

**KATE SLEVIN
ASSISTANT COMMISSIONER
NEW YORK CITY DEPARTMENT OF TRANSPORTATION**

**HEARING BEFORE THE CITY COUNCIL
COMMITTEE ON TRANSPORTATION
APRIL 10, 2013**

Good afternoon Chairman Vacca and members of the Transportation Committee. My name is Kate Slevin and I am the Assistant Commissioner of Intergovernmental Affairs at the New York City Department of Transportation (DOT). I am joined by Leon Heyward, Deputy Commissioner for Sidewalks and Inspection Management at DOT; Susan Petito, Assistant Commissioner of Intergovernmental Affairs of the New York City Police Department; and Fran Freedman, Deputy Commissioner of External Affairs from the Department of Consumer Affairs. Thank you for inviting us today to discuss bills related to electric bicycles and certain buses.

First, let me update the Committee on DOT's role in the commercial cycling legislation passed in October of last year. DOT has continued to educate businesses that use bicycles for commercial purposes on the law's requirements, going door-to-door to over 4,000 restaurants and businesses who deliver and holding commercial cyclist education and equipment-giveaway forums throughout the city. On Monday, we posted the required commercial bicyclist safety course and safety poster for businesses online. DOT was pleased to have worked so closely with your Committee on these laws to enhance the safety requirements for commercial cyclists and the businesses that employ them.

Starting on April 23rd, DOT's inspectors will begin to check whether businesses are complying with the laws. We will focus on making sure that businesses are providing cyclists with all of the required equipment, such as a helmet, ID card, retro-reflective vest, and bicycling safety equipment. We feel this effort will enhance safety on our streets, especially for the cyclists themselves, and we were happy to take on the responsibility of limited enforcement of the law.

The commercial cycling laws going into effect this month will authorize DOT to ticket a business for any use of an e-bike that does not comply with the requirements that apply to commercial cyclists. Intro 1030 would further modify this law to prohibit businesses that use bicycles for commercial purposes from having an e-bike on their property and from allowing an employee to use an e-bike during deliveries. After businesses have had time to acclimate to the laws going into effect this month, DOT would be open to issuing violations to business for having an e-bike on the premises. The Administration looks forward to working with the Council to refine the language of this bill.

We agree that an update to the definition of "motorized scooter" as proposed in Intro 1026 is a welcome change to reflect the reality of the e-bikes being operated illegally on our streets. However, we must oppose the addition of DOT to the list of agencies allowed to enforce the ban on the use of motorized scooters on the street. We feel strongly that enforcement against the illegal use of an e-bike on city streets should continue to fall under the exclusive jurisdiction of the NYPD and Parks Police. DOT inspectors are trained for interactions with businesses that employ commercial cyclists, not for interactions with cyclists on the street. This lack of training, paired with the fact that DOT's inspectors are unarmed, could potentially put our employees at serious physical risk if they are tasked with enforcement on the streets.

In addition, we do not support allowing DOT to impound e-bikes. To be clear, the agency simply does not have the ability to impound any bikes, and we fear that such an operation could put the safety of our employees in jeopardy by requiring that they confront an e-bike operator for the purpose of seizing private property— an act that could elicit aggressive behavior by the operator. If Intro 1026 is passed as written, it would require the agency to hire and train additional staff; to purchase, maintain and store new equipment to confiscate, load and deliver impounded e-bikes; and to find sufficient space to store these e-bikes. The bill would entail a significant financial and operational undertaking by DOT for a role that is much better handled by the NYPD, an agency that currently has mechanisms and procedures in place for the seizure of motor vehicles.

Before I comment on Intro 591, which would require DOT to post on its website certain information concerning passenger carrier safety ratings, I would like to update the Committee on our efforts to establish an intercity bus permitting system. As you know, last summer New York State gave the City authority to assign locations where intercity buses may pick up and drop off passengers. The legislation responded to growing community concern about intercity buses turning our streets into the Wild West. This issue is important to many of you and your colleagues, and I would like to thank you for supporting our efforts. Currently, DOT is working closely with its sister agencies to finalize draft rules creating the permit system. We expect to post notice of the draft rules this month in the City Record and also plan to hold public forums to discuss the issue with the community and industry. If the process runs smoothly, the system would be up and running sometime later this year, which will be a big relief to those residents and businesses who have long struggled with the illegal use of the city's curbsides.

Once the system is operational, State law requires the City to post online certain information related to approved intercity bus stops and applications. We agree with Council Member Chin that it also makes sense to post links to additional information about buses that could be helpful to consumers, including the Federal Motor Carrier Safety Administration's website. While we have technical concerns about the legislation's requirement to replicate certain information, which I have already expressed to Council Member Chin, I am confident that we will be able to reach a compromise that will achieve the goals that are outlined in Intro 591. Between this step and the new permitting system, New Yorkers will be more fully aware of how and where intercity buses should operate.

As you know, DOT's mission is to enhance street safety for all roadway users, and our work with the Council on commercial cyclists and intercity buses has furthered this goal. Thank you again for the opportunity to testify this afternoon; we would be happy to answer your questions at this time.



**Testimony of Fran Freedman, Deputy Commissioner for External Affairs
New York City Department of Consumer Affairs**

**Before the
New York City Council Committee on Transportation**

Intro Number 813-A

April 10, 2013

Good afternoon, Chair Vacca, and members of the Transportation Committee. I am Fran Freedman, Deputy Commissioner for External Affairs for the Department of Consumer Affairs. Commissioner Mintz asked me to thank you for the opportunity to testify today regarding Intro 813-A, a bill to require posting and distribution of federal safety information for motor coach passengers.

We applaud and share Council's concerns about the safety of consumers riding on interstate buses. We understand that in a February 2013 report, the federal agency charged with motor coach safety, Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA), announced that it will seek funding from the federal OMB to conduct a survey on the efficacy of distribution methods of pre-trip safety posters and emergency preparedness information. Additionally, we understand that the President signed legislation requiring the federal Department of Transportation to issue rules regarding increasing the accessibility of this safety information. We suggest that Council wait until after the federal government's comprehensive analysis of distribution methods for these materials and its issuance of such rules before moving forward with any legislation to provide passengers with safety information.

Moreover, we advise that when the Council does revisit this issue for complimentary local legislation, it identify a more appropriate department to address these transportation safety issues. To administer this law, Council clearly seeks an agency that is familiar with motor coaches, knows their routes, places of departure and where tickets are sold and can dedicate a significant squad of inspectors to monitor such locations to ensure postings and distribution. The Department has no dealings, experience, knowledge or expertise regarding interstate motor coaches, nor do we have the resources to enforce this bill. We do license sightseeing bus companies but we primarily regulate their tour practices, including whether or not they comply with Council's regulations regarding audio equipment, not bus safety. Significantly, sightseeing buses are buses that only travel within the City from a fixed point and take passengers to places of interest and entertainment. Such buses are not engaged in interstate transportation.

Thank you again for the opportunity to comment. I'll be happy to answer your questions.



**Testimony of Christian DiPalermo, Government Affairs
Representative on behalf of Greyhound Lines of North America,
BoltBus and YO! Bus**

**Before New York City Council
Committee on Transportation
April 10, 2013**

Good Morning, Chairman Vacca and members of the Committee on Transportation. My name is Christian DiPalermo and I am the Government Relations Representative for Greyhound Lines, Inc., one of the most iconic and recognized transportation companies and brands in the United States, whose subsidiaries include the popular intercity discount bus lines BoltBus and YO! Bus.

On behalf of Greyhound, I would like to thank Chairman Vacca and the entire Transportation Committee for holding this very important hearing regarding the safety of interstate bus carriers. As the country's leading interstate bus service, Greyhound serves more than 3,800 destinations across North America. Annually, we transport nearly 15 million passengers to their destinations and are proud of our strong safety record and positive community partnerships.

Greyhound also has a long and proud history of serving New York City. In 1939, Greyhound was chosen as the official bus carrier of the 1939

World's Fair in New York. In 1963, Greyhound moved from its own terminal near Pennsylvania Station to the Port Authority Bus Terminal where it still continues to operate safely and reliably every day to the millions of tourists and travelers to and from our great city. As the transportation market continues to evolve, Greyhound with its partners has created discount bus services under the operating names of YO! Bus and BoltBus making service to cities like Washington, D.C., Philadelphia and Boston more affordable for students and budget travelers.

Safety is always our number one priority, especially for our passengers, employees and the communities we serve. We are committed to safety at every level, from our high-quality, environmentally friendly fleet, daily maintenance and review of all buses, and the hiring and intensive training of certified professional union drivers. Also, Greyhound strongly believes that it must be fully transparent to the public regarding all safety matters.

The City Council and Council Member Margaret Chin, the prime sponsor of today's legislation, should be commended for doing everything possible to ensure the safety of our neighborhoods and riders. Greyhound supports the spirit of this legislative package, which is to enhance safety, increase transparency and allow for a more informed customer.

Int. No. 813 A – In relation to the provision and posting of safety information for motor coach passengers

Greyhound supports posting the USDOT's Federal Motor Carrier Safety Administration's (FMCSA) Pre-Trip Safety Poster and the most recent FMCSA safety rating of the selling carrier at the point of sale.

Providing each customer with a copy of the poster can be done, but the possibility that this could result in increased litter should be considered.

One alternative which we would suggest is to have signage of the poster at bus side.

Int. No. 591 – In relation to requiring the department to post on its website information concerning passenger carrier safety ratings

We agree the City Department of Transportation should post on its website a link to the FMCSA safety database. The FMCSA updates safety information monthly and it is their statutory responsibility to maintain accurate, up-to-date records.

Res. No. 1710 – Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation requiring intercity buses to visibly identify the destination, operator and operator's contact information on the exterior and in one window of each bus

Greyhound is already in full compliance with all of the information being sought by this resolution by displaying operator contact and registration information on the exterior and on-board the bus. Be aware that Federal regulations are very strict regarding what can be placed in windows in order to not obstruct vision of drivers or passengers.

While all of these safety precautions are important and increase the awareness of riders and the public, we strongly recommend the Council work with Federal and State Transportation Authorities to increase

enforcement on the roads and through the tunnels. That is the best defense against reckless and illegal operators.

Again, thank you for the opportunity to allow Greyhound to testify at this important hearing and I welcome any questions the committee might have for us.

FOR THE RECORD

Dear Speaker Quinn,

I cannot attend Thursday's City Council public hearing to address electrified bicycle laws and request that my comment be entered in the record.

For the reasons below, which primarily involve pedestrian safety, I support a law to render electric-powered bicycles illegal on the streets of New York. We should return to a time when two-wheels meant one of two things: a human-powered bicycle or a DMV-licensed motorbike or scooter.

I work in lower Manhattan/Financial district and I've been walking these streets for 12 years--morning, lunch and evening. My streets have become more frightening and more dangerous since the popularity of motorized, electric bikes took off.

Electric bikes:

- Even when ridden/driven in compliance with standard bicycle traffic rules, these fast moving hybrids are dangerous because pedestrians see them as bicycles and expect their speed to be the same.
- Unlike a licensed motor scooter, which is almost always driven as a car would be, most riders/drivers of electric bicycles consider themselves cyclists and operate their motorized bikes as such: passing on the right, passing between two lanes of slowed cars, jumping curbs, parking on sidewalks, running or rolling red lights and stop signs.
- Technically electrified bikes are more akin to motor scooters than bicycles, yet there is no licensing of "drivers"/operators of the bikes.
- Electric bikes are heavier than regular bikes so that when there is an accident with a pedestrian the risk of serious injury is higher.
- Bike share is coming. These electric bikes will only further snarl and impeded the successful implementation of civil, healthy, slow, commuter style cycling.
- While not as important as safety issues, electric bikes consumer energy from our grid.

I fully support safety over arguments of restaurants with food delivery services that will claim business interruption. Let us all remember that until about two-years ago food delivery was plenty speedy without electric assist bikes. Please make them go away.

Thank you,
Kathleen Randall
Home: Harlem
Work: Financial District

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 4/10/13

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Address: _____

I represent: Greyhound

Address: _____

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Name: Van Friedman

Address: Deputy Commissioner

I represent: DCA

Address: _____

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Name: Christian DiPalermo

Address: 233 Broadway, Suite 702

I represent: Greyhound

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Name: Assistant Commissioner Kate Slavin

Address: _____

I represent: NYC DOT

Address: _____

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(PLEASE PRINT)

Name: Susan Petito, Asst. Comm., Intergovernmental Affairs

Address: 1 Police Plaza NYC

I represent: MPD

Address: 1 Police Plaza NYC

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Name: Deputy Commissioner Leon Heyward

Address: _____

I represent: NYC DOT

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