intro 713-A, to strengthen DOT's role in regulating stop placement and allow us to better monitor curb use. Combined with robust enforcement, this may be the most effective way to ensure that our streets are not overburdened.

Finally, I will defer to my colleagues at the Department of Consumer Affairs to address Intro 529. Thank you for the opportunity to speak today on sight-seeing bus regulation in New York City and the proposed legislation. I look forward to answering questions after testimony from my DCA colleagues.



THE CITY OF NEW YORK  
OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN

**MANHATTAN BOROUGH PRESIDENT GALE A. BREWER  
TESTIMONY ON INTRO 950  
COMMITTEES ON TRANSPORTATION & CONSUMER AFFAIRS  
SEPTEMBER 26, 2016**

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Thank you Chairs Espinal and Rodriguez for the opportunity to testify today in support of my bill, Intro 950, to amend the administrative code of the city to limit the number of sightseeing bus licenses.

It has become clear to me in my role as Manhattan Borough President, through countless conversations with business owners, residents, and Community Board Members, that many in our borough are frustrated with the proliferating sightseeing bus industry. According to the New York State Department of Transportation, the number of double-decker sightseeing buses in the city more than tripled from 57 to 194 between 2003 and 2013. And that number keeps growing—according to the most recent numbers provided to my office by the Department of Consumer Affairs, there are 231 such buses in operation today, held by eight different companies.

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

It is with these problems in mind that Council Member Margaret Chin and I introduced Intro 950, which would cap the number of sightseeing buses at 225. I’ve spoken at length with advocates including TWU Local 225 who have concerns that instituting such a cap will result in the loss of jobs. However, no current licenses or jobs would be taken away under this plan. Rather, once the current number of sightseeing buses dips to 225—naturally, through attrition—no additional licenses would be granted.

I would also like to voice my support for Intros 529-A and 713-A, which would, respectively, strengthen licensing requirements in the sightseeing bus industry, and require bus operators to submit operating plans to the Department of Consumer Affairs. It’s important to note that not all bus companies are guilty of operating in the ways described above. Creating stricter rules for licensing and collecting relevant information, as these bills propose, can help city agencies target their efforts on the “bad actors” within the industry.

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



The City of New York

## **Manhattan Community Board 1**

Anthony Notaro, Jr. CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER

**The New York City Council Committee on Consumer Affairs  
Jointly with the Committee on Transportation  
Hearing on Sightseeing Bus Industry  
250 Broadway, Committee Room  
Monday, September 26, 2016 at 1:00 p.m.**

Thank you, Chairman Espinal and members of the Committees on Consumer Affairs and Transportation for holding this important public hearing today regarding the sightseeing bus industry. My name is Noah Pfefferblit, and I am the District Manager of Community Board 1 in Lower Manhattan. Community District 1 includes most of Manhattan below Canal Street and south of the Brooklyn Bridge.

Our neighborhood is a very dense district that is a rapidly growing residential community, a business hub and a destination for tourists and visitors. As a result, Community District 1 has an enormous volume of vehicular traffic every day, making our streets among the most congested of any city in the country.

Certainly sightseeing buses are significant contributors to this congestion, as are the many tour and commuter buses which descend on our district every day and frequently park or layover on our streets, not to mention stopping or slowing down in the middle of traffic for viewing opportunities. According to the NYS Department of Transportation, the number of double decker sightseeing buses in New York City more than tripled from 57 to 194 between 2003 and 2013.

For this reason, on November 19, 2015, Community Board 1 unanimously passed a resolution in support of Intro. No. 0950-2015, New York City Council legislation to amend the administrative code of the city of New York, in relation to limiting the number of sightseeing bus licenses.

The other two pieces of legislation under consideration today are Int. No. 529-A and Int. No. 713-A. These would amend the administrative code of the city of New York to strengthen licensing requirements in the sightseeing bus industry and to require sightseeing bus operators to submit operating plans to the NYC Department of Consumer Affairs, respectively.

CB1 has not had the opportunity to consider these other two pieces of legislation and therefore cannot express a formal opinion about them at this time. However given the very heavy presence of double-decker and other tourist buses in our district, we believe it is very important for the City to find effective and meaningful ways to ensure that the buses and their drivers and operators are licensed and regulated in a way that will make them as safe and responsible as possible. The intent of all three pieces of legislation under consideration today appears to be consistent with those goals.

Thank you for the opportunity to testify this afternoon.

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TRANSPORTATION  
ALTERNATIVES

## Committee on Consumer Affairs Oversight Hearing – Sightseeing Bus Industry

Testimony by Julia Kite, Policy and Research Manager, Transportation Alternatives  
Monday, September 26<sup>th</sup>, 2016

### \*\*\* SUPPORT WITH AMENDMENT\*\*\*

Thank you for convening this hearing. I am Julia Kite, Policy and Research Manager of Transportation Alternatives. We are a 43-year old non-profit with more than 150,000 activists in our network, dedicated to promote biking, walking, and public transportation as alternatives to cars in New York City. We advocate on behalf of New York City's pedestrians and cyclists for safer, better, more livable streets.

We support these three bills to strengthen licensing requirements, require greater monitoring by the Department of Consumer Affairs, and limit the number of sightseeing buses. While tourism is one of New York City's economic engines and we are proud to welcome the world, the last thing we want is for any visitor or resident to lose their life or be injured due to preventable factors. While fortunately there have been no sightseeing bus fatalities in recent years, 13 people were injured when a double-decker bus driver slammed into a tree and jumped the sidewalk on E. 63rd St & Fifth Avenue this summer, and 14 were injured two years ago when two of these buses, one of them driven by an impaired operator, collided in Times Square. We have been in contact with a man who survived – albeit with severe injuries - being run over by the driver of a double-decker sightseeing bus in Greenwich Village last year. His life has been permanently impacted by the actions of this driver. There is a clear public safety need for greater regulation of sightseeing buses in New York City.

We believe that all commercial drivers should be held to the highest standard of operation. Unfortunately, due to loopholes and lack of requirements to report crash data, consumers cannot presently make intelligent decisions about their sightseeing bus drivers. In addition, the number of sightseeing buses has greatly increased in recent years, contributing to road congestion in the Manhattan Central Business District. We support limitations on the number of sightseeing bus licenses issued by the City – one that is based upon current market conditions and congestion considerations.

#### Intro 529-A

Intro 529-A includes **common sense provisions**: a driver of a double-decker sightseeing bus should not have received two or more suspensions or revocations within the last five years, nor should they have been convicted of alcohol or drug-related driving offenses. The 12-hour daily limit on driving hours is in line with the Taxi and Limousine Commission's new evidence-based regulations, though we suggest **adding the TLC's weekly 72-hour limit** to the bill as well. **Most importantly, Intro 529-A requires crash reporting, which sightseeing bus companies previously did not have to provide to the Department of Consumer Affairs.** This bill therefore rectifies a long-standing problem. However, we would like you to go further, because data is

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of no use to the public unless it can be easily accessed. Passengers have a right to know the safety record of the company they are trusting with their lives. **We suggest that the Department of Consumer Affairs makes crash data for sightseeing tour bus companies publicly available via website, and requires that operators clearly post how passengers can obtain this information.** In light of state inaction to close the loophole that currently exempts sightseeing bus operators from the requirements of obtaining "Operating Authority" as stipulated in Article 19-A of the Vehicle and Traffic Law, **this bill is an important, necessary, and proactive step towards greater safety.**

Our one objection to Intro 529-A is with regard to subsection 6c of new subchapter 20-376.2: the requirement to report within five days as to "whether or not the sight-seeing bus driver was at fault." **While we support rapid reporting of a crash, and driver responsibility being noted when applicable, we are concerned that requiring fault to be officially determined within five days of a crash may be too soon for thorough a investigation to conclude.** It is more important that responsibility be noted accurately rather than quickly. We are concerned that, if time pressure is looming, the individuals responsible for reporting may jump to conclusions rather than wait for the results of an investigation - potentially prematurely clearing a driver of responsibility in order to file the report before the deadline. **We suggest that reporting be required within five days as presently stipulated, but for a longer period of time to determine responsibility for the crash.**

#### ~~Intro 950~~

~~According to US DOT's Federal Motor Carrier Safety Administration data, there are currently approximately 170 double-decker sightseeing buses operating in New York City. Therefore, a cap of licenses at 250 as presented in Intro 950 is unlikely to have any impact on the industry, and is essentially meaningless. Significant expansion of the number of these large buses on already-crowded city streets will only worsen an already difficult situation. Mindful of the worsening congestion specifically in the Manhattan central business district, where sightseeing buses typically operate, we suggest significantly lowering this number to 200.~~

Thank you for your time and consideration.

*Comment removed upon receipt of updated figures.*

**Testimony of Tim Tompkins, President, Times Square Alliance**  
**Committee on Consumer Affairs jointly with the Committee on Transportation**  
**Oversight: How Can New York City Better Regulate the Sightseeing Bus Industry?**  
**Intro. 713-A, Intro. 529-A, Intro. 950**  
**September 26, 2016**

Thank you, Chair Espinal, Chair Rodriguez, and members of the Committee on Consumer Affairs and Committee on Transportation, for allowing me to testify before you today. I am Tim Tompkins, President of the Times Square Alliance. I welcome the opportunity to speak in support of the proposed legislation to amend regulations of sightseeing bus operators.

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

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

The need for analysis of congestion, particularly for pedestrians and vehicles, prior to siting bus stops is great in Times Square. Heavily trafficked corridors, such as 42<sup>nd</sup> Street between 6<sup>th</sup> and 8<sup>th</sup> Avenue and 7<sup>th</sup> Avenue from 40<sup>th</sup> Street to 50<sup>th</sup> Street, are subject to enormous pedestrian and vehicular pressures due to a confluence of:

- public transit pedestrian flows (from the city's largest subway station and its sole bus terminal) that produce the highest commuter pedestrian counts in the city;
- the greatest concentration of hotels, theaters and entertainment venues in the city (each with attendant arrivals and departures by foot or by vehicle);
- a higher concentration of tourist, MTA and commuter bus stops at particular pinch points compared to other parts of the city; and
- a multitude of other forms of commercial activity taking place on already busy sidewalks.

The result of all this can be significant threats to pedestrian safety. For example, on a recent evening, 3,100 pedestrians were counted walking in the street bed on 42<sup>nd</sup> street in a two hour period because of the cumulative effect of all of these activities, including recently added tour bus stops on the north side of 42<sup>nd</sup> street near 8<sup>th</sup> Avenue.

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

Of course Times Square is a busy place, so these many different activities are all appropriate in their own way and we expect them to be more concentrated here than elsewhere, especially given our central role in the tourist economy. But as noted in the examples above, because of this concentration of many different demands and uses on streets and sidewalks due to our unique mix of transportation, hotel, office and entertainment venues, the need for both community consultation and a rigorous data-based analysis of bus stops is essential. It is in part for this reason that the Times Square Task Force committed to a comprehensive traffic study of the Times Square area once plaza construction is finished; that study should help clarify options for dealing with many of the issues related to bus stops, among other things.

The vast majority of tour bus drivers and companies operate safely, taking all necessary precautions to protect riders and pedestrians. Unfortunately, there have been a few incidents, including a 2014 tour bus crash in Times Square, that brought new attention to licensing requirements for the sight-seeing bus industry. Intro. 529-A will create an additional layer of accountability for drivers and operators, ensuring the safety of tour bus riders and surrounding pedestrians. This provision, intended to help the bus companies and DCA address a handful of bad actors who repeatedly act in a way that violates traffic laws, endangers pedestrians or is inconsiderate of the community, seems to us to be a reasonable and positive step forward. Further, it seems very much within DCA’s purview that if an operator has accumulated multiple violations, DCA then has the authority to impose fines or, in the most egregious cases, revoke an operator’s license before the term has expired.

With respect to Intro 950, without knowing the specifics as to how many licenses already exist, and how much demand is expected to grow in which areas as a result of tourism growth or the development of new routes in other neighborhoods, we are not prepared to take a position. However, we do think the city’s past history of simply capping licenses (or medallions) citywide can result in unintended market distortions that hurt operators, potential operators, consumers, and the public alike. Data-driven analyses which balance both market needs and the impact of commercial activities on the scarce resource of the streets and sidewalks of the public realm, if performed properly and objectively, can often be complementary tools that are more rational, defensible and effective.

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

Thank you for the opportunity to testify.



September 26<sup>th</sup>, 2016

**Written testimony respectfully submitted to the NYC Council Committee on Consumer Affairs; jointly with the Committee on Transportation regarding additional regulation of the Sightseeing Bus Industry**

**Hon. Rafael L. Espinal, Jr. – Chair, NYC Council Committee on Consumer Affairs  
Hon. Ydanis Rodriguez – Chair, NYC Council Committee on Transportation**

Good Afternoon Chairs Espinal and Rodriguez; other members of the Committees on Consumer Affairs; and Transportation; and guests.

I'm Melissa Chapman, Senior Vice President for Public Affairs at the Brooklyn Chamber of Commerce (BCC). I am delivering testimony on behalf of Carlo A. Scissura, President and CEO of BCC.

BCC is a membership-based business assistance organization, which represents the interests of over 2,200 member businesses as well as other businesses across the borough of Brooklyn. The Brooklyn Alliance is the not-for-profit economic development organization of the Chamber, which works to address the needs of businesses through direct business assistance programs.

Thank you for the opportunity to provide feedback on the three bills being considered, that would further regulate the sightseeing bus industry. While we agree that safety comes first in these considerations, we are concerned that additional regulation will put extreme limitations on bus operators, and stifle entrepreneurship in the long run.

BCC is a strong supporter of tourism in Brooklyn. In 2014, we launched Explore Brooklyn – the borough's dedicated tourism website, featuring a complete source of places to eat, events, shopping and attractions. We have since launched an Explore Brooklyn Tourism & Hospitality Committee, with the goal of leading tourism efforts and initiatives in the borough in order to close the needs gap within the tourism industry. Some of the members of that committee are here today, and will share their perspectives on the bills being considered. Our testimony is based on the feedback provided by this group. While some of the Members are supportive of the bills being considered, the majority (particularly bus operators) said that these new provisions would negatively impact their operations, which will in turn drain them of valuable resources.

**Int. No. 529-A - In relation to strengthening the licensing requirements in the sightseeing bus industry**

We agree with all of the standard conditions that this bill outlines for compliance, such as, the driver must be at least 18 years old, possess a valid motor vehicle driver license, and a valid commercial driver license. However, the requirement that the owner of a sightseeing bus company must provide the NYC Department of Consumer Affairs (DCA) with an updated list of bus drivers in writing, five days after a new driver is hired; or leaves the company will create excessive administrative burdens for operators. A better approach would be to have tour operators provide a full list of drivers that will work/ have worked with the bus company at the time of applying for the license, and also at the time of renewal.



**Brooklyn Chamber  
of Commerce**

**The  
Brooklyn  
Alliance**

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**Int. No. 713-A - In relation to requiring sightseeing bus operators submit operating plans to the Department of Consumer Affairs**

One of the requirements involve the bus operator first obtaining authorization from the Department of Transportation for all designated on-street bus stops for the pickup and discharge of passengers in order to be eligible for the issuance of a license by the DCA. This process may also include a notice and comment period of forty-five days before a community board. This would be extremely daunting for a bus operator to provide the schedule for standard trips, and also customized itineraries such as corporate conventions and other specialty groups. This could potentially lead to hundreds of application filings daily.

**Int. No. 950 – In relation to limiting the number of sightseeing bus licenses to two hundred and twenty-five**

In places like Brooklyn, the sightseeing bus industry is still relatively young, and there is a growing demand for this service. It would be very unfair to stifle entrepreneurship, not only as it relates to bus operators, but also small businesses that depend heavily on tourists to thrive and expand.

As we mentioned earlier, safety is a priority in these discussions. However, inundating bus operators with additional regulations is not good for business. We look forward to working with both committees to strike a balance between safety and connecting tourists with local businesses. In addition to today's hearing, BCC would also be happy to facilitate an open dialogue with tourism stake-holders who can lend different perspectives to the issues at hand.

Thank you for providing us with the opportunity to testify.

CAS/mc

## **CB2 Testimony, 9-26-2016, City Council Tour Bus Legislation**

Good afternoon, Councilmembers. I am Terri Cude, First Vice Chair of CB2 Manhattan.

Community Board 2 appreciates the opportunity to summarize our position on the Intros before you today. We held a public meeting on Intros 713 and 950, and there was a great deal of community interest, comments and concerns, and we have passed resolutions supporting both of them that we previously submitted to the City Council. These pieces of legislation will work together to reduce the problems these sightseeing buses present in our area, and we are glad to see movement towards controlling what has become an unsustainable and dangerous situation.

These huge tour buses travel down our streets, polluting the air, exacerbating congestion, emitting excessive noise, endangering people's safety, hindering public bus activities as well as deliveries, backing up traffic, making hazardous turns, jumping sidewalks, and creating vibrations that structurally impact our buildings and street beds, compromising the health, safety and access of residents and all users of these streets.

While the neighborhoods in CB2, including the West Village and Meatpacking, NoHo, SoHo, Little Italy and Chinatown, are proud to be popular tourist destinations, the tour buses have gone well beyond what our streets can handle. The business model for these buses has become less about transporting and educating tourists, and more about being mobile advertising and attention-getting vehicles increasingly including illuminated signage and even external speakers.

### **On Intro 713:**

CB2 supports this legislation requiring operating plan submission and review, including routes, times and all stops and welcomes the opportunity to monitor and regulate tour bus movements. We suggest that a provision be included requiring large, visible signage of the operating plan and information on how to submit complaints be affixed outside the bus.

We further suggest that given the industry's high earnings especially for advertising use, a higher penalty for violation is more appropriate, and penalties should escalate based on the number and severity of violations. In addition, licenses should be revoked after a certain number or severity of infractions. Adding a code designation to 311 for reporting complaints about bus route infractions is also needed.

### **On Intro 950:**

CB2 supports this legislation limiting the number of active tour bus licenses to 225. The number of sight-seeing buses has increased fourfold from 2003 to 2015, and there are no laws regulating the number of allowable licenses.

These bus licenses are issued for two years at no more than \$250 per license, an obsolete pricing. Therefore, CB2 urges that consideration be given to increasing the fee to better reflect both their profitability and the burden they place on the community. Our research shows the tour bus industry earns over \$100 million annually and garners \$25,000 per bus for advertising with a one-time \$15,000 set-up fee, so fees should be commensurate.

Finally, CB2 hopes that the allowable number of sight-seeing bus license plates will be re-evaluated and reduced further in the near future.

Thank you for your kind attention.

**Council of the City of New York  
Council Committee on Consumer Affairs & Transportation**

**Intro 950; Proposed Intros 529-A and 713-A**

**How Can New York City Better Regulate the Sightseeing Bus Industry**

**Monday, September 26, 2016**

**Testimony: Michael Sampson  
34<sup>th</sup> Street Partnership  
1065 Avenue of the Americas, Suite 2400, New York, NY 10110  
Tel: 212-719-3434**

The 34<sup>th</sup> Street Partnership is here today to testify in support of the three proposed laws regarding better regulation of the sightseeing bus industry.

We strongly support Intro Number 950, a law whose aim is to limit the number of sightseeing bus licenses. As first hand witnesses to the number of sightseeing buses contributing to congestion in Midtown, we laud this committee's attempt to cut this congestion by limiting the number of licenses distributed.

We also support Intro Number 713 and its call for increased involvement by local Community Boards in the determination of on-street bus assignments. Consultation with Community Boards regarding on-site bus stop assignments will, we expect, lead to better considered placements of pick-up and drop-off points, as Boards can approach the issue with an overall neighborhood picture in mind.

Finally, we support Intro 529, a proposal to strengthen licensing requirements. We view Intro 529 as a law whose aim is to ensure that visitors to our city are greeted by and interact with the highest quality ambassadors. We believe the proposed regulations put forth in Intro 529 for strengthening license requirements are both admirable in scope and comprehensiveness.

Thank you.





Go New York Tours Inc, 2 E 42 ST New York NY 10017

September 25, 2016

**BY HAND**

New York City Council  
Consumer Affairs Committee  
Transportation Committee  
250 Broadway  
New York, NY 10007

Re: Comment from Go New York Tours, Inc.  
*Oversight – How Can New York City  
Better Regulate the Sightseeing Bus Industry*

To Whom It May Concern:

I am President of Go NY Tours, Inc. (“Go NY”). Go NY is one of the top four participants in New York City’s open-top, double-decker, hop-on, hop-off sightseeing bus tour market. I write in response to a September 20, 2016 e-mail invitation from the Council of the City of New York to provide comment on Proposed Int. No. 529-A: A Local Law in relation to strengthening the licensing requirements in the sight-seeing bus industry; Proposed Int. No. 713-A, A Local Law in relation to requiring sightseeing bus operators to submit operating plans to DCA as part of the license application process; and Int. No. 950, a Local Law in relation to limiting the number of sightseeing buses.

Although the Council has provided no statement of basis and purpose for any of these three proposed introductions, it appears that the previous versions of Int. No. 529 and 713 were drafted in 2014 “[i]n light of multiple accidents involving sight-seeing buses that occurred [that] year.” The original Int. No. 529, meant to “expand[] licensing requirements for drivers of sight-seeing buses”, was referred to the Consumer Affairs Committee on November 13, 2014 without further action, until September 20, 2016. The original Int No. 713, meant to “require[] sight-seeing businesses to submit operating plans to the Department of Consumer Affairs when applying for a sight-seeing bus license, so the department can monitor the traffic of sight-seeing buses on the road,” was referred to the Consumer Affairs Committee on March 11, 2015 without further action, until September 20, 2016. And Int. No. 950 – which remains in its original form – was referred to the Consumer Affairs Committee on October 15, 2015 without further action, until September 20, 2016.

It appears that no previous input has been sought from New York’s sightseeing tour bus companies, the workers who will be impacted by the proposed regulations, or other stakeholders, about these proposed regulations, prior to today’s public hearing.

**Proposed Int. No. 529-A**



Go New York Tours Inc, 2 E 42 ST New York NY 10017

**New York City Administrative Code (“NYCAC”) Section 20-376.2(5) – The proposed prohibition on employing a person convicted of three or more traffic infractions pursuant to the state vehicle and traffic law (the “VTL”) within a three-year period sweeps too broadly. If such a prohibition is necessary, the Council should tie it to convictions of traffic infractions in connection with which a certain number of points were imposed on the person’s license within a certain time period.**

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

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

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

**NYCAC Section 20-376.2(6)(c) – Rather than requiring that the owner of a sightseeing bus company inform DCA within five days of any accident or traffic infraction that involves one of the company’s sight-seeing buses, such reports should be provided on a monthly, or other, similar, fixed basis. Beyond that, the “details” and information to be provided about “whether or not the sight-seeing bus driver was at fault” should be limited to information contained in a New York City Police Department (“NYPD”) accident report where there is an accident, or NYPD-issued summons or other legal process, when such process is issued related to an alleged traffic infraction.**



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Requiring owners to provide reports related to accidents and/or perceived traffic infractions within five days of their occurrence would create unduly high administrative burdens as compared to requiring such reports on a monthly, or other, similar fixed basis. Such reports would provide DCA with the information it needs to exercise its oversight responsibilities in a timely fashion.

Additionally, requiring that Go NY report the “details” about any accident or traffic infraction involving any of its buses within five days, and to state “whether or not the sight-seeing bus driver was at fault,” would create, or substantially risk, enormous liability, increased insurance costs, and financial and other harm to Go NY, including by creating conflicts among Go NY, its driver-employees, and their union.

As it stands, Go NY requires its drivers to report accidents and traffic infractions involving its buses. Go NY’s drivers must cooperate with investigations into accidents conducted by the NYPD. Go NY promptly reports accidents to its insurance company and promptly provides its insurer with copies of the NYPD accident report related to an accident once it is available. In many cases, it takes more than five days to get a copy of an NYPD report related to an accident. Go NY has no objection to providing such information to DCA. But requiring Go NY to go beyond that by providing “details” about an accident and reporting “whether or not the sight-seeing bus driver was at fault” within five days of an incident would put Go NY, its insurer, its driver employees, and potentially their union, in conflicting, and in some cases potentially antagonistic, positions.

A driver who is involved in an accident has their own interests and related rights to consider, including their rights to remain silent, when they are charged with violating the law. And a driver to whom a summons or other legal process is issued for a perceived traffic violation has the right to their own day in court, which typically occurs months down the road, and they have the right to remain silent prior to any trial.

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

Although it is not clear which “details” about an accident or a perceived traffic infraction the Council would mean to require the owner of a sightseeing bus company to report, the only documents and information that should be subject to any such reporting requirements are (1) a copy of the NYPD accident report in the case of an accident or, in



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the case of a perceived traffic infraction, (2) a copy of each NYPD-issued summons or other legal process related to a perceived traffic infraction, along with (3) information about the ultimate resolution of any claims related to the accident or legal process issued.<sup>1</sup>

### **Proposed Int. No. 713-A**

**NYCAC Section 20-374(d) – The proposed requirements that owners of buses seeking sightseeing bus licenses from DCA, “first obtain authorizations” from the New York City Department of Transportation (“DOT”) for “all designated on-street bus stops” are unclear as written, unduly burdensome, and unnecessary, and the Council should abandon them.**

Although there is no statement of purpose or other, similar explanation provided with Proposed Int. No. 713-A, to the extent that the Bill Summary of the original Int. No. 713 from 2014 stated that the purpose of requiring the submission of operating plans to DCA was “so that the department [could] monitor the traffic of sight-seeing buses on the road”, the Council should note that DOT itself maintains, periodically modifies, and from time to time publishes a list of Approved Sightseeing Bus Stops City Wide.<sup>2</sup> And, upon information and belief, DOT effectively monitors the uses of all authorized stops, including their impacts on traffic, bicycle and pedestrian flow, and public safety, already. Indeed, DOT must be capable of doing so in order to exercise its proposed responsibilities to issue bus stop authorizations in the future based on the potential impact of proposed stop authorizations on traffic, bicycle and pedestrian flow, and traffic, among other criteria.

It is unclear whether these requirements would apply to the licenses Go NY and other operators already enjoy, or how, if so, they could.

Additionally, against the backdrop of the current relevant industry practices, the wording of these proposed requirements makes it unclear what information about which authorizations would be required as part of an application to obtain a sightseeing bus license from DCA, as well as how the DOT authorization and DCA licensing schemes and practices would interact.

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<sup>1</sup> Although the face of a NYPD-issued summons or other legal process may say which provision of the law or which regulation a person is alleged to have violated, if it is legible, the copies of such summonses provided to bus drivers when the police issue them do not contain the narrative section containing the NYPD’s “details” about what led to the issuance of the summons or other legal process. No one - aside from the NYPD and perhaps the New York City Criminal Court or DMV staff – can access that information, as a practical matter, until the legal process is returnable in court or before the DMV.

<sup>2</sup> For example, the July 19, 2016 version of that list is available here:  
<http://www.nyc.gov/html/dot/downloads/pdf/sightseeing-bus-stops-citywide.pdf>





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

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

Finally, DOT has the information DCA would require owners to provide through these additional proposed requirements, so they are unnecessary as a means for DCA to “monitor the traffic of sight-seeing buses on the road” or to collect other information that DOT already has.

**NYCAC Section 20-374(d)(1) – The proposed criteria to be considered by DOT in making determinations on applications for on-street bus stop assignments should be modified to guarantee that any resulting changes to the New York City double-decker hop-on, hop-off sightseeing bus tour market are consistent with the resolution of *United States, et al. v. Twin America LLC, et al.*, 12-cv-8989 (ALC)(GWG) (SDNY) (the “CitySights Litigation”).**

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



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

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

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



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curtail their operations at any time.

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

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

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

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

**NYCAC Section 20-383(a) – The proposed language to authorize suspension or revocation of a sightseeing bus license where there has been “revocation of bus stop authorization(s) that results in the licensee having an unviable route as determined by the department of transportation” is vague and unclear.**

The proposed language to be added to the NYCAC provision discussing when sightseeing bus licenses may be suspended or revoked is vague and unclear. Although DOT may, of course, revoke bus stop authorizations, as long as it does so consistent with due process, equal protection, and other constitutional and legal requirements, it is not clear what that would have to do with whether a particular “route” is “viable” or “unviable.” And beyond that, nowhere else in the statutory scheme is there a discussion of any such “route” or of any such “viability.” Nowhere does any of the extant or proposed regulatory scheme define or discuss any “route”, explicitly tether a particular route to a specific, authorized bus, define or discuss what may constitute a “viable” or “unviable route,” describe how, under what circumstances, or through what process DOT may determine that a particular route is “unviable”, or discuss how any such determination might be communicated to, or challenged by, the formerly authorized user of a particular bus stop. If the Council envisions a new process by which DOT may



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revoke bus stop authorizations, and consequences for operators whose buses stop at unauthorized stops, the regulations should describe the revocation and consequence processes, including any related provisions for notice and opportunity to be heard.

### **Proposed Int. No. 950**

**NYCAC Section 20-375(b) – The proposed cap of 225 active license plates is not only arbitrary and unreasonable, but cannot be implemented without perpetuating or re-creating illegal market conditions.**

The proposed cap of 225 active license plates is arbitrary and unreasonable – particularly given the needs, recognized by the United States and New York State governments and the United States District Court for the Southern District of New York, to increase access to the market for participants other than CitySights.

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

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

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

Upon information and belief, there are currently more than 225 active, DCA-authorized double-decker tour buses operating in New York City.

Neither those buses nor authorized stops are evenly distributed among operators. For example, according to the DOT, as of July of 2016, Gray Line (City Sights) enjoyed more than 50 bus stop authorizations in Manhattan, while other competitors enjoyed no more than 39 and as few as 4. And, upon information and belief, City Sights has a fleet of at least 100 buses, almost double that of the next-largest fleet.



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

If the Council is set on imposing a numerical cap, it should collect and share relevant data with stakeholders, and invite their input, including, but not limited to, through a public hearing process, prior to proposing an appropriate number for such a cap. If any fixed numerical cap is to be imposed, the Council should require periodic hearings into whether the cap should be expanded.

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

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

Finally, the market for hop-on, hop-off, double-decker sightseeing bus tours in New York City is only growing. Capping the number of plates will prevent that growth and cause Go NY immediate economic harm. For example, Go NY has invested in new buses to increase its capacity and therefore its market access. Go NY will likely be unable to license and use those buses if an arbitrary 225-plate cap is imposed.

Thank you for your consideration of these comments.

Respectfully,

Asen Kostadinov  
President, Go NY Tours, Inc.



September 26, 2016

**Testimony of Laura Rothrock on behalf of Twin America/Gray Line CitySightseeing New York, before the City Council Committee on Transportation Jointly with the Committee on Consumer Affairs.**

Good afternoon. My name is Laura Rothrock and I am

testifying on behalf of Twin America/Gray Line

CitySightseeing New York. Twin America provides hop-

on/hop-off, open top double-decker sightseeing tours and

serves over 1.2 million tourists visiting New York City

annually.

As one of the largest sightseeing bus companies with a

long history of operating in New York City, we thank the

Council for considering our feedback on the three proposed bills today. Regarding Intro 529, which outlines the licensing requirements for drivers, we support this legislation. Should this proposed bill become law, Twin America expects to fully comply as the company already takes heightened precautions to ensure our drivers are competent and qualified.

Intro 713 allows for the community board to comment on a sight-seeing bus stop application that is before the Department of Transportation. While Twin America supports and welcomes the participation of the community boards, we believe a collaborative effort is required. The bill should recognize that a joint process is in

the best interest of the City and that DOT, along with the sightseeing operator and the community should work towards a solution that is workable and accounts for all of the interests involved. A blanket acceptance or rejection in light of opposition should be the option of last resort.

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



Regarding Intro 950, Twin America supports the limitation of the number of bus licenses with the below proviso. We also support the portion of the bill which protects the number of licenses already in commerce. However, the language in this bill ties the City-issued license to the license plate and not the number of licensed buses. When Twin America replaces a bus in its fleet, a new license for that bus is issued. That situation is not protected in the current bill, only the renewal of the same license is protected. In the event an operator turns in a license because an older bus is replaced for a newer, more efficient vehicle, the operator is in jeopardy of not obtaining a license because the total number of licenses may be exceeded. This language as drafted actually

provides a disincentive for operators to upgrade their fleets to more fuel-efficient technology because they risk not obtaining a license for the new vehicle. Therefore, we strongly suggest current DCA licenses be grandfathered in based on each company's current number of licenses issued and not, the actual license.

We thank you for your consideration of these points.

**STATEMENT OF THE BROADWAY LEAGUE  
IN SUPPORT OF INTRODUCTORY BILLS 529-A, 713-A AND 950.**

September 26, 2016

The Broadway League has been the principal trade association for the commercial Broadway theatre industry in New York State and across North America for over 80 years. It represents more than 750 theatre owners, producers and road presenters nationwide – with over 400 maintaining offices in New York City. We thank Chairperson Espinal, Chairperson Rodriguez and the other distinguished members of the Consumer Affairs and Transportation Committees for the opportunity to comment on the proposals under consideration today. We also express our gratitude to all of the Council Members who co-sponsored these bills for helping to address an escalating problem.

The League has always encouraged legislation aimed at enhancing the flow of vehicular and pedestrian traffic, encouraging visitor and resident access, and improving the overall quality of life in the Times Square area. In the past, we have endorsed sensible restrictions that support economic activity on the streets of New York City, including licensing pedicabs and improving oversight of street vendors and costumed characters.

The League wishes to express its support and endorsement of these three proposals which are designed to provide additional oversight of Sight-Seeing buses, a popular Times Square attraction, by helping to ensure passenger and pedestrian safety, requiring increased assurances of driver competency and responsibility, as well as helping to reduce overall traffic congestion in what is

already one of The City's most heavily traveled and traffic infused neighborhoods without imposing undue burdens on bus drivers and business operators. With respect to Introductory Bills 529-A and 713-A, we concur with the statement of the Times Square Alliance and incorporate by reference the declarations set forth in The Alliance's written submission.

In addition, we wish to highlight the pressing need for Intro 950, which would restrict the number of bus licenses to 250. We are all familiar with the recent designation of Times Square as a pedestrian plaza and how this change has caused even more vehicular and pedestrian congestion in the area. New construction and altered traffic patterns have overlapped with a proliferation of Sightseeing Buses over the past several years, and, as it stands, it is not uncommon for five or more large Sight-Seeing buses to be parked on just one block on 7<sup>th</sup> Avenue, often side by side or even diagonally opposed to one another, blocking intersections and slowing traffic. It has simply become unmanageable in midtown. Accordingly, it is imperative that the City take measures to limit the number of buses in and around the Times Square Area.

The Broadway League feels these proposals are a positive step in addressing several challenging issues that face Times Square. We are available and delighted to work with these Committees, City agencies and our partners in the midtown community to continue providing a unique and safe experience to our visitors. On behalf of the Broadway theatre community, the League applauds the Council's ongoing and sincere dedication to addressing this problem in a fair and balanced manner.



548 BROADWAY #5A NEW YORK, NY 10012  
cell: 917.623.4104 ♦ tel/fax: 212.925.1225

September 26, 2016

Rafael L. Espinal, Jr., Chair, Committee on Consumer Affairs  
Ydanis A. Rodriguez, Chair, Committee on Transportation  
New York City Council  
250 Broadway, 14<sup>th</sup> Floor  
New York, NY 10007

Re: Support for Int. No. 713 & Int. No. 950 regarding sightseeing bus operations

Chairs Espinal and Rodriguez,

Thank you for this opportunity to appear before you today in regard to the very profitable, but problematic, sightseeing bus industry in New York City. As a 36-year resident of Broadway, in our beautiful but overburdened neighborhood of SoHo, I speak in support of legislation introduced by Council members Chin and Johnson regarding these bus companies, which have grown four-fold over the past decade. Although I speak today as a resident negatively impacted by these buses, I would like the Council members to know that I serve as an unpaid residential representative on the board of our local business improvement district, the SoHo Broadway Initiative, and we welcome visitors to our neighborhood. I also volunteer to protect our local community as a member of the steering committee of our ad-hoc neighborhood group, the Broadway Residents Coalition. My neighbors asked me to I tell the Council that they, too, support this legislation.

Those of us who live along Broadway experience these double-decker buses not only daily, or hourly, but constantly as they pass below our windows. Many are covered with flashing illumination, in essence operating as traveling billboards. These buses often take up large segments of local block fronts, and even double up, out into the bus-only lane, as they jostle for loading positions at the curb, thereby blocking traffic and overwhelming our already crowded streets and sidewalks, as can be seen in the accompanying photo taken from my window. The current legislation will help to better regulate this bus industry, which has grown exponentially in recent years, growth that is in many ways detrimental to local communities.

I also speak in support of the resolutions passed by Community Board 2 regarding this legislation, and hope that the additional points raised in those well-considered resolutions will serve to continue the much needed discussion regarding the sightseeing bus industry. Particular attention should be paid to the routes of these buses, and the impact on residential and mixed-use communities, such as SoHo and NoHo. Please be aware that bus routes currently funnel large numbers of these sightseeing buses onto lower Broadway as the buses move downtown, particularly south from West 8<sup>th</sup> Street where they turn onto Broadway, then continue through NoHo, where additional buses turn at West 4<sup>th</sup> Street onto Broadway, and then again at West Houston Street where even more buses turn south on Broadway and into SoHo, resulting in a concentrated battalion of these buses, all overwhelming Broadway.

It is my hope that the New York City Council, now and in the future, will pay needed attention to the very profitable sightseeing tourist bus industry, and do what is necessary to assure that residents are not negatively impacted by bus routes and modes of operations. I urge the City Council to pass this legislation.

Sincerely,



Sightseeing Buses: Five buses jamming the bus stop on Broadway at Spring Street in SoHo (November 5, 2015)





**DRAFT**

**To:** Ellen Goldstein, Times Square Alliance  
**From:** Jacoub Reda, PHA  
**Re:** Tour Bus Observations Memo  
**Date:** November 5, 2015

---

Philip Habib & Associates (PHA) has been retained by Times Square Alliance (TSA) to document transportation conditions within the Times Square “bowtie” and the surrounding area. The “bowtie” encompasses the public urban space - sidewalks, pedestrian plazas and roadway – bounded by the properties lining the mapped Broadway and 7<sup>th</sup> Avenue street corridors between West 42<sup>nd</sup> and 47<sup>th</sup> Streets. The purpose of this memorandum is to update the preceding memorandum (submitted on September 08, 2015) by summarizing recent tour bus observations and pedestrian volume data collected by PHA. PHA conducted tour bus observations to determine the average dwell time of buses at three stop locations. These observations were conducted on a typical weekday (Wednesday) and Saturday in October, 2015. In addition, pedestrian sidewalk flows were also documented at these bus stops. In order to determine the severity of pedestrian congestions along the sidewalks adjacent to these stops, a level of service analysis was conducted utilizing the pedestrian volume data, together with sidewalk inventory for each respective location.

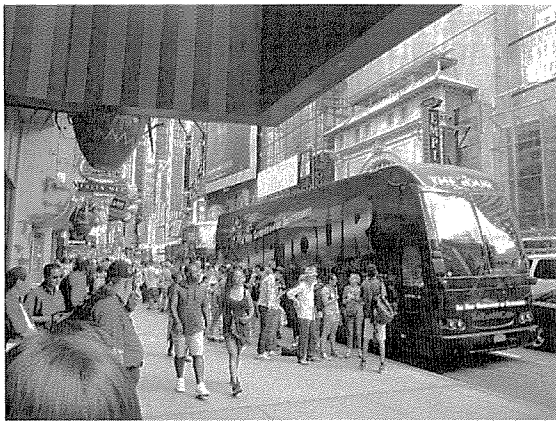
**DATA COLLECTION**

Bus observations were conducted for three locations: (1) along the north side of 42<sup>nd</sup> Street adjacent to the northeast corner at 8<sup>th</sup> Avenue; (2) the south side of 46<sup>th</sup> Street adjacent to the southeast corner at 8<sup>th</sup> Avenue; and (3) the west side of 7<sup>th</sup> Avenue adjacent to the northwest corner at 47<sup>th</sup> Street. Bus arrival and departure times were recorded on Wednesday, October 7 and Saturday October 10, 2015 during the pre-theater periods of 12:00pm to 2:00pm and 5:00pm to 7:00pm. Pedestrian counts at these locations were conducted concurrent with the bus observations. At locations 1 and 2, pedestrian volumes were recorded in the east-west direction. At location 3, pedestrian volumes were collected in the north-south direction. The weather during both count days was clear, with temperatures in the upper 50s to lower 70s on Wednesday and lower 50s to mid-60s on Saturday.

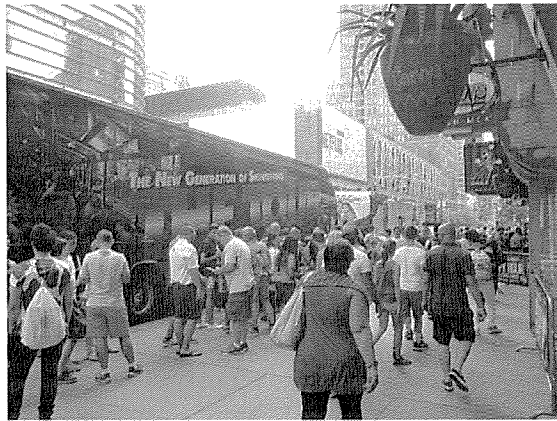
**HOP-ON / HOP-OFF BUSES**

At West 42<sup>nd</sup> Street and 8<sup>th</sup> Avenue, tour buses serve customers along the north curb of West 42<sup>nd</sup> Street just off the northeast corner, location 1. According to bus-stop signage, location 1 is restricted to Gray line/NY Sightseeing, The Ride; and Skyline Tours, LLC buses. This location can accommodate up to three buses concurrently. As shown in Pictures 1 and 2, passengers typically queue along the curb as they waiting to board the buses.





Picture 1: looking southeast in front of Crumbs, on West 42<sup>nd</sup> St.

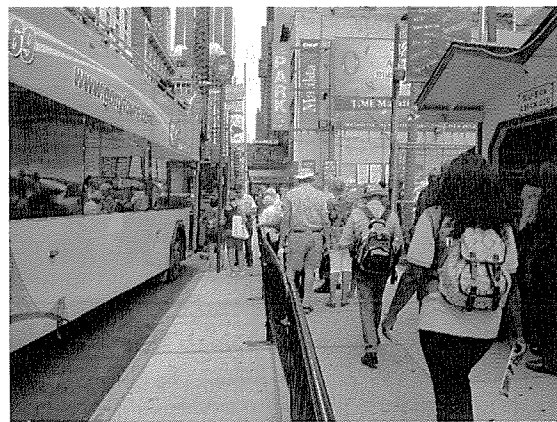


Picture 2: looking west in front of Crumbs, towards 8<sup>th</sup> Ave

Along West 46<sup>th</sup> Street, off the southeast corner at the intersection with 8<sup>th</sup> Avenue (location 2), Go New York Tours, Inc buses pick-up and drop-off tour passengers. As shown in Pictures 3 and 4, the bus operator typically places railing several feet off the curb. Passengers have been observed queuing between the curb and railing however, they are typically directed to queue between the rail and the adjacent Theatre District Shopping Court. The available pedestrian walking space is further constrained as the gift shop businesses interface with customers directly across the bus stop location. It should be noted that this stop also serves Woodbury Commons Outlet shuttle buses and can accommodate up to two buses at a time.



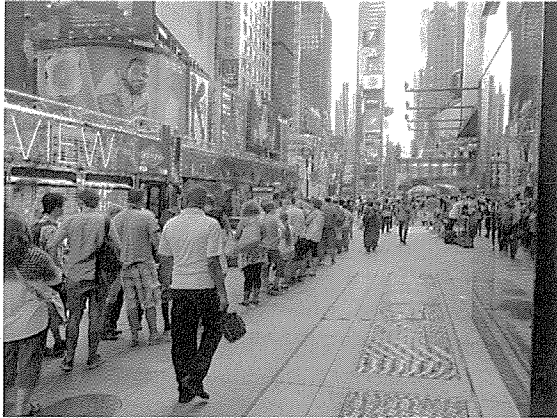
Picture 3: looking west on West 46<sup>th</sup> St, towards 8<sup>th</sup> Ave



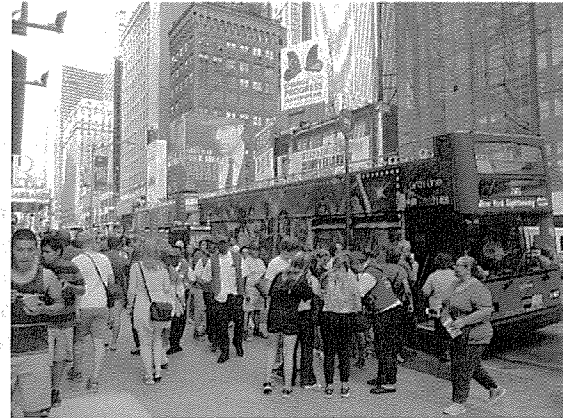
Picture 4: looking east on West 46<sup>th</sup> St, towards 7<sup>th</sup>

Tour buses also pick-up and drop-off passengers along the west curb of 7<sup>th</sup> Avenue between West 47<sup>th</sup> and 48<sup>th</sup> Streets (location 3). This location is restricted to Gray line/NY Sightseeing buses. As shown in Pictures 5 and 6, pedestrians queue along the curb as they wait to board the buses.

At all three locations, bus stop signs clearly state that the stops are for drop-offs and pick-ups only. The stops are not intended to serve as standing or queuing spaces for the buses. A summary of the number of bus arrivals and departures observed at each location during the count periods on a typical weekday (Wednesday) and Saturday is shown in Table 1. As included in Table 1 is the average bus dwell time at each location. Please note, that the average dwell time calculation only includes buses that arrived and departed within the count periods. Buses that arrived before or departed after the count period were not included in the calculation. Gantt Charts showing the arrival, departure, and dwell times of each observed bus at all three locations is provided in the Appendix.



Picture 5: looking south on 7<sup>th</sup> Avenue, towards West 47<sup>th</sup> St



Picture 6: looking northeast on 7<sup>th</sup> Avenue, towards West 48<sup>th</sup> St

**Table 1**  
**Summary of Bus Observations**

Bus Stop Location	WEEKDAY						SATURDAY					
	Midday			Evening			Midday			Evening		
	In	Out	A.D.T.	In	Out	A.D.T.	In	Out	A.D.T.	In	Out	A.D.T.
(1) W42nd St btwn 7th & 8th Aves (northeast corner)	10	9	0:14	1	1	0:29	7	7	0:11	3	3	0:46
(2) W46th St btwn 7th & 8th Aves (southeast corner)	10	10	0:10	4	4	0:15	9	9	0:09	3	3	0:27
(3) 7th Ave btwn W47th & 48th Sts (northwest corner)	11	9	0:07	16	15	0:12	13	15	0:07	12	13	0:11

Midday= 12:00-2:00pm; Evening= 5:00-7:00pm

“In” refers to arrivals; “Out” refers to departures

A.D.T. = Average Dwell Time; only bus that both arrived and departed within the count periods are included in the calculation.

As shown in Table 1, during the weekday midday (12:00pm to 2:00pm) period, 10 bus arrivals and 9 bus departures were observed at location 1; 10 arrivals and 10 departures were observed at location 2; and 11 arrivals and nine departures were observed at location 3. During the weekday evening (5:00pm to 7:00pm) period, one bus was observed arriving at and departing from location 1. Four bus arrivals and four bus departures were observed at location 2. At location 3, 16 arrivals and 15 departures were observed.

During the Saturday midday period (see Table 1), seven bus arrivals and seven bus departures were observed at location 1; nine arrivals and nine departures were observed at location 2; and 13 arrivals and 15 departures were observed at location 3. During the Saturday evening period, three arrivals and three departures were observed at both location 1 and location 2. At location 3, 12 arrivals and 13 departures were observed.

Average dwell times were shorter in the midday than in the evening on both the weekday and Saturday count days. The average dwell time during the weekday midday period at locations 1, 2, and 3 were 14, 10, and seven minutes, respectively. The average evening dwell times at these locations were 29, 15, and 12 minutes, respectively. On Saturday, average dwell times at the three locations were 11, nine, and seven minutes in the midday period, respectively; and 46, 27, and 11 minutes in the evening period, respectively.

## PEDESTRIANS

### *SIDEWALK VOLUMES*

As explained above, pedestrian volumes were recorded adjacent to each bus stop location. These pedestrian counts were conducted during the midday and evening periods of noon to 2:00 pm and 5:00 pm to 7:00 pm. A summary of the peak 1-hour pedestrian count data for locations 1, 2, and 3 is presented in Table 2. As shown in the table, at all locations, peak 1-hour pedestrian volumes during the midday period were higher on Saturday than on the weekday. Peak 1-hour pedestrian volumes during the evening period were higher on Saturday than on the weekday at locations 1 and 3. On the weekday, peak 1-hour pedestrian volumes were higher in the evening than in the midday at all locations. On Saturday, peak 1-hour pedestrian volumes were higher during the evening than in the midday at locations 1 and 3.

Midday and evening pedestrian volumes on both days were consistently higher at location 1, along the north sidewalk of West 42<sup>nd</sup> Street compared to the other locations. During the weekday count, 4,574 and 5,863 pedestrians were observed walking along West 42<sup>nd</sup> Street in the midday and evening peak hour periods, respectively. On Saturday, 5,107 and 7,687 peak hour pedestrians were observed during the midday and evening count periods, respectively.

Location 3 (along 7<sup>th</sup> Avenue) exhibited the second highest level of pedestrian activity with pedestrian volumes consistently higher than those observed at location 2 (along W 46<sup>th</sup> Street). During the weekday count, 1,710 midday and 3,110 evening peak hour pedestrians were observed walking along 7<sup>th</sup> Avenue. On Saturday, 2,776 and 4,146 peak hour pedestrians were observed during the midday and evening count periods, respectively.

At location 2, peak 1-hour volumes totaled 929 and 1,372 pedestrians along West 46<sup>th</sup> Street during the weekday midday and evening periods. On Saturday, the observed peak 1-hour volumes totaled 1,638 and 1,330 pedestrians during the midday and evening count periods, respectively.

**Table 2**  
**Summary of Pedestrian Counts**

Location	WEEKDAY (10/07/2015)			SATURDAY (10/10/2015)		
	Midday	Evening	Total	Midday	Evening	Total
(1) W 42nd St btwn 7th & 8th Aves (northeast corner)	4,574	5,863	10,437	5,107	7,687	12,794
(2) W 46th St btwn 7th & 8th Aves (southeast corner)	929	1,372	2,301	1,638	1,330	2,968
(3) 7th Ave btwn W 47th & 48th Sts (northwest corner)	1,710	3,110	4,820	2,776	4,146	6,922

### *LEVEL OF SERVICE (LOS) ANALYSIS*

The congestion level at pedestrian facilities is determined by collecting pedestrian volume data in 15 minute increments, measuring the effective sidewalk width, and then determining the pedestrian flow rate. The result is then compared with the level of service standards for pedestrian flow shown in Table 3.

### *LOS Analysis Methodology*

Peak 15-minute pedestrian flow conditions along the sidewalk are analyzed using the Highway Capacity Manual 2000 methodology. This methodology equates the average area available per pedestrian (pedestrian

density in square feet per pedestrian) or the flow rate (pedestrians per minute per linear foot) during the analysis period (typically the peak 15 minutes) with a level of service (LOS).

LOS grades from A to F are assigned, with LOS A representative of free flow conditions without pedestrian conflicts, and LOS F depicting significant capacity limitations and inconvenience. Table 3 defines the LOS criteria for sidewalks under both average flow and surge (“platoon”) conditions, as they occur on West 42<sup>nd</sup> Street, West 46<sup>th</sup> Street, and 7<sup>th</sup> Avenue.

**Table 3  
Pedestrian Sidewalk Levels of Service (LOS) Descriptions**

Level of Service	Description	Sidewalk Avg. Flow Rate (Ped./min./ft.)	Sidewalk Platoon Flow Rate* (Ped./min./ft.)
A	Unrestricted	≤ 5	≤ 0.5
B	Slightly restricted	≤ 7	≤ 3
C	Restricted but fluid	≤ 10	≤ 6
D	Restricted, necessary to continuously alter walking stride and direction	≤ 15	≤ 11
E	Severely restricted	≤ 23	≤ 18
F	Forward progress only by shuffling; no reverse movement possible	> 23	> 18

Source: Highway Capacity Manual 2010

\* Platoon flow occurs when pedestrian volumes are non-uniform and vary significantly within the peak 15-minute period, such as where nearby bus stops, subway stations and/or crosswalks account for much of the volume.

### *SIDEWALK INVENTORY*

In order to conduct a LOS analysis, the effective sidewalk width for each respective count location was determined. To account for effective sidewalk space reductions as a result of bus passenger queues, the width of the queuing spaces was measured in addition to typical sidewalk measurements.

Location 1 has one major chokepoint of concern, the area directly in front of Chevys restaurant at 259 W 42<sup>nd</sup> Street. During the count periods, an approximately 8’6” wide space (measured from the curb) was used for passenger queuing along the bus stop. In addition, an obstruction was created by the placement of a Chevys banner of 4’7” from the building façade.

At location 2, the bus operator placed a railing 5’ from the curb to create a queuing area for pedestrians. The sidewalk space was further restricted by the Theatre District Shopping Court businesses that face the bus stop and that place shop items in the sidewalk.

Location 3 is directly across a staircase connecting the underground 49<sup>th</sup> Street Subway Station (N, Q, and R) to the street. As pedestrians tend to avoid physical obstructions, the estimated sidewalk widths also include shy distances. See Table 3 for the estimated effective sidewalk widths at each analysis location.

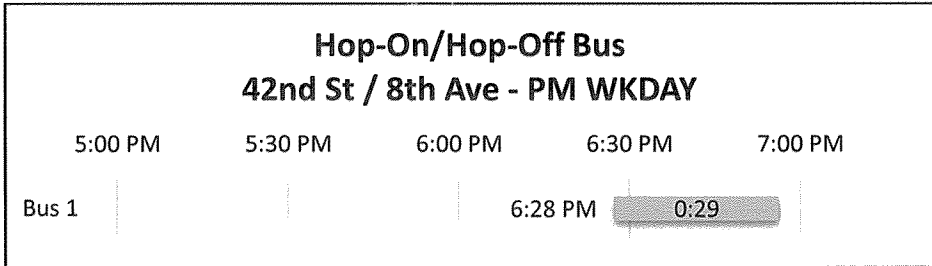
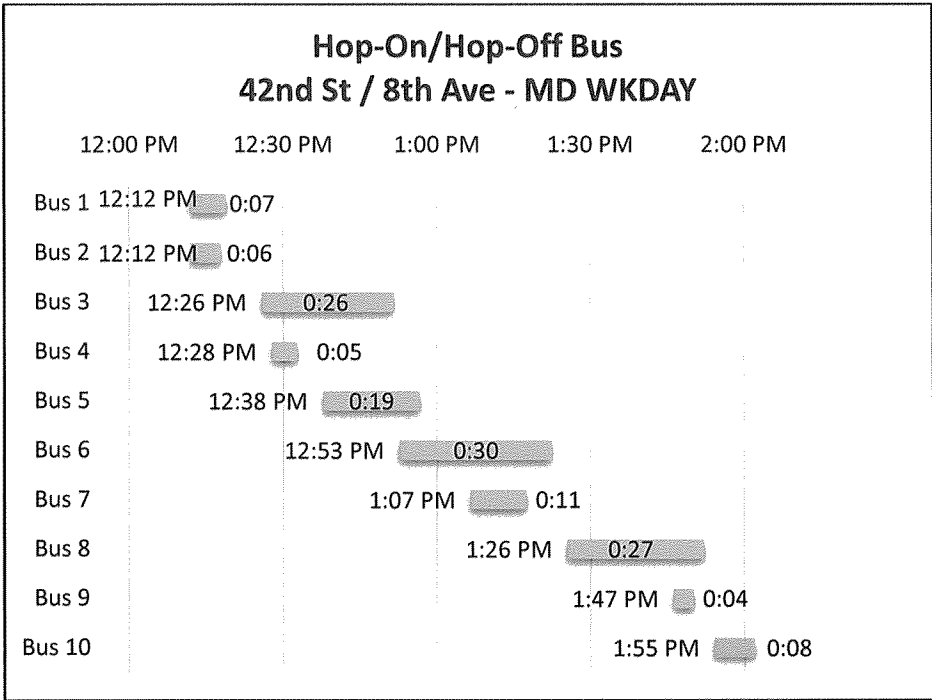
## LOS ANALYSIS RESULTS

As shown in Table 4, the level of service at all locations at all analysis times was C or worse. As shown in Table 4, location 1 exhibited level of service E during both the weekday midday and evening periods and in the Saturday midday period. The level of service at location 1 worsened to F during the Saturday evening period. Location 2 exhibited a level of service D during weekday midday and the Saturday evening periods. Location 2 conditions worsened to LOS E during the weekday evening and Saturday midday periods. On the weekday, location 3 exhibited LOS C and D during the midday and evening periods, respectively. Conditions at this location were worse on Saturday with midday and evening period level of services of D and E, respectively.

**Table 4**  
**Summary Table Sidewalk LOS Analysis**

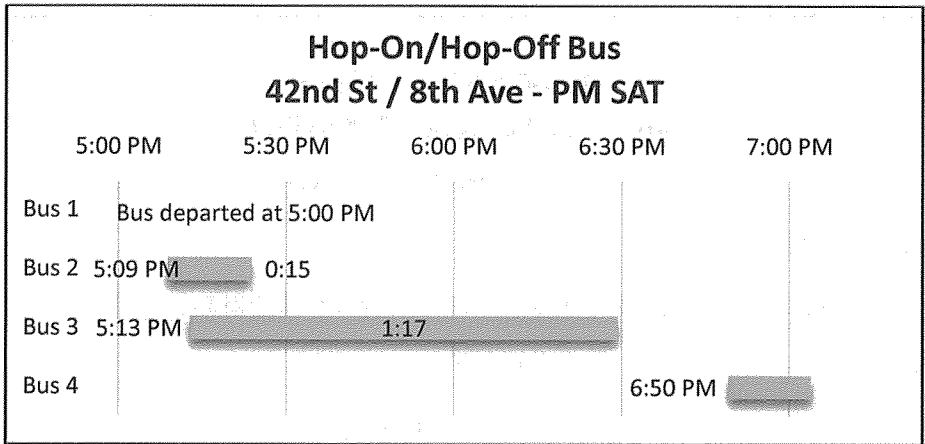
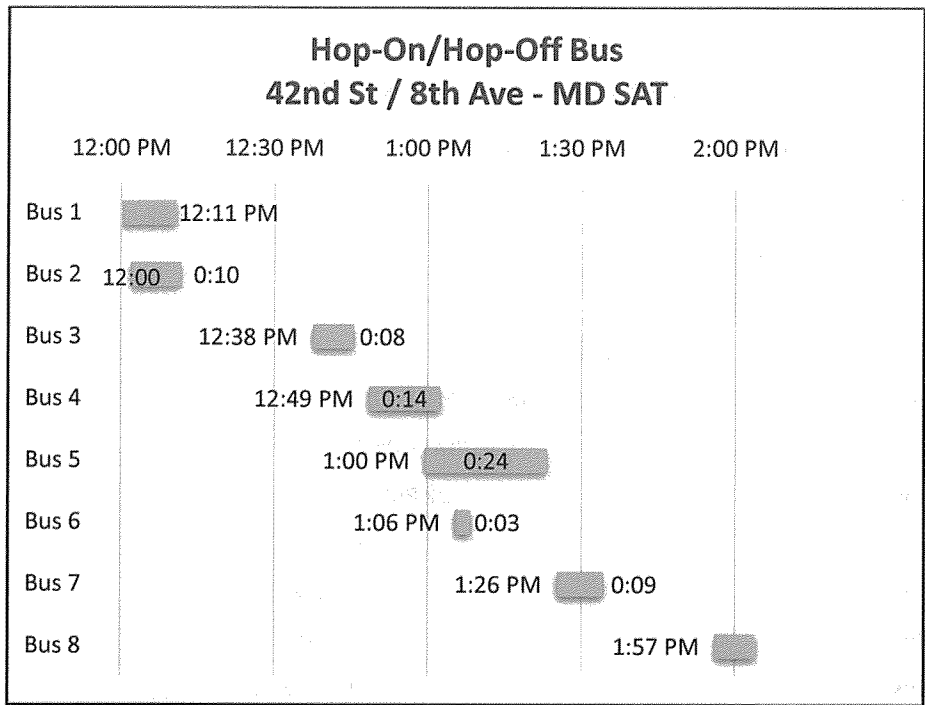
<b>WEDNESDAY, 10/07/15</b>								
<b>Sidewalk Location</b>	<b>Total Width (ft.)</b>	<b>Effective Width (ft.)</b>	<b>Peak 1-Hour Volumes</b>		<b>Average Pedestrian Space (ft<sup>2</sup>/ped)</b>		<b>Platoon-Adjusted Level of Service</b>	
			<b>MD</b>	<b>PM</b>	<b>MD</b>	<b>PM</b>	<b>MD</b>	<b>PM</b>
(1) W 42nd St btwn 7th & 8th Aves (north sidewalk)	22	6.4	4,574	5,863	18.5	13.3	E	E
(2) W 46th St btwn 7th & 8th Aves (south sidewalk)	12.9	2.7	929	1,372	38.7	22.8	D	E
(3) 7th Ave btwn W 47th & 48th Sts (west sidewalk)	20.3	7.1	1,710	3,110	59.4	30.0	C	D
<b>SATURDAY, 10/10/15</b>								
<b>Sidewalk Location</b>	<b>Total Width (ft.)</b>	<b>Effective Width (ft.)</b>	<b>Peak 1-Hour Volumes</b>		<b>Average Pedestrian Space (ft<sup>2</sup>/ped)</b>		<b>Platoon-Adjusted Level of Service</b>	
			<b>MD</b>	<b>PM</b>	<b>MD</b>	<b>PM</b>	<b>MD</b>	<b>PM</b>
(1) W 42nd St btwn 7th & 8th Aves (north sidewalk)	22	6.4	5,107	7,687	13.9	7.5	E	F
(2) W 46th St btwn 7th & 8th Aves (south sidewalk)	12.9	2.7	1,638	1,330	19.5	23.6	E	D
(3) 7th Ave btwn W 47th & 48th Sts (west sidewalk)	20.3	7.1	2,776	4,146	32.8	20.6	D	E

## **APPENDIX**



**Legend**

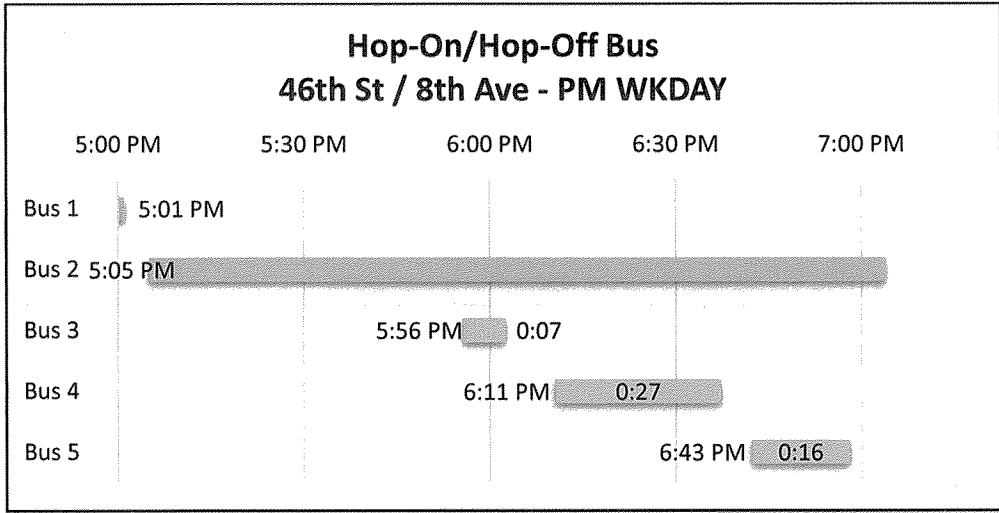
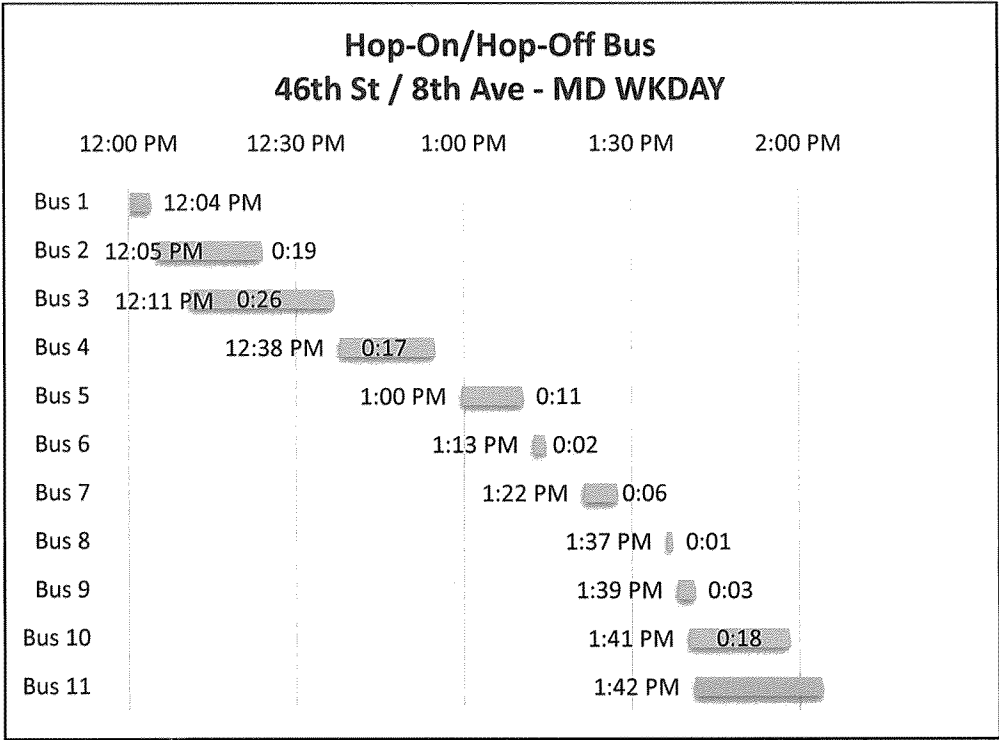
- Denotes bus arrival before or departure after analysis period
- Denotes bus arrival during analysis period



**Legend**

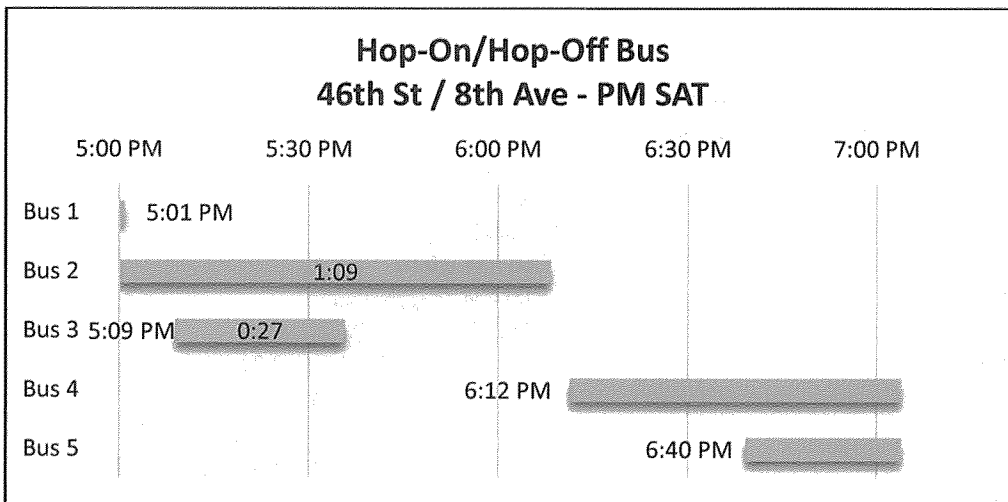
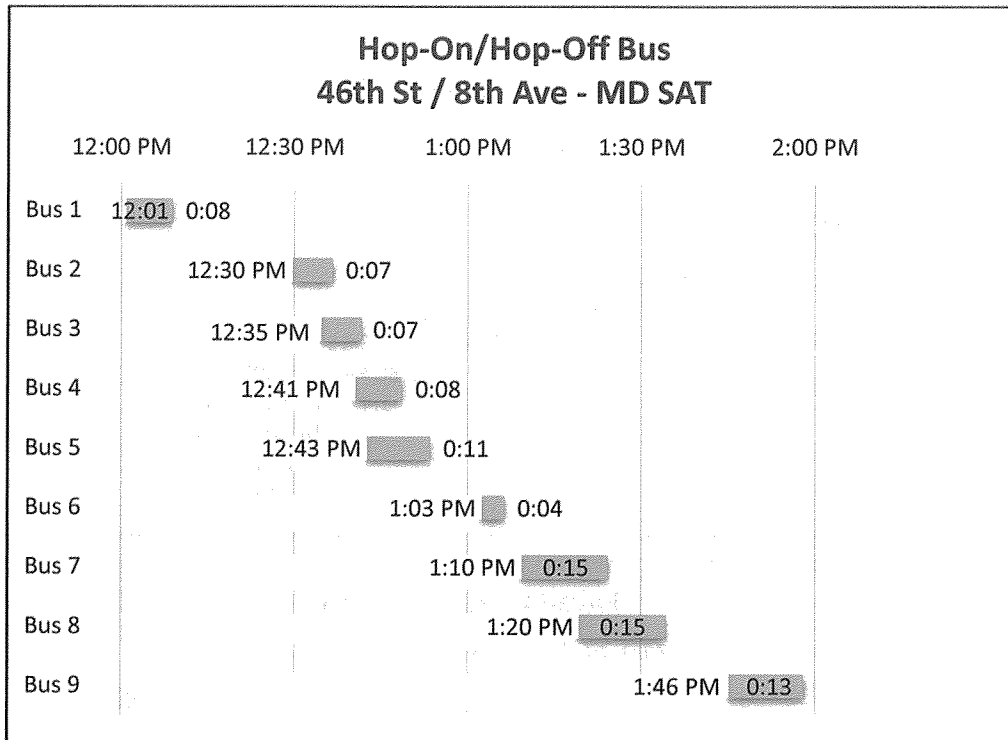
- Denotes bus arrival before or departure after analysis period
- Denotes bus arrival during analysis period





**Legend**

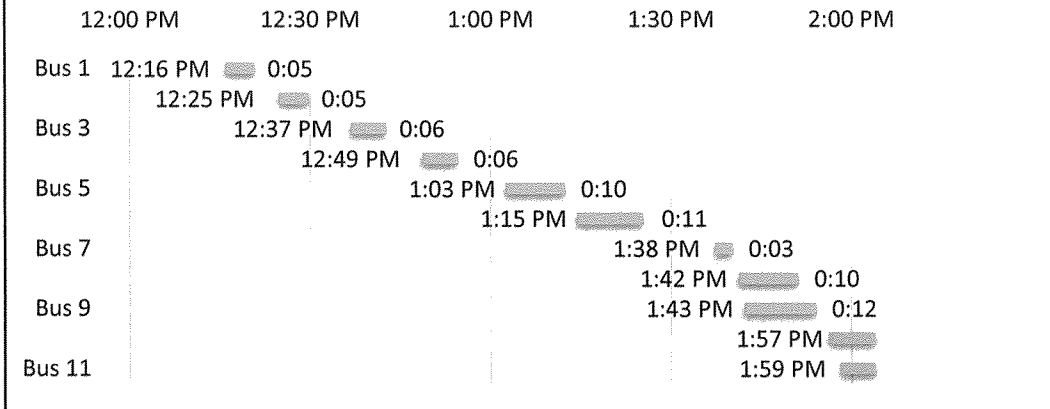
- Denotes bus arrival before or departure after analysis period
- Denotes bus arrival during analysis period



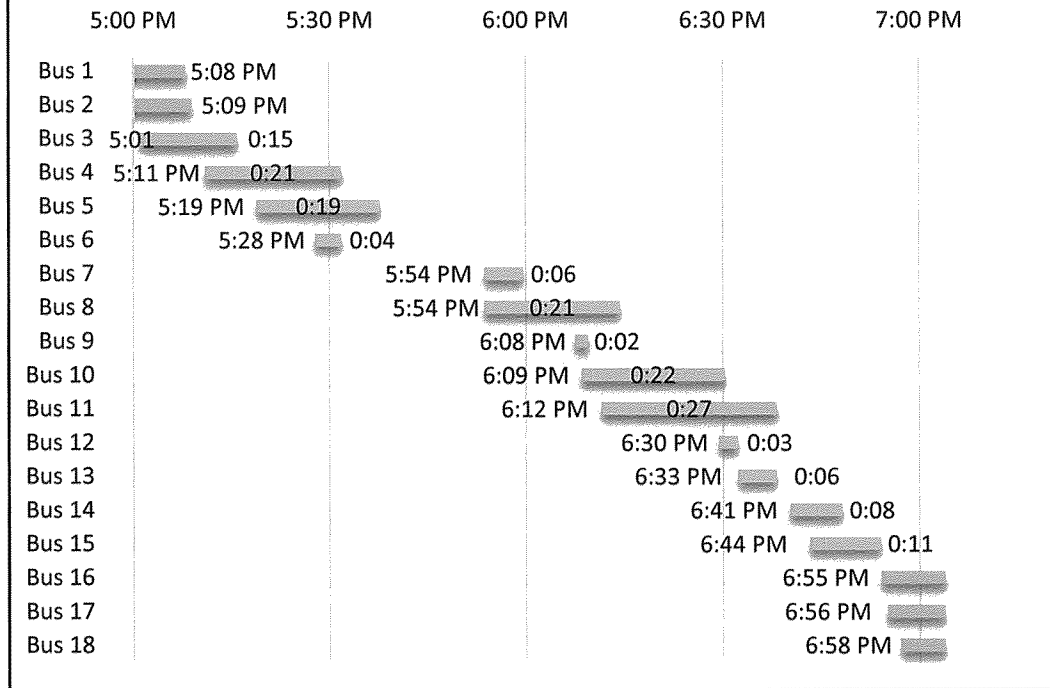
**Legend**

- Denotes bus arrival before or departure after analysis period
- Denotes bus arrival during analysis period

### Hop-On/Hop-Off Bus 47th St / 7th Ave- MD WKDAY



### Hop-On/Hop-Off Bus 47th St / 7th Ave - PM WKDAY

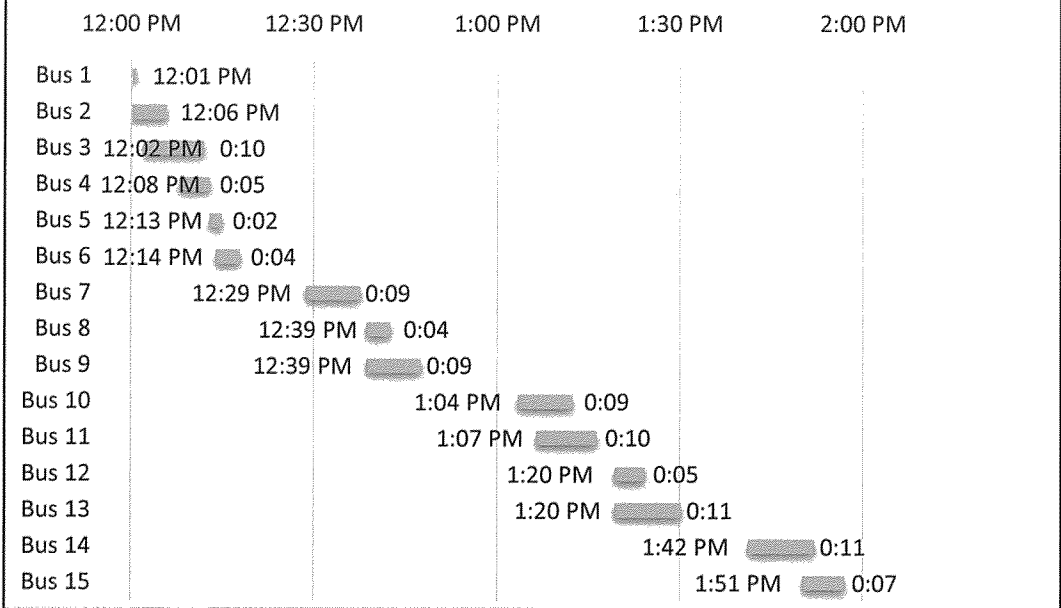


#### Legend

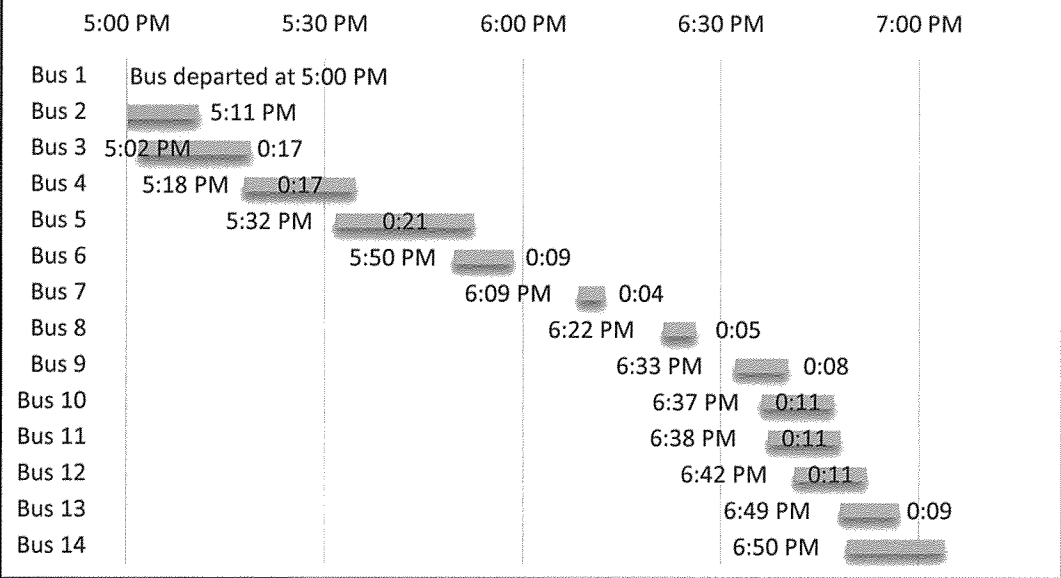
Denotes bus arrival before or departure after analysis period

Denotes bus arrival during analysis period

### Hop-On/Hop-Off Bus: 47th St / 7th Ave- MD SAT



### Hop-On/Hop-Off Bus: 47th St / 7th Ave - PM SAT



#### Legend



Denotes bus arrival before or departure after analysis period



Denotes bus arrival during analysis period

September 26, 2016

Israel Martinez  
Policy Analyst  
Government Affairs  
Council of the City of New York

**RE: Int. No. 529-A, Int. No. 713-A, and Int. No. 950**

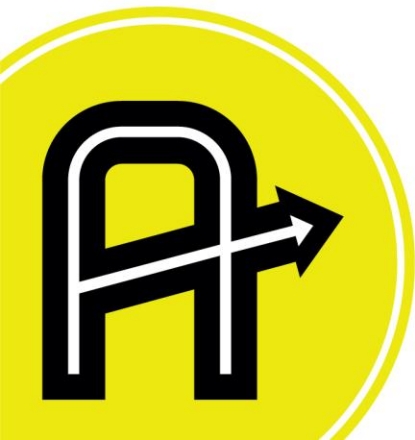
Dear New York City Council,

My name is Josef Szende and I am the Executive Director of the Atlantic Avenue Business Improvement District. The mission statement of our organization is as follows: "Representing over 300 businesses in Brooklyn's vibrant Brooklyn Heights, Boerum Hill and Cobble Hill neighborhoods, the Atlantic Avenue Business Improvement District (AABID) is dedicated to promoting the Avenue's long-term economic development thereby creating a thriving boulevard that attracts both residents and visitors to its vast array of services, shops and dining, while preserving the Avenue's rich history and diverse character."

The businesses of the Atlantic Avenue BID in Brooklyn are benefiting from the tourism economy of New York City to the greatest extent within living memory. They understand concerns about the need to regulate the tour bus industry for the safety and security of all New Yorkers. That said, the economic future of many small businesses in Brooklyn depends on tourist spending supplementing the income businesses are earning from locals. The retail and restaurant business environment in the City is quite challenging and we encourage the Council to include ways of encouraging tour bus growth in parts of Brooklyn that are interested in it concurrently with any measures intended to improve the safety and security of New Yorkers. Particularly in off-seasons such as the summer months of July and August, tourists that often come on tour buses are a lifeline keeping businesses afloat that may otherwise sink.

Sincerely,

Josef Szende  
Executive Director



**ATLANTIC AVE BID**

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NEW YORK CITY COUNCIL  
COMMITTEE ON TRANSPORTATION  
PUBLIC HEARING 9/26/16

T2016-4983 OVERSIGHT: How Can NYC Better Regulate the Sightseeing Bus Industry

TESTIMONY as given by:  
ELIOT NILES  
BROOKLYN ATTITUDE  
( NYC tour design and guiding service)  
(member Brooklyn Chamber and Tourism Council)

The proposed plans by City Council to regulate the sightseeing bus industry in New York City will result in significant loss of tourism revenue, especially in boroughs outside Manhattan, without solving current issues of public safety and traffic congestion. I urge the Council to consider the following before moving forward.

A- SIGHT-SEEING BUSES AND CHARTER BUSES

D.O.T. Definitions and Regulations contain sections that contradict other sections, and contradict current signage, and impede the smooth flow of tour busses in our city. They are too numerous to mention in this testimony, and require separate and careful study. The following however, require immediate attention, as regard your proposals.

1- Section 4-01 Sightseeing Bus: " *...shall mean a bus for hire carrying passengers from a fixed point in the City of New York, at which point the passengers embark and are generally discharged to a place or places of interest.....and including a charter bus, as defined in these rules, when engaged in a sight -seeing operation.*" Hundreds of charter busses arriving from distant points arrive in our city every day. Local charter bus companies operate hundreds of busses also. They all begin their tours from 'a fixed point' in the city. Double-Decker sight-seeing busses and Charter Group sight-seeing busses (senior groups, school groups, corporate groups, foreign groups, etc.) must have a separate and distinct designation, with a separate set of rules.

B- TRAFFIC FLOW AND SAFETY

Tour busses have become a target for the bottlenecks and congestion .While charter busses and double-decker busses have contributed somewhat to congestion and safety hazards, they are not the primary cause of either. They are simply the biggest target.

1- Traffic Flow: In the last 4 years, New York City has reduced speed limits from 30mph to 25 mph. Several thousand private taxis--Uber, and others-- have entered the streets during peak hours. We have added numerous pedestrian malls where traffic lanes used to operate,

and added 1,000 miles of bike lanes. Additionally, an explosion of tourist pedestrians on our sidewalks, crossing busy intersections, often disregarding traffic signals, have impeded the ability of all vehicles to make turns onto and out of major avenues. I suggest that even a few minutes of observing intersections at Fifth Avenue/49th Street, Sixth Avenue--Eighth Avenue/42nd Street, Broadway/Canal Street, will provide evidence. I advise the Council to support dedicated signals for turns, flow traffic, and pedestrian walk signs.

2- Safety: Please note D.O.T. rule: Section 4-08: *No Standing Bus Stop: "the operator of a vehicle may temporarily stand therein for the purpose of expeditiously receiving and discharging passengers provided such standing does not interfere with any bus about to enter or leave such zone."*

Charter busses, Double Decker busses, commuter busses, and MTA busses are often all forced to drop off in a single bus stop. To make matters worse, all too often, official bus layover and pick-up stops are taken by illegally parked cars, vans, etc. The result is that passengers are often forced to debark into traffic, or bike lanes. Until tour busses have appropriate, and sufficient bus stops, they will continue to stop double file on city streets. There are creative and revenue generating solutions to these issues, and I would be happy to discuss them another time.

C INT. #950

1- Section 1a: *"shall issue a license to the owner of a sightseeing bus or horse drawn cab ...."* A 45 foot motorized vehicle carriage 50+ passengers over hundreds of miles of city streets in five boroughs has no relation to a horse carriage walking through Central Park. Any mutual license or identification of a horse drawn carriage and tour bus, even the most incidental, can, and probably will lead to interpretive misuse in the future. As cumbersome as it may be, we need separate licenses that reflect the responsibilities of each.

2- Section 1b: *"the number of active license plates is less than 225."* This rule will drastically reduce tourism revenue in the city--especially outside Manhattan. Whereas some popular Manhattan neighborhoods feel overwhelmed by rolling tour busses, many other neighborhoods, especially economically disadvantaged and newly rising communities, are craving for these busses. Until recently, taxicabs stayed in the center of Manhattan--because that was the most lucrative-- tour bus companies will limit their itineraries and stops--to the popular neighborhoods. Additionally, limiting the number will discourage the entrance of new companies with new strategies, put a cap on jobs for drivers, guides, and office staff.

Charter tour busses must not be included in this number.

D INT # 713-A

1-Section 1d: Submitting Operating Plans for Designated Stops:

It also, arbitrarily, links license rules for tour busses--which travel all around the city, with horse drawn carriages [Int 950 section 1a]. have a far greater negative impact on . The current plan does not recognize that charter coaches, double decker busses, local coaches, and out of town coaches require different rules.

As outlined the proposals effectively:

- reduce millions of dollars of tourism revenue to the city, and:
- remove hundreds of legal charter tour busses from city streets [Int. 950 sec 1b]: preventing school groups, senior groups, corporate trade conventions, and out of town groups to tour the city; render impossible for these groups to plan : shop, eat in restaurants, visit attractions together
- require Tour Operators to submit itinerary requests 45 days in advance [Int 713-A section 1] to Charter Coach companies, who must then file applications. This will potentially lead to hundreds of application filings each day.
- turn bus tourism and revenue into a monopoly of the few
- steal well paying tourism jobs from hundreds of currently D.O.C. licensed tour guides and drivers, and force them into lower wage jobs
- be difficult to enforce: already, D.O.C. does not enforce its own guide license.

A fair, effective policy to regulate tourism must recognize that tourism in New York City is as broad and complex as the city itself. Double Decker busses require different rules and benefits than charter coaches. Charter coach tours are inherently more diverse, and involve more players in the game. Foreign groups have different needs than local groups, etc.

Current D.O.T. rules regarding tour busses are out dated, ambiguous to the bus driver, and often contradict its own traffic signage on the streets. I believe, and I can demonstrate, how we can increase coach tourism, increase tour bus drop-off stops, while reducing traffic congestion, make city streets safer, and offer greater opportunities and revenue for both the city and local businesses.

eliot nils

brooklyn attitude



*this legislation*

I would like to speak in favor of ~~the bill~~ and to thank Margaret Chin for introducing it. I speak especially of lower Manhattan—the financial district, Battery Park City, and Tribeca, where the streets are not designed for these massive vehicles and where we have been plagued since 9/11 with a huge increase in tour bus traffic that has negatively impacted our quality of life and turned our neighborhoods into bus parking lots. The buses use South End Avenue, a mainly residential street, as a through street and a place to load and unload passengers. Tour buses get stuck in intersections in FiDi because the narrow streets and the huge buses make turns impossible. In historic centers of European cities that have similar street patterns, tour buses are not permitted, and these cities are not suffering. It seems most tourists can walk if they have to.

In Battery Park City, current regulations are not enforced, so this legislation is crucial. Beginning after the opening of the 9/11 memorial until about two years ago, I had been photographing tour buses that were parked illegally and emailing the pictures to the community board, which forwarded them to someone at the DOT who ignored them. I sent them to the Battery Park City Authority, which ignored them. These are copies of just a few of those emails. I called 311 which did nothing. I met other people who were taking similar action and having the same results. At a community board meeting on June 13, 2011, George Lenz and Jim Murphy, representing tour bus companies, assured us that double decker buses would not be parking downtown, when in fact they started using Albany Street for parking as soon as the memorial opened, and they are still sending their double deckers through Battery Park City. My point is that ~~whoever should be monitoring tour buses is not. That is why we need to start reducing the numbers of tour buses.~~ *there is no monitoring, enforcement,*

There is more that can be done—but this legislation is a necessary first step in returning our streets to the people who live here.

JoAnne Chernow  
Battery Park City

*all of*

*or accountability  
and we need  
that in addition  
to this legislation*

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Margaret Forjone

Address: 55 Waver St

I represent: DOT

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ARK KEATING

Address: \_\_\_\_\_

I represent: DOT

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 900

in favor  in opposition

Date: 7/26/16

(PLEASE PRINT)

Name: John Adams

Address: Central St

I represent: DOT

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 950

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)  
Name: Nosh Pfefferblit

Address: Community Board

I represent: 1 Centre St.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Casey Adams, Director

Address: 7 CA

I represent: 7 CA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Tamara Boyd, GC

Address: \_\_\_\_\_

I represent: DCA

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Albet Pico First Deputy CIVIL

Address: Daily Commission

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Annita Baggly Deputy COMMISSIONER

Address: \_\_\_\_\_

I represent: DCA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Mary Cooley, Asst Commissioner,

Address: Leg Affairs

I represent: DCA

Address: \_\_\_\_\_

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

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9.26.16

(PLEASE PRINT)

Name: CHARLES ESHELMAN

Address: 376 BROADWAY 196

I represent: MYSELF RESIDENT

Address:

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. all 113 509 750 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: Laura Rothrock

Address: 25 W 44th St

I represent: TWN America / Gray Line

Address:

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 950 Res. No. \*

in favor  in opposition

Date:

(PLEASE PRINT)

Name: M. BERTHIAUX

Address: 2515 ...

I represent: ...

Address: 335 Adams St. ...

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. 950 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: JOANNE CHERNOW

Address: 355 SOUTH END AVE #10M

I represent: RESIDENTS

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. 713,950 Res. No. \_\_\_\_\_

in favor  in opposition

Date: Sept 26, 2016

(PLEASE PRINT)

Name: Terrri Ceede

Address: \_\_\_\_\_

I represent: Community Board 2 Manhattan

Address: 3 Washington Square

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: Gideon Orion Oliver

Address: 277 Broadway, Suite 1501 NY NY 10007

I represent: Go NY Tours, Inc.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Melissa Chapman

Address: 2515 Glenwood Road, Bayside NY 11700

I represent: Brooklyn Chamber of Commerce

Address: 335 Adams St - Ste. 2700 BK, NY 11201

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 713-A, 529-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: Sept. 26, 2014

(PLEASE PRINT)

Name: Tim Tompkins

Address: \_\_\_\_\_

I represent: Times Square Alliance

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ELIOT NILES

Address: 851 Carroll St

I represent: Tour Profession

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

950

I intend to appear and speak on Int. No. 950 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Michael Sampson

Address: \_\_\_\_\_

I represent: 34<sup>th</sup> Street Partnership

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 950 & 713 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/2016

(PLEASE PRINT)

Name: PETER DAVIES

Address: 548 BROADWAY #5A NY 10012

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 950 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Gale Brewer, Manhattan Borough Pres

Address: 1 Centre Street

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. All Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: Julia Kite

Address: \_\_\_\_\_

I represent: Transportation Alternatives

Address: 111 John St., NY, NY 10038

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 950 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: Brandon Buchanan

Address: 111 K Street NE, 9th Floor Washington, DC

I represent: American Bus Association

Address: 111 K Street NE, 9th Floor Washington, DC

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