

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS JOINTLY WITH
COMMITTEE ON TRANSPORTATION

----- X

September 26, 2016
Start: 1:14 p.m.
Recess: 3:35 p.m.

HELD AT: 250 Broadway - Committee Rm
14th Fl

B E F O R E: RAFAEL L. ESPINAL, JR.
Chairperson

YDANIS A. RODRIGUEZ
Chairperson

COUNCIL MEMBERS: Vincent J. Gentile
Julissa Ferreras-Copeland
Karen Koslowitz
Rory I. Lancman
Daniel R. Garodnick
James Vacca
Margaret S. Chin
Stephen T. Levin
Deborah L. Rose
James G. Van Bramer
David G. Greenfield
Costa G. Constantinides
Carlos Menchaca
I. Daneek Miller
Antonio Reynoso
Donovan J. Richards

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

Amit Bagga, Deputy Commissioner
External Affairs
Department of Consumer Affairs, DCA

Alba Pico, First Deputy Commissioner
Department of Consumer Affairs, DCA

Tamala Boyd, General Counsel
Department of Consumer Affairs, DCA

Jennifer Compton
Department of Consumer Affairs, DCA

Casey Adams, Deputy Director
City Legislative Affairs
Department of Consumer Affairs, DCA

Mary Cooley, Assistant Commissioner
Legislative Affairs
Department of Consumer Affairs, DCA

Margaret Forgione, Chief Operations Officer
Department of Transportation, DOT

Jenna Adams, Director
Legislative Affairs
Department of Transportation, DOT

Alex Keating, Director of Special Projects for
Transportation Planning and Management
Department of Transportation, DOT

Terri Cude, First Vice Chair
Community Board 2, Manhattan

Tim Thompkins, President
Times Square Alliance

Noah Pfefferblit, District Manager
Community Board 1, Lower Manhattan

Michael Hansen
31st Street Partnership

Gideon Oliver
Go New York Tours

Elliott Mouse (sic)
Professional Tour Guide

Laura Rothrock
Twin America, Gray Line City Sightseeing, New York

Brandon Buchanan
American Bus Association

Christine Berthet, Chair
Transportation Committee
Community Board 4

Joanne Chanelle

Melissa Chapman, Senior Vice President
Public Affairs
Brooklyn Chamber of Commerce

Julia Kite, Policy and Research Manager
Transportation Alternatives

Peter Davies

1 COMMITTEE ON CONSUMER AFFAIRS JOINTLY WITH
2 COMMITTEE ON TRANSPORTATION

5

2 [sound check, pause]

3 [gavel]

4 CHAIRPERSON ESPINAL: Good afternoon. My
5 name is Rafael Espinal. I'm the chair of the
6 Consumer Affairs Committee. I'm joined by other
7 members of the committee who are not here yet, but we
8 are joined by many of the Transportation Committee.
9 Colleagues, do want to join me. (sic) We have
10 Carlos Menchaca. We have Carlos Menchaca from
11 Brooklyn, Donovan Richards from Queens. We have the
12 Chair of the Department of Transportation Committee
13 Ydanis Rodriguez. We have Antonio Reynoso, who's
14 part of the Transportation Committee as well,
15 Margaret Chin, and we have Debbie Rose. Today's
16 hearing will be--will be conducted jointly with the
17 Committee on Transportation. Together, the
18 committees will hold an oversight hearing on the
19 topic: How Can New York City Better Regulate the
20 Sightseeing Bus Industry. The committee will also
21 conduct its first hearing on three pieces of
22 legislation. All the bills are related to the
23 regulation of the growing sightseeing tour bus
24 industry in the City of New York. As early as--as
25 early as 1904, the first sightseeing vehicles

1
2 electrically powered observation automobiles took to
3 the city streets carrying tourists about the city.
4 These vehicles were a popular novelty that reached a
5 top speed of four miles per hour, and shared the
6 streets with horse drawn carriages—horse drawn
7 carriages on the streets. (sic) Since then, both the
8 tourist industry and the number of sightseeing buses
9 that have increased significant tourism is important
10 to the city's economy. In 2014, over 56.5 million
11 visitors came to—to New York City. Tourists spent
12 nearly \$41 million and—and supporting over 352,000
13 jobs. According to the reports, the number of
14 sightseeing buses tripled form 2003 to 2013 growing
15 from 57 vehicles to 197. According to the Department
16 of Consumer Affairs, there are currently eight buses
17 licensed to operate 237 sightseeing buses. The
18 city's road infrastructure has not changed
19 significantly in that time period. New York City is
20 the greatest city in the world, and we love our
21 visitors, but our city consists first and foremost of
22 our communities—of our communities. Our streets are
23 also shared by many users, children walking to
24 school, commuters—commuters cycling to work, people
25 just taking in scenery and many, many motor vehicles.

1
2 The increase in the number of large double decker
3 sightseeing buses on the road has contributed to
4 complaints and concerns regarding traffic congestion,
5 pollution and noise. The Council Has worked to
6 address these concerns fairly, taking into account
7 the needs of residents, tourists and the industry.
8 In 2005, the Council passed Local Law 41 requiring
9 sightseeing buses to employ the best available
10 technology to reduce these emissions. In 2010, the
11 Council responded to the noise complaints of
12 residents regarding the loud open air, public add-
13 address system used by tour guides to communicate
14 with their patrons; passed Local Law 15 requiring a
15 head phone emitted sound reproduction system.
16 Recently, there has been growing concerns regarding
17 traffic congestion as it relates to safety,
18 particularly in light of number-of the number of
19 disturbing high profile accidents involving tour
20 buses. On June 18, 2014, the sightseeing bus struck
21 an elderly woman in the West Village. She was
22 struck, and went under the vehicle's wheels suffering
23 critical injuries. In August of 2014, two
24 sightseeing buses collided in Times Square and at
25 least people were injured. All but one of the

1
2 injured were pedestrians. The driver of one of the
3 buses in the incident was arrested and charged with
4 driving while impaired. His driver's license had
5 been suspended 11 times previously. On July 3, 2015,
6 the sightseeing bus struck a man in Greenwich Village
7 pinning him beneath its wheels. On July 21, 2016, 13
8 people were injured aboard a sightseeing bus when a
9 mount (sic) did occur and crashed into a tree along
10 Central Park. The crash shut down Fifth Avenue for
11 five hours. The Council has an obligation to safety
12 of residents and tourists alike to examine this
13 matter seriously, and take reasonable steps to
14 prevent future occurrences. Among the bills being
15 heard today proposed Intro No. 529-A would establish
16 basic requirements for sightseeing bus drivers such
17 as ensuring a good driving record, a clean license
18 and prohibiting a driver from operating a sightseeing
19 bus for more than 12 hours during a 12-24-hour
20 period. The bill requires tour bus companies to
21 align their hiring practices accordingly. The bill
22 will also require the companies to inform the agency
23 of any accidents or traffic infraction-infractions
24 involving their tour buses within five days of the
25 incidents. Proposed Intro No. 713-A, which is

1 sponsored by Corey Johnson and requires sightseeing
2 bus companies to submit operating plans to the
3 Department of Consumer Affairs. These plans would
4 require authorizations from the City's Department of
5 Transportation and take into account traffic
6 congestion flow, and public safety. Intro No. 950
7 introduced by Margaret Chin would address congestion
8 and safety concerns. In addition to these bills, the
9 committee looks forward updates from the agencies on
10 this—on the disposition of 50 sightseeing bus stops
11 relinquished by Tour America as part of the anti-
12 trust suit settlement. The committee will hear from
13 agencies, and anticipates testimony from the
14 industry, affected businesses, its officials,
15 community leaders, and other interested—interested
16 parties. I would now like to invite my co-chair,
17 Council Member Ydanis Rodriguez to say a few words.

18 CHAIRPERSON RODRIGUEZ: Thank you,
19 Chairman. Good afternoon, and welcome to today's
20 hearing of the New York City Transportation
21 Committee. I'm Ydanis Rodriguez, Chair of the
22 Committee on Transportation. This is a joint hearing
23 together with the Committee on Consumer Affairs
24 chaired by Council Member Espinal. Today, the
25

1
2 committee will consider legislation relating to the
3 tourist-tourist sightseeing bus industry, and its
4 impact in our streets for each-for the 56 million
5 tourists visiting our city each year, and 5.-the 8.5
6 million New Yorkers, the sightseeing buses have been
7 a great way to travel throughout New York visiting
8 famous sights, and exploring our beautiful city. As
9 tourism has grown at a rapid pace over the past
10 decade so, too, have the sightseeing bus industry,
11 which has tripled. Today, there are 231 sightseeing
12 buses on our streets. They are often double decker
13 buses where tourists-tourists can easily hop on and
14 off at different stops throughout the city. They are
15 owned and operated by eight different companies
16 licensed by DCAS-by DCA and regulated by DOT and the
17 NYPD. However, despite this and the state oversight,
18 residents continue to feel that the industry can see
19 improvements. Safety concerns have proliferated
20 following several incidents that shed light on some
21 regulatory loopholes. In 2014, a sightseeing bus
22 crashed a car (sic) that injured 14 pedestrians.
23 Following this crash, the public learned that the
24 driver had 11 previous driving infractions to the
25 outrage of many including myself. This was one of

1
2 several crashes in the past three years involving
3 sightseeing buses that give this committee pause and
4 highlight the need for increased regulation from the
5 Office of the Licensing. This is why I joined Chair
6 Espinal in introducing legislation that year to
7 increase safety requirements for all drivers seeking
8 to be licensed to driver-to drive sightseeing bus.
9 Intro 529-Intro 529. There is no way a driver with
10 so many safety infractions for all the history of
11 unsafe behavior behind the wheel should be driving
12 visitors to our city on a large dangerous buses or
13 the 8.5 million new-resident New Yorkers. We also
14 have found that the city currently lacks the ability
15 to regulate the number of buses on our street as well
16 as where buses stop. This finding came out of a task
17 force involving elected officials, Manhattan
18 Community Board, city agencies and several business-
19 business improvement districts, concerned with the
20 impact of sightseeing buses. This is why we will
21 hear testimony on legislation relating to a cop-to a
22 cop on sightseeing buses. Intro 950, introduced by
23 Council Member Chin as well as the need for
24 additional information before receiving licensing
25 approval. Intro 713. These changes could also help

1
2 to avoid anti-trust concerns such as the ones raised
3 by a lawsuit against Tour America that they
4 monopolize bus stops and prevent access to other
5 companies from using them. This committee hopes to
6 get an update from DOT about where in the process
7 they are regarding the apportioning the bus stops
8 for-forfeit by Tour America as per rule adopted early
9 this year. We look forward to hearing testimony on
10 the proposal-on the proposed legislation from City
11 agencies as well as the wide variety-variety of
12 organizations and individuals. Before we begin, I
13 would also like to thank my committee staff, Counsel
14 Kelly Taylor; Policy Analyst Jennifer Messarano;
15 Gafar Zaaloff, and Andrew Rooney; Finance Analyst
16 Chima Obichere, as well as my Chief of Staff Rosa
17 Murphy. Now, I will turn it back to the Co-Chair,
18 the Chairman of Consumer Affairs, Rafael Espinal.

19 CHAIRPERSON ESPINAL: Thank you, Ydanis.

20 We also have been joined by David Greenfield from
21 Brooklyn. We have Rory Lancman from Queens who is
22 part of the Consumer Affairs Committee. We also have
23 Karen Koslowitz from the Consumer Affairs Committee,
24 and behind us we have Jimmy Van Bramer and Jimmy
25 Vacca. I'd like to now to give-I'd like-I would like

1
2 to give Margaret Chin a chance to speak on her on her
3 bill.

4 COUNCIL MEMBER CHIN: Thank you, Chair.
5 Good afternoon. I'm Council Member Margaret Chin.
6 I'm excited to join the Chair of the Committee on
7 Consumer Affairs, Council Member Rafael Espinal and
8 the Chair of Transportation Committee Council Member
9 Ydanis Rodriguez on a hearing about sightseeing tour
10 bus. I want to thank the two chairs for holding the
11 hearing on a top that affects so many residents not
12 only in Lower Manhattan, the district that I
13 represent, but in many different parts of our
14 increasing congested city. As council member for
15 District 1, I represent some of the most visited tour
16 sites in our city including Washington Square Park,
17 NoHo, SoHo, the Historic Battery, Wall Street and
18 Chinatown. In 2014, 56.5 million visitors came to
19 New York City to visit, shop and eat and increase the
20 more than 60 million people in just ten short years.
21 Similarly, the number of sightseeing tour buses have
22 tripled between 2003 and 2014. Visitors to
23 historic neighborhoods bring much needed revenue and
24 vitality to our city. We welcome them, and hope they
25 continue to make our city the top tourist destination

1
2 in the world. However, the concerns of lifelong New
3 Yorkers living in tourist hotspots must be heard and
4 addressed by this City Council. It is these New
5 Yorkers that have to deal with sightseeing tour buses
6 crowding their streets, polluting their air, and
7 creating a safety hazard for pedestrians. While
8 having one bus coming down Broadway every so often
9 isn't a problem. It is an issue when four, five or
10 six near empty bus-buses clog up the streets spilling
11 obnoxious fumes through our residents' windows. The
12 trend of sightseeing tour bus, serving an under-
13 filled rolling billboard, needs to be explored and
14 addressed. I look forward to hearing more about this
15 issue especially at this hearing today. Intro 950,
16 legislation I introduced with Manhattan Borough
17 President Gale Brewer will limit the number of
18 license plates that the DCA can issue to sightseeing
19 buses to 225. This sensible limit will accommodate
20 our city's vital tourism industry while addressing
21 the concern of residents. Once again, I want to
22 thank our Chair and I look forward to hearing from
23 DCA, sightseeing tour bus operators and members of
24 the public. Thank you.

1
2 CHAIRPERSON ESPINAL: Thank you,
3 Margaret. I would also like to give thanks to my
4 committee staff Lobany (sp?) and Izzy for all the
5 work they did to put this together. So we're going
6 to call up the first panel. We have Amit Bagga from
7 DCA, Deputy Commissioner. We have Alba Pico, the
8 First Deputy Commissioner from DCA. We have Tamala
9 Boyd from DC—Jennifer Compton (sic) from DCA. We
10 have Casey Adams, the Deputy Director of Legislative
11 Affairs for DCA and we have Mary Cooley, Assistant
12 Commissioner of Legislative Affairs for DCA. Can you
13 please raise your right hands and take the—so I can
14 administrate it to you, and we have DOT. [background
15 comments, pause] Give me one second. I know we also
16 have DOT at—at this table. I want to get all these
17 things right. [background comments, pause] Thank
18 you. So we have from DOT Margaret for—I'm sorry.
19 Forgive me if I mispronounce your name, Forgione, the
20 Chief Operations Officer. Then we have Jenna—Jenna
21 Adams, Director of Legislative Affairs, and we have
22 Alex Keating as well. Thank you. Sorry about that.
23 So can you please all raise your right hand and we're
24 going to administer the oath. Do you affirm to tell
25 the truth, the whole truth and nothing but the truth

1
2 in your testimony before this committee, and to
3 respond honestly to council member's questions?
4 Alright, thank you. You may begin.

5 MARGARET FORGIONE: [off mic] Good
6 afternoon, Chairs [on mic] I'll try it one more
7 time. Here we go. Good afternoon, Chairs Rodriguez
8 and Espinal and members of the Committees on
9 Transportation and Consumer Affairs. My name is
10 Margaret Forgione, Chief Operations Officer of the
11 Department of Transportation. I am joined by Alex
12 Keating, Director of Special Projects for
13 Transportation Planning and Management, and Jenna
14 Adams, Director of Legislative Affairs. Thank you
15 for the opportunity to testify on the important topic
16 of regulation of the sightseeing bus industry in New
17 York City. As you know, the New York City Department
18 of Transportation and the Department of Consumer
19 Affairs share responsibility for regulating
20 sightseeing bus companies in New York City. This
21 reflects the need to protect customers' rights as
22 well as manage these companies authorized use of our
23 curbsides. For the last six years, New York City has
24 attracted record numbers of tourists. Last year,
25 nearly 60 million people visited the city, and 2016

1
2 estimates show even more visitors this year. We are
3 fortunate that New York is a destination across the
4 country and the world. Tourists come to experience
5 our wonderful city and fuel our economies with to the
6 tune of over \$40 billion in funding each year
7 supporting more than 360,000 jobs. New York City's
8 population of 8.5 million also continues to grown and
9 we are experiencing an employment and construction
10 boom. We a continued duty to maximize growing(sic)
11 mobility as more people choose to live and work in
12 New York City. As of now, we are facing decreasing
13 travel time in Manhattan's Central Business District.
14 The average traffic speeds in Manhattan were 8.2
15 miles per hour in 2015 compared to 9.4 miles per hour
16 in 2010. With an unprecedented number of residents,
17 commutes and tourists, we are—we all need to move on
18 our limited road space and mass transit systems. At
19 the same time as our recently released Five-Year
20 Strategic plan makes clear, we are urgently moving to
21 more sustainable transportation options. Therefore,
22 we continue to manage our streets for efficient modes
23 of transportation such as travel by foot, bus or
24 bicycle. Not only are our streets crowded, but so
25 are our sidewalks. Many of our dense and bustling

1 neighborhoods and commercial corridors are now packed
2 with pedestrians. Every inch of sidewalk space is
3 not only incredibly precious for pedestrians, but
4 also for other continuing uses, loading and unloading
5 at the curb, street furniture such as newsstands and
6 bus shelters as well as other sidewalk amenities.

7 Addressing challenges created by a surge of
8 pedestrians at iconic locations in our already
9 crowded city has been a focus for DOT recently.

10 Whether we look for solutions to crowds on the
11 Brooklyn Bridge Promenade or we construct pedestrian
12 slow zones through Times Square. For all of those
13 reasons, DOT recognizes the need to better regulate
14 the sites in the bus industry. While the number of
15 licensed buses has fluctuated under 200 in recent
16 years, we have seen the number of licensed buses grow
17 into 237 as of today. While this is not a large
18 number relative to our total road users, sightseeing
19 buses are large vehicles with significant curb use
20 impact. When they are traveling through the streets
21 in the busiest, densest parts of our city's central
22 core, and overlapping with transit operations
23 impacts. Currently, a handful of companies offer
24 double decker tour buses that allow passengers to hop
25

1 or off at designates stops providing transportation
2 between points of interest on their already
3 information dock sites along the way. Another
4 company also provides guided sites in entertainment
5 in specialized touring and seating buses. DOT
6 requires all companies requesting authorization for
7 bus stops to provide the proposed schedule
8 information. Once a stop is authorized, DOT requires
9 timely updates of any changes to their schedules and
10 ownership. However, the information provided is
11 limited, and rarely updated. Accordingly, we know
12 relatively little about actual schedules, durations
13 and stops, if buses are stopping in unauthorized
14 locations and numbers of buses on the streets at any
15 given time. To learn more about the industry, DOT
16 recently collected data at 14 locations monitoring
17 over 1,200 sites seeing bus arrivals and departures.
18 We found that most stops average about four to nine
19 buses per hour. Peak sightseeing operations take
20 place are needed to move at 4:00 p.m. each day and
21 start to steadily drop off later in the day. During
22 peak times we saw double running, when companies
23 utilize two buses for every one that is scheduled to
24 stop, and arrival streets and season in excess of the
25

1
2 schedule submitted for authorization. While two-
3 thirds of buses were observed loading unloading
4 passengers within three minutes or less, 17% stayed at
5 the curb for more than ten minutes. In the data, we
6 saw examples of good actors at major destinations
7 expeditiously loading and unloading passengers as
8 required by our traffic rules. We also saw examples
9 of stops with problems. Here at Park Row next to
10 City Hall, which is most of you are quite familiar
11 with, averaged about nine buses an hour and peaked at
12 15. One-fifth of buses obstructed the a travel lane,
13 and nearly a quarter blocked a crosswalk. This is
14 one of the busiest locations for sightseeing buses in
15 the city, and often sees the frequency of buses that
16 is double what is authorized by DOT. At Seventh
17 Avenue and 47th Street in Times Square, which
18 averaged six buses an hour and peaked at seven,
19 nearly two-thirds of buses stayed at the curb for
20 more than ten minutes. A quarter of the buses
21 obstructed a travel lane, and half contributed to
22 sidewalk crowding. On the other hand, we saw an
23 efficient—an example of efficient loading at the
24 Metropolitan Museum of Art. Eighty-nine percent of
25 buses loaded and unloaded in one minute or less, and

1 all did so in less than ten minutes. Observations of
2 this stop also demonstrated frequent use by bus
3 companies not designated to stop there, a fairly a
4 common occurrence not unique to this location. DOT's
5 Bus Stop Management Unit receives requests from
6 multiple types of bus operators seeking permission
7 for loading and unloading customers. This includes
8 MTA buses, intercity buses such as Microbus and Bolt,
9 public transportation buses such as New Jersey
10 Transit as well as sightseeing buses. For each bus
11 stop request, DOT requested the conditions at the
12 particular locations. They comprehensively
13 considered traffic patterns and existing traffic and
14 curb regulations. If the request is for a bus stop
15 location utilized by another operator such as the
16 MTA, we will assess whether the new proposed stop can
17 be accommodated in addition to the current usage.
18 DOT may decide to deny a bus stop request for reasons
19 including narrow sidewalks, likelihood of disrupting
20 traffic, potential pedestrian congestion or loss of
21 parking in commercial loading areas. Also, proximity
22 to hospitals, fire stations and police stations are
23 avoided so as not to interfere with emergency
24 vehicles. Curb regulations and street use are always
25

1 changing, but under current conditions, there is
2 little remaining curb space in the immediate vicinity
3 of the most popular tourist locations in Manhattan,
4 which have the highest demand for stops from
5 sightseeing bus companies. DOT regularly rejects
6 stops—do the stop request due to capacity issues of
7 these heavily used locations. Certainly, many
8 locations throughout the city do have capacity for
9 sightseeing operations. In fact, at the request of
10 Borough President Adams, our Bus Stop Management Unit
11 recently worked in collaboration with sightseeing bus
12 companies to collectively identify new sites and bus
13 locations in Brooklyn. This resulted in adding new
14 sites and buses near Barclay Center and the Brooklyn
15 Museum, and these operations began this past July.

17 Turning to the legislation before the
18 Council today, amendments to the laws, Intros 713-A
19 would mandate a sightseeing bus company first have
20 authorizations from DOT for their bus stops before
21 receiving and operating a license from DCA. DOT
22 strongly supports these proposed changes, and we
23 would like to thank Council Member Johnson for his
24 partnership on this bill. Currently, sightseeing bus
25 operators can be granted DCA licenses without

1 receiving approval from DOT for their proposed taxi
2 schedule. This leads to buses on the street
3 utilizing unauthorized stops in city MTA bus stops
4 locations authorized for other companies or curb
5 locations with no authorized bus stop. Under Intro
6 713-A, the process for assigning stops would be
7 similar to our process for assigning intercity bus
8 stops including a community board consultation
9 process. Combined with strong enforcement this
10 change would help ensure that DOT can effectively
11 authorize bus stops in a coordinated manner and
12 prevent oversaturation. Another step to encourage
13 compliance for sightseeing buses would be to raise
14 fine amounts for violations by sightseeing buses.
15 Raising fines to equals to those—and use those for
16 intercity buses may be a good place to start. DOT
17 should also be authorized to promulgate violations
18 codes specifically tailored to problem activities for
19 sightseeing buses. Consistent reporting of stop
20 locations and activities are needed to improve
21 monitoring and enforcement of sightseeing bus curb
22 use. It is very likely sightseeing bus operators
23 already collect GPS location information as to
24 provides the use in fleet management. That data has
25

1 led to DOT to more accurately understand and describe
2 conditions on our roads as well as the impact of
3 sightseeing buses at key locations by showing where
4 buses are actually traveling and stopping. Location
5 information could also highlight certain types of
6 unauthorized activities to help target enforcement.
7 In addition, DOT currently make use of cameras,
8 limited use of cameras to collect information about
9 activity at sightseeing bus locations to assess
10 current conditions. Cameras can show information
11 about activity at the curb not shown by location data
12 alone, such as whether buses are actively loading and
13 unloading passengers. Regarding Intro 950, we
14 believe the intent of the proposal is to limit
15 sightseeing buses on our busier corridors and in the
16 few heavily impact neighborhoods, not to ban
17 sightseeing bus activity across the entire city. We
18 understand the impulse to institute a cap, but do not
19 want to discourage competition for new entrants into
20 the market or prevent those in outer boroughs. At
21 the same time, however, we agree that we should
22 manage the impact of sightseeing buses to prevent
23 problematic curb uses and make sure that certain
24 areas of the city are not oversaturated. DOT
25

1
2 supports steps including those in Intro 715-A to
3 strengthen DOT's role in regulating stop placements,
4 and allow us to better monitor curb use. Combined
5 with robust enforcement, this may be the most
6 effective way to ensure that our streets are not
7 overburdened. Finally, I will defer to my colleagues
8 of the Department of Consumer Affairs to address
9 Intro 529. Thank you for the opportunity to speak
10 today on sightseeing buses regulation in New York
11 City and the proposed legislation. I look forward to
12 answering questions after testimony from my DCA
13 colleague.

14 CHAIRPERSON ESPINAL: Thank you. Before
15 we continue, I'd like to give my colleague Corey
16 Johnson a chance to read some testimony. [laughter,
17 pause] And can I also ask everyone to please put
18 their cell phones on silence?

19 COUNCIL MEMBER JOHNSON: [off mic] Thank
20 you-- [on mic] Thank you Chair Espinal and Chair
21 Rodriguez and the Committees on Transportation and
22 Consumer Affairs for considering Introduction 713-A,
23 and for giving me this opportunity to speak before
24 you today. One of the most common complaints that I
25 get from constituents, and I know that I'm not the

1
2 only council member who has receives these complaints
3 is the preponderance of large commercial sightseeing
4 buses barreling down small residential streets
5 contributing to quality of life concerns,
6 deteriorating our street conditions, pedestrian
7 safety issues and air pollution. In light of these
8 important concerns, and as there are commercial
9 vehicles, sightseeing buses should be subject to
10 rules that are consistent with its usage and with the
11 problems that it poses. If a company is going to put
12 a business on wheels, and send it down the streets of
13 New York, our city government has the right to know
14 where it will be operating. This legislation is
15 going to bring accountability to this industry and
16 relief to countless New Yorkers by requiring the
17 Department of Transportation to authorize all stops
18 on sightseeing buses' route. Among the factors that
19 DOT will consider in the support process are concerns
20 for traffic, bicycle and pedestrian flow, public
21 safety, input from the relevant community board, and
22 the viability of the route as determined by the
23 Department of Transportation. All of us readily
24 accept that sightseeing buses are an important part
25 of tourism in New York City. That fact does not

1 exempt this industry from practical rules that
2 protect the community from its deliterious effects.
3 This legislation is a sensible compromise, one that
4 allows sightseeing bus companies to operate as they
5 have been in the past while introducing a new level
6 of transparency, accountability and predictability
7 that has been missing for far too long. I'd like to
8 thank Commissioner Polly Trottenberg and Commissioner
9 Margaret Forgione, and the staff of the Department of
10 Transportation for including this measure in their
11 Strategic Plan that they just released, and for their
12 testimony today. I want to thank DCA for being here
13 to give their input, and I want to thank you Chair
14 Espinal and Chair Rodriguez who—and everyone else who
15 has co-sponsored this legislation with me. I further
16 want to thank Council Member Margaret Chin who has
17 been a leader on this important community issue, as
18 well as the community boards in my district that have
19 taken a stand on this, Manhattan Community Boards 2,
20 4, 5, and 7 for being on the front lines of this
21 issue everyday. Thank you for the opportunity to
22 read an opening statement.
23

24 CHAIRPERSON ESPINAL: Thank you, Corey.

25 The panel may continue. [pause]

ASSISTANT COMMISSIONER COOLEY: [coughs]

Good afternoon, Chairman Espinal, Chairman Rodriguez and members of the Committees on Consumer Affairs and—is it on? [pause] Good afternoon, 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 colleague 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 Introduction 529-A, 713-A and 915, which would introduce new regulations and alter existing regulations with respect to the sightseeing bus industry in New York City. DCA's mission, which we 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—to protect workers in New York City. The agency

1
2 licenses approximately 81,000 business across 55
3 different industries, medicates complaints between
4 consumers and businesses, conducts control
5 inspections and legal investigations, and educates
6 business about laws and rules. In addition to this
7 licensing and customer protection, DCA offers the
8 Office of Financial empowerment, the first local
9 government initiatives in a nation aimed expressly at
10 educating, empowering and protecting those of low
11 incomes. We appreciate the opportunity to be here
12 today with our partners in the New York City
13 Department of Transportation to discuss the proposed
14 changes to the regulation of the sightseeing bus
15 industry. As our colleagues have testified, the
16 sightseeing buses industry plays a vital role in
17 supporting our city's blooming tourist economy, and
18 we share a collective goal ensuring that industry can
19 thrive. We believe that some the proposals being
20 discussed today will help bring sensible regulations
21 to this industry. First, we will discuss Intro 529-
22 A, a bill related to safety standards for sightseeing
23 bus drivers. Given that these larger buses with many
24 passengers are challenging to maneuver through the
25 New York City Streets, DCA supports the Council's

1
2 proposal to ensure that sightseeing bus companies
3 employ safe and qualified drivers. DCA commends the
4 Council for taking the steps to for the first time
5 introduce standards that sightseeing bus companies
6 must comply with in the process of hiring drivers
7 into our administrative code. Specifically, Intro
8 529-A would mandate that sightseeing bus drivers
9 possess a valid commercial driver's license, a
10 provision that would require drivers to comply with a
11 host of attendant federal and state regulations meant
12 to ensure drivers meet a high standard for safety.
13 Some companies in the industry might already require
14 that their drivers hold these type of licenses, but
15 as safety is paramount, it is critical that the
16 standard become an exclusive requirement for
17 sightseeing bus drivers. As our preliminary and-and
18 research into certain standards proposed in the bill
19 indicates, there might be some discrepancy between
20 these standards and existing state and federal
21 standards. We would very much appreciate the
22 opportunity to work with the Council, the Law
23 Department and all of relevant agencies to develop
24 standards that are consistent with federal and state
25 standards, and that the Council and the

1
2 Administration feel they are sufficient to ensure the
3 safe to pricing bus packages. (sic) Because this
4 provision better enables DCA to meet our regulatory
5 obligations, we also support the requirement that
6 licensees promptly notify the agency about any
7 traffic incidents involving their buses. So as to
8 further ensure that the agency is equipped to fulfill
9 these obligations, we respectfully suggest that
10 companies also be required to provide information
11 about their driver's involved in the incidents so
12 that we can cross-check this information with roster
13 of employees the company has provided. Additionally,
14 even though it would not be required by the bill, it
15 would be very easy for bus companies to comply by
16 registering for the Licensed Event Notification
17 system or service, rather. It's commonly known as
18 LEN, administered by the New York State Department of
19 Motor Vehicles in order to receive notification as
20 soon as one of their drivers is involved in an
21 incident while operating a sightseeing bus, or their
22 own private motor vehicle. This will enable
23 sightseeing companies to better monitor the conduct
24 of all their drivers to ensure the safety of their
25 customers. In order to ensure that DCA can properly

1
2 enforce the provisions of the bill and conduct any
3 necessary investigations, we would like to
4 respectfully recommend three additional minor
5 revisions—two minor revisions. First, sightseeing
6 bus companies should certify that all employees on
7 their roster of drivers meet the employment criteria
8 and comply with Federal Motor Carrier Safety
9 Administration regulations for commercial driver's
10 licenses. Second, DCA would like to require that
11 pricing bus companies maintain records sufficient to
12 demonstrate compliance with the safety requirements
13 for-for drivers, and that they be required to produce
14 such documents upon DCA's request. Third, DCA would
15 prefer to be notified of any crash or traffic
16 infraction immediately rather than within five days,
17 in order to request documents from the company to
18 verify compliance with the provisions of their
19 license. We will now turn to Introduction 713 and 950
20 related to the number and operation of buses in our
21 streets. Both Intro 713-A and Intro 950 seeks to
22 bring a much needed balance to the way sightseeing
23 buses interact with other users of New York City
24 streets and sidewalks. In light of some operational
25 issues that would be caused if Intro 713-A and 950

1
2 were enacted together, DCA would like to further
3 discuss a licensing system that would address
4 concerns about safety and congestion without
5 hindering the growth of small companies. Before we
6 discuss the data on sightseeing bus companies and—and
7 buses, we should note that our historic information
8 on sightseeing bus licenses is not comprehensive
9 because for many years, our database was designed to
10 override any prior bus roster information. We have
11 since maintained as far as system beginning—capturing
12 the over—overwritten—the information, and we have
13 gathered as much data from our archives as possible
14 for the hearing today. We think that that data we
15 have assembled, which—which includes historic
16 snapshots of the industry over the past decade will
17 provide some insight into how sightseeing bus
18 industry has evolved over the years. DCA currently
19 licenses eight sightseeing bus companies, which
20 operate a total \$237 buses. The number of licensed
21 companies and the number of buses has fluctuated over
22 time from 19 companies and 125 buses in 1991 to 33
23 companies and 349 buses in 1997 to 11 companies and
24 167 buses in 2008. From the data we have available
25 between 1991 and 2016, the average number of licensed

1
2 companies is 21, and the average number of buses is
3 243. Intro 713-A, which would require the
4 sightseeing bus companies to seek authorization for
5 on-street stops from DOT before applying for their
6 DCA license, would result in an organic sealing on
7 the number of buses operating in particular
8 locations. As we all know and as our colleagues in
9 DAC have testified, there are many instances in which
10 license pricing bus companies stop at certain
11 locations where they are not authorized to stop.
12 Based on complaints anecdotal information we have
13 received from residents of different communities,
14 community boards and elected officials, this has
15 created a variety of issues with respect to
16 congestion as well as vehicular and pedestrian
17 safety. One key reason for the challenges described
18 today is the pricing bus companies are licensed to
19 operate by DCA and, therefore, may begin offering
20 tours before DOT has had a chance to determine the
21 appropriateness of their operations, and assign them
22 on street stops. Intro 713-a would join and
23 streamline what are currently independent review
24 processes, and ensure that only companies whose
25 operations and stop locations are approved by DCA-DOT

1
2 will be eligible to receive a DCA license. DCA would
3 like to note that permanently limiting the number of
4 plates of proposed Intro 950 would have the contents—
5 consequence of granting a particular company or
6 handful of companies an unfair advantage over new
7 entrance into the market. New and smaller companies
8 would not have the flexibility to grow, and the
9 dominant positions of larger companies would be
10 locked in. Indeed, if the number of busses were
11 fixed permanently today, the largest company, Gray
12 Line, would be able to operate 93 buses while the
13 smallest company, Experience the Ride, would only be
14 able to operate four buses. While DCA certainly
15 reports the crafting of the policies to manage the
16 number of buses on streets, we would like to just
17 further discuss the mechanics of imposing a limit on
18 the number of buses in a way that is fair for small
19 and larger operators, particularly with ensuring a
20 thriving marketplace essentially for our mission
21 statement. Further consultation with the Law
22 Department regarding the process for distributing
23 fairly and easily under such a cap would also be
24 necessary. Thank you for the opportunity to testify
25 today. We look forward to continuing to work with

3 the Council on the proposed legislation, and I'm
4 happy to answer any questions.

5 CHAIRPERSON ESPINAL: Well, thank you so
6 much for your testimony. Again, as you know, I
7 introduced 529-A because I had--my major concern was
8 public safety. But I want to make sure that every
9 pedestrian and every cyclist feels safe when they are
10 side-by a bus or crossing the street and there's a
11 bus at--at the stop light or the stop sign. So
12 looking at your recommendations, we welcome those
13 recommendations. I'm going to work with the
14 committee to see how we can incorporate them into--
15 into the bill. Yes, my--my one question is--is--is DCA
16 not able to change the--the rules without any
17 legislative action?

18 ASSISTANT COMMISSIONER COOLEY: We would
19 be changing the requirements for the--the licensing
20 requirements for the sightseeing bus companies, so it
21 would require an administrative change.

22 CHAIRPERSON ESPINAL: Okay, because, you
23 know, just--just thinking about how long--

24 ASSISTANT COMMISSIONER COOLEY:
25 [interposing] Administrative approach change. (sic)

3 CHAIRPERSON ESPINAL: Thanking about how
4 long this industry has—has been in the city and how—
5 there hasn't been any real regulatory change—
6 regulatory changes in so many years in so many years,
7 I guess —I guess so a lot of these changes have to
8 happen through legislative action?

9 ASSISTANT COMMISSIONER COOLEY: Yes.

10 CHAIRPERSON ESPINAL: Okay. We also
11 noticed that in the past there were 21 bus companies,
12 and now it stops at eight. Is there a reason why—why
13 the number or why is there such—big discrepancies in
14 those numbers? [pause]

15 DEPUTY COMMISSION BAGGA: Thank you,
16 Chair Espinal. Yes, and what we can say is that over
17 time there have actually been different numbers of
18 bus companies that are operating within this industry
19 in New York City. So the number as we understand it
20 in the recent past was as high as 43 in 1993. It is
21 now eight, as you've mentioned. While I cannot speak
22 directly to the immediate reasons for why the number
23 is now smaller than what it once was, this is a type
24 of industry where generally speaking the barrier to
25 entry is high. Purchasing and operating a
sightseeing bus is certainly not an easy or

3 inexpensive thing to do. It would require a
4 relatively large investment, and I would imagine that
5 that is part of the reason why there isn't--there
6 aren't more companies in the marketplace right now.

7 CHAIRPERSON ESPINAL: I'm going to pass
8 it to my--Ydanis for--for a second.

9 CHAIRPERSON RODRIGUEZ: How--how important
10 is it both in this case the sites in both industries
11 for the two regions in New York City? How many--based
12 on information that the industry has shared with you
13 like how many--what is the number of people that have
14 used? Besides some buses, what is the average per
15 year? How important are they for New York? You
16 know, especially tourism throughout the five borough
17 mainly through the Midtown area?

18 ASSISTANT COMMISSIONER COOLEY: Yes, so
19 we don't have specific, the sightseeing buses
20 directly. We just have the overall tourism numbers
21 that I mentioned in my testimony.

22 CHAIRPERSON RODRIGUEZ: What--what is the
23 average number that we see today?

24 ASSISTANT COMMISSIONER COOLEY: So we
25 have, you know, the big--in this big picture we have
60 million visiting the city in a year, and that

2 gives us about \$40 billion in spending, and supports
3 350,000 jobs.

4 CHAIRPERSON RODRIGUEZ: How many jobs?

5 ASSISTANT COMMISSIONER COOLEY: 350,000,
6 the whole tourism industry.

7 CHAIRPERSON RODRIGUEZ: Yeah, but I'm--

8 ASSISTANT COMMISSIONER COOLEY:
9 [interposing] Right.

10 CHAIRPERSON RODRIGUEZ: --I'm more--I'm
11 coming from--in place where, you know, I think that
12 they--we always have to aim to make our city safer.
13 Everyone has to be more accountable, but I'm also
14 coming from recognizing the contribution of every
15 sector, and I know that in order to move, you know,
16 our city especially the tourism population, that this
17 is like a part of the interest. Like it's very
18 important. So, my--when you--when we look at the
19 numbers like what is the average or number of tourism
20 that use those buses per year?

21 ASSISTANT COMMISSIONER COOLEY: Well,
22 we'd--we'd have to talk probably to NYC and Company to
23 get more specific.

24
25 CHAIRPERSON RODRIGUEZ:

1
2 DEPUTY COMMISSION BAGGA: And—and
3 respectfully, Chairman, I—I do see that the—the
4 sightseeing bus industry is represented here today.
5 They perhaps might be able to answer your question
6 more directly.

7 CHAIRPERSON RODRIGUEZ: I get it, but I
8 just say if we're done, you know, we as a city should
9 be able to collect those data, those information,
10 but, you know, I leave it to ask the question for—for
11 them when they come in front of us. When it comes
12 to—well, Commissioner what you share from the DOT
13 perspective saying that Seventh Avenue and 47th
14 Street, they're spreading that—all the information
15 that the agency has been able to collect based on
16 what the industry has been able to report to you
17 guys. There's like two different experiences when we
18 compare the 47th and 7th Avenue an the Metropolitan
19 Museum. So what is the difference on those who say
20 why? What are the—the factor of why, you know, the
21 time for loading and loading and it's sure that the
22 Metropolitan Museum compare to the 47th and 7th
23 Avenue. What has to be improve in order to learn
24 from what happened at the Metropolitan Museum so that
25 we can say we should be able to work in the industry,

1
2 and it's told you, and puts as a new initiative in
3 order to, you know, learn from what happened at the
4 Metropolitan Museum?

5 ASSISTANT COMMISSIONER COOLEY: Right, my
6 sense of it is that buses that are stopping at the
7 Metropolitan Museum are on a mission. They're
8 quickly going through to get to more important
9 tourists locations probably in that they—they're—
10 they're putting the bus in Times Square. They have a
11 lot of visibility in Times Square. It's probably the
12 top tourist attraction in the city. So I think the
13 fact that as the dwelling time and the laboring time
14 in Times Square is greater, it really just reflects
15 the surroundings at that location.

16 CHAIRPERSON RODRIGUEZ: When we—now let's
17 look at drivers like what—what—what is it—what are
18 the—the—what is the recruitment process for a tour
19 bus driver in order to be hired by one of those
20 companies?

21 DEPUTY COMMISSION BAGGA: So I think the—
22 the sightseeing bus companies would be able to speak
23 more directly to what their recruitment processes are
24 like. What we can share is that to operate a vehicle
25 with 15 or more passengers you deemed to have a

3 commercial driver's license. I would imagine that
4 the sightseeing bus companies are hiring drivers with
5 commercial driver's licenses.

6 CHAIRPERSON RODRIGUEZ: Fine and in order
7 for them to get a license approved by Consumer
8 Affairs and DOT, I assume that they have to—the
9 drivers that they employ have to have certain—there
10 has to be a certain correctivity in place.

11 DEPUTY COMMISSIONER BAGGA: So we
12 currently—the law does not provide for DOT or DCA
13 checking for what the criteria are at this time that
14 you mentioned and the criteria that you mentioned.

15 CHAIRPERSON RODRIGUEZ: What—what is the—
16 say the record of sightseeing buses, and how many
17 accidents involving sightseeing buses have been
18 recorded in the last year, in the last two years and
19 in the last five years?

20 ASSISTANT COMMISSIONER COOLEY: Well,
21 the—the safety enforcement is primarily done by New
22 York State Department of Transportation. They
23 conduct the inspections of the buses. DCA does not
24 conduct any inspections with respect to—to safety.
25 The sightseeing buses actually do not have a—a high
26 accident record. I'll pass it—pass it along to my

3 colleague, Alex, who will elaborate a little bit on
4 that.

5 CHAIRPERSON ESPINAL: I'm sorry, when-
6 when you guys are speaking, can you turn off-if you
7 guys have both mics on, we get feedback. Thank you.
8 Thank you guys.

9 ALEX KEATING: Sure. So, as to your work
10 that I mentioned, we don't see that this is any-it
11 has a-it's a really high or higher or lower safety
12 implications than any other large vehicle strictly on
13 the streets. There's been a lot of mention already
14 in the testimony about other incidents. Obviously
15 when these large vehicles do get into an accident or
16 a crash like the one described near Central Park Zoo,
17 it's a high profile incident, and it's-it's observed
18 within the maze. Ultimately, the-I think the other
19 important piece of information here is that while
20 sightseeing bus are not physically coded in-in
21 incident reports by the PD necessarily so we-there
22 could be some missed information there, and
23 technically, we're not always seeing the associated
24 incidents where cyclists and/or vehicles are forced
25 to go into traffic to avoid a bus that may be
partially or fully blocking a lane. But as you

3 mentioned before, the--the incident rates are--are
4 relatively low.

5 CHAIRPERSON RODRIGUEZ: But if--if one of
6 those buses are--crashed, I would assume that the NYPD
7 is the one who gets those data, right?

8 ALEX KEATING: [pause] That's correct.

9 CHAIRPERSON RODRIGUEZ: So what is it--do
10 we have the data on how many crashes? And again, it--
11 it can--I have two daughters, and my standards for me
12 and the city as I have the standard for my two
13 daughters. So for me, I don't care if it's like a,
14 you know, three crashes a year, one is enough. So do
15 we have those data on how many, you know, what is
16 the--

17 ALEX KEATING: [interposing] That's
18 right.

19 CHAIRPERSON RODRIGUEZ: --the report that
20 we have?

21 ALEX KEATING: So, as--as, as we
22 understand it, right now we have 12 years. We have
23 79 injuries and just one fatality that are attributed
24 directly to the sightseeing bus industry.

25 CHAIRPERSON RODRIGUEZ: [pause] You just
said that it is New York City Department of

1
2 Transportation who collects some of those data, but
3 does the department they stay-stay communicated with
4 the city? Does the State pass this information or
5 this is something where was a city we don't have a
6 mechanism to know what access to those reports?

7 DEPUTY COMMISSIONER BAGGA: So I think
8 the reports or the data that my-all the information
9 that New York State DOT does collect that my
10 colleagues mentioned was with respect to the overall
11 safety inspection of the buses themselves. In order
12 for DCA to issue a sightseeing bus license, every bus
13 must have a plate to-a certificate a bus-bus-bus must
14 have excuse me, of the New York DOT inspection. With
15 respect to the number of the accidents I think that's
16 something that our colleagues from DOT might have
17 more information about.

18 ASSISTANT COMMISSIONER COOLEY: Yes. So
19 we do have accident-access to all the accident data
20 from the State.

21 CHAIRPERSON RODRIGUEZ: I just think that
22 it's important. If you don't have it right now to
23 share with us like a breakdown on where-where was the
24 city, you know, on the last and the current. I mean,
25 as you know, this is something that we've been making

3 all sectors accountable from livery to yellow to
4 green to black car. Everyone have been making
5 accountable. You know, we need to have those reports
6 in order to be able to say do we have to keep the
7 same policy, or should we make some changes when it
8 comes to making a certain industry more accountable
9 especially when it comes to Vision Zero.

10 ASSISTANT COMMISSIONER COOLEY: Yes. So
11 we will follow up with that information, but we do
12 know that it is low, but we will get you the details
13 on that.

14 CHAIRPERSON RODRIGUEZ: What—what have to
15 be done in order to get those buses that they are
16 parked without permits to be accountable? Like are
17 they doing that because we as a city have failed by
18 not having a system in place with a—with a specific
19 timeframe that we can say here there's opportunity,
20 you know, or to provide the license that we've been
21 requesting for to be able to stop and—stop in a
22 particular location? Are we in front of a—in a
23 situation where we have seen like, you know, like a
24 anti-trust concern that we can say that's a like a
25 particular group that they have not been open to

1
2 other—to share those things? Like how serious is
3 that problem?

4 ASSISTANT COMMISSIONER COOLEY: Unlike
5 the intercity buses, the intercity buses have a
6 pretty rigorous fine system that we developed as part
7 of a permitting system for them. So an intercity bus
8 that commits an infraction can get a summons between
9 \$500 and \$2,500. We do not have that for the
10 sightseeing bus industry. So if the sightseeing bus
11 industry is doubled parked, for example, they would
12 get a traffic or a parking infraction. They would
13 get a \$115 summons. So that's a very key factor for
14 us keeping up the enforcement for this industry.

15 CHAIRPERSON RODRIGUEZ: How much is the
16 fine for—and I will give it back to my Chairman and
17 the other colleagues. How much is the fine for the
18 bus drivers who driver—who gets his bus driving
19 through the—hopefully they drive, in an area that is
20 not—it's dangerous condition that is the city
21 position. Like those buses that they get into the—
22 the drive to cut traffic, getting around 50th Street
23 and going and driving up to George Washington Bridge?

24 ASSISTANT COMMISSIONER COOLEY: Yes, so
25 you're talking about a vehicle on a road. It's not

1
2 supposed to be on. I don't know that the PDA
3 violation and the corresponding fine that would go
4 wit that off hand.

5 CHAIRPERSON RODRIGUEZ: Okay, and I will
6 zero because I drive daily that way, the area, and
7 if-if-if we would be enforcing, we would not see that
8 number of buses like driving in the area that they
9 are not supposed to.

10 ASSISTANT COMMISSIONER COOLEY: Uh-huh,
11 uh-huh. Okay. So and just to clarify, they would
12 need authorization from the Council to create the
13 fine structure for sightseeing buses.

14 CHAIRPERSON RODRIGUEZ: Thank you.

15 DEPUTY COMMISSIONER BAGGA: Chairman, we
16 would like to note that Intro 529-A, thanks to
17 Chairman Espinal's leadership would create a clear
18 mechanism of accident or crash reporting that would
19 require sightseeing buses to notify DCA at the
20 Licensing Agency any time they raise that type of
21 incident. And so we do commend Chairman Espinal and
22 this Council for your leadership on that, and we do
23 think that that will be an important mechanism to
24 give the city exactly the type of data that you were
25 asking us about.

3 CHAIRPERSON ESPINAL: Just a quick
4 question of DCA. When—when the bus company receives
5 these fines and violations, do you take that into
6 account when you're renewing—renewing their license?

7 DEPUTY COMMISSIONER BAGGA: We're going
8 to have a college Alba Pico come and answer that
9 question.

10 DEPUTY COMMISSIONER PICO: Are you
11 referring to the ones that PD issues?

12 CHAIRPERSON ESPINAL: PD.

13 DEPUTY COMMISSIONER PICO: Not, it's not
14 tied. It's not in the law, and it's not in our
15 rules. All we take into consideration is the fines
16 that DCA might issue, and for the requirement that
17 they have to submit like safety and such.

18 CHAIRPERSON ESPINAL: Okay, Thank you.

19 DEPUTY COMMISSIONER BAGGA: Taking those
20 types of violations into consideration would require
21 a change to the law that would explicitly include the
22 position that DCA look at those issue at the—in your
23 time. (sic)

24 CHAIRPERSON ESPINAL: Okay, maybe it's
25 worth looking into. I'd like to ask Council Member
Chain.

1
2 COUNCIL MEMBER CHIN: Thank you. Thank
3 you for your testimony. So right now you're saying
4 that there is companies that are running 237 buses?
5 Intro 950 it talks about pushing for a limit in terms
6 of license plates for the bus. The CCA and DOT don't
7 just think we should have a limit in terms of how
8 many of these sightseeing buses are on the road?

9 ASSISTANT COMMISSIONER COOLEY: We—we
10 share your desire to improve things on some of our
11 busiest corridors on those problematic corridors, and
12 we absolutely share that desire with you. But
13 directly having a cap would not for example fix the
14 problem on Park Row. Okay, probably better
15 enforcement would—would help address that, and we're
16 a little concerned about the cap in terms of
17 preventing growth in the outer boroughs that would
18 very much look to have more sightseeing bus activity.

19 COUNCIL MEMBER CHIN: Well, you can have
20 as many companies, but it just limits in terms of how
21 many buses each company can have. Because right now
22 a lot of my constituents, and I see these buses every
23 day, and in my opening statement I talked about the
24 rolling billboard—billboards, and you could see now
25 all of a sudden all these big, you know, sightseeing

1
2 buses have these big ads on both sides and often
3 times we don't see anybody sitting on the first floor
4 because you can't see out there, right? People are
5 sitting on the top, and sometimes on the top it's not
6 quite full, but this tour bus is going up and down.
7 You know stopping for ten minutes. It's
8 advertisement. So is CCA regulating these
9 advertisements or--? I mean these are billboards
10 right, rolling up and down our streets?

11 DEPUTY COMMISSIONER BAGGA: So the law
12 does not currently provide for DCA to have any
13 authority over what is on the side of the bus.

14 COUNCIL MEMBER CHIN: But what I'm
15 saying, the bus we need to put at least a limit on
16 the number of buses because a lot of tourists come to
17 the city. Not all of them get on a sightseeing bus.
18 A lot of them walk, which is a great thing about our
19 city, and especially Lower Manhattan. You could walk
20 everywhere, and I see tourists with a map and-and
21 they do that. But when we see these sightseeing bus,
22 being half empty or mostly empty, and then you don't
23 have people sitting on the bottom because they can't
24 see out, something is wrong.

25

1
2 ASSISTANT COMMISSIONER COOLEY: I don't—
3 so we feel that Intro 713 is going to be very
4 critical because new buses are not just going to
5 appear on the street except in locations where we
6 agree there are an appropriate number of good bus
7 stops for them to use. So we think that's going to
8 be very, very helpful, and then in terms of the cap
9 that's also something the Law Department needs—will
10 need to weigh in on admitting business for companies.
11 We're going to have to have to have a little more
12 discussion about that.

13 COUNCIL MEMBER CHIN: Well, I'm open to
14 having more discussion because I think we've got to
15 have a certain and it will be decided. We cannot
16 have so many. I mean it's just a lot, and we're not
17 talking about really lowering that number that much
18 to what it is now. I mean our suggestion is limiting
19 the—the plates, the license plates to 225, and I
20 would—you know, I think some of my colleagues would
21 love to work with DOT and DCA to see how we can get
22 some of these tour bus into other parts, you know, of
23 the city. Council Member Vacca just said he doesn't
24 see them in the Bronx. Well, let's get some to the
25 Bronx, right.

1
2 COUNCIL MEMBER VACCA: [off mic] In
3 Queens and in the Bronx. (sic)

4 COUNCIL MEMBER CHIN: Yeah, in Queens,
5 but even in Lower Manhattan they're bypassing
6 Chinatown, okay. I don't see that many sightseeing
7 bus stopping in Chinatown either? So where are they
8 going? They're crowded all the way down in Lower
9 Manhattan, and so how does D-O—you know, DCA and DOT
10 help kind of spread it around? But even with, you
11 know, requesting the stop first, do you know that it
12 still takes enforcement, right? We just—we're still
13 having problems with the intercity bus. So that's
14 not going to solve the problem. I mean that's why
15 we're pushing this. It's got to be a limit on the
16 number of buses that are out there. So that, yeah,
17 you can—the good operator and there should be a way
18 of evaluating the sightseeing company which ones are
19 the good actors and which are the bad actor-actors?
20 And they should not—if they are bad actors they
21 shouldn't be getting all the plates renewed, right?
22 We have to hold them accountable. So I think we've
23 got to start from somewhere. We just can't let this
24 run wild and—and not really having a way to manage
25 it. It's just right now when you see—when you just

1
2 go up and down Broadway it's just too many of them
3 coming down, and they're not full. And all of them--
4 most--I mean not all--a company, but the majority of
5 them are really using the bus as rolling billboards.
6 So I think DCA needs to really and DOT really make--
7 need to take this seriously, and really look at it.
8 How do you regulate that? Somebody got the brilliant
9 idea of putting advertisement on the side of the bus,
10 and they're making revenue. I am--I'm going to ask
11 the sightseeing company later in terms of the amount
12 of revenue they're making from this advertisement on
13 the side of the bus. But I think we really need to
14 figure a way of having a limited number of these bus
15 and how do we spread this around throughout the city.
16 Thank you.

17 DEPUTY COMMISSIONER BAGGA: Council
18 member if--if I may, on behalf of the Administration
19 I'd like to say, you know, we--we do look forward to
20 working very closely with you and all of your
21 colleagues on these bills to ensure that they are
22 meeting your goals as well as the administration's
23 goals and that community voices are--are being heard,
24 and also concerns with the sightseeing bus industry,
25 and they're taken into account. I would like--just

3 like to note that DCA does not currently have any
4 legal authority to regulate the advertisements, as
5 you call them, on the sides of the buses. If that is
6 something that, you know, you are interested in
7 pursuing, certainly we're open to having that
8 conversation in terms of what that looks like and,
9 you know, with respect to your concerns about Lower
10 Manhattan, I think your concerns largely are about
11 congestion, and I think DOT certainly shares that
12 concern, and it would be happy to work with you on
13 that.

14 CHAIRPERSON RODRIGUEZ: So, and—and I—I
15 need to excuse myself for a little bit. I'm going to
16 be going to a BMT meeting, but Council Member Espinal
17 can continue running the hearing, and so then so that
18 we join later on. But this is important that you
19 hear from my colleague, and not only, it is important
20 for everyone. We appreciate and value the
21 contribution of this sector, but we have to
22 understand that we will continue having conversation
23 around this bill, and others to be able to regulate
24 this industry.

25 CHAIRPERSON ESPINAL: Thank you, Ydanis.
We have Antonio Reynoso.

3 COUNCIL MEMBER REYNOSO: Thank you,
4 Chairs. Thank you for being here, DCA. Just a
5 couple of things and this intercommunity-interagency
6 communication being important, the difference between
7 crashes and accidents, and I-just knowing that policy
8 now of all the great advertisement that the
9 Department of Transportation is doing, but there are
10 crashes, and I could tell you guys when that was
11 coming, but I just got to keep you on your toes. Just
12 making sure that you guys all know there are crashes,
13 and we'll determine whether they are accidents later
14 on? But once you see them, they're crashes. Also
15 unfortunately, I don't think there was malintent
16 here. As well, there was a comment made, by just
17 one. It's Vision Zero, and it's extremely important
18 that we keep in mind that you said something like
19 there have been 98 accidents and just one death. One
20 death is too many to us here, and I know that you
21 agree. So I also don't want to say I don't think
22 there was any malintent. We just want to make sure
23 that we do our part and to hold folks accountable,
24 and-and think twice before they-they say anything
25 that might be interpreted as-as just not
understanding what we're going here on Vision Zero.

1
2 The next thing is that in your—in your
3 testimony specifically I'm to read a couple of
4 sentences, and then I'll follow up with a question.
5 Quote, "DCA would like to note that permanently
6 limiting the number of plates as proposed in Intro
7 950 could have the consequence of granting a
8 particular company or a handful of companies an
9 unfair advantage over new entrants into the market.
10 Understanding their—your—your concerns, there was a
11 time when I'm hearing there were 44 companies and now
12 there are nine. So it seems like there is internal
13 policies by which you guys are abiding by or working
14 with now that seems to have truncated the amount of
15 businesses that are doing this work anyway. You're
16 concerned about the smaller companies, but there's
17 only nine companies—eight companies hosting out what
18 I see here. How many buses altogether?

19 ALBA PICO: [off mic] 237

20 COUNCIL MEMBER REYNOSO: 237 between
21 eight companies. You know, there's not a little of
22 middle guys out there, I guess is what I'm trying to
23 say. So there's already internal policy that you
24 guys are—are not encouraging, but have implemented
25

1 that just--It doesn't speak to wanting to support the
2 little guy.
3

4 DEPUTY COMMISSIONER BAGGA: Thank you.

5 Respectfully, Council Member, I--I don't think that
6 the limiting of the number of companies is a result
7 of a internal policy. I--I'm not an expert on what
8 every barrier to entry is into this marketplace for
9 this particularly industry. Again, I would like to
10 point out that representatives of the sightseeing bus
11 industry are here today, and perhaps they can speak
12 in greater specificity as to what some of those
13 barriers are. However, I would like to point out
14 that the time period in which you mentioned they
15 reported three. That was many years ago. It was
16 1993. So 26 years ago. I--I don't think that anyone
17 here is--is qualified to speak to how exactly the
18 market was different then as compared to now. But
19 again, we would like to note, as we did earlier, the
20 barrier to entry into this industry is high. Buses
21 are expensive. They are expensive to operate.
22 They're expensive to own and, you know, it's
23 certainly possible that that is a contributing
24 factor. With respect to any other reasons for why
25 the number of companies is as low as it is, I would

1
2 really have to turn to the industry. It wouldn't be
3 the result of our policies.

4 COUNCIL MEMBER REYNOSO: So I would—I
5 would just counter that it would be the result of no
6 policy, right? I—I want to be clear that once the
7 numbers start getting truncated or we start seeing
8 that there are only nine or eight, and then next year
9 it's seven, and the year after that. If it keeps
10 moving towards—you know, if there's a trend, I would
11 expect that DCA look into that trend to make sure
12 that it's something that they can start working to
13 modify or to—to assist in changing because we don't
14 want it to get to a point where it is monopolized.
15 And then there is also a—how many applications do you
16 guys receive for new entrants on a yearly basis. For
17 example, in the last three years how many new
18 entrants have applied to be a part of this industry?
19 Absolutely, and just make sure you just state your
20 name and title before you start so we can catch you
21 on record.

22 ALBA PICO: [off mic] I'm the Secretary
23 Commissioner of DCA. So far I'm aware of one--

3 COUNCIL MEMBER REYNOSO: [interposing]

4 There's a seat right behind so you could be more
5 comfortable. There you go.

6 ALBA PICO: [off mic] So far I'm aware of
7 one that you named this year, and I actually have
8 been with DCA for 32 years. I know this industry
9 very closely. One of the things also that have
10 changed have been the laws, and—and the numbers have
11 been cutting down based on these laws. So you have
12 New York State inspections, state inspections that
13 needs to be submitted. Not every bus passes those
14 inspections. You have these—these, you have the
15 state—the U.S. Department MOM (sic) inspections
16 because of the—the equipment and motors and all of
17 that. You have to meet DCA's requirements. So
18 different laws are passed, and we have also brought
19 down the number of licenses.

20 COUNCIL MEMBER REYNOSO: So—so again, as
21 to what I'm speaking to if there's any laws that have
22 been passed by the City of New York that are impeding
23 the opportunities for new buses to come in, maybe
24 that's something we want to look at to have a more
25 broader conversation and ensure that everyone gets a
shot at—at being able to do this. And also what are

3 the fees that DCA, that DCA charges for—to operate
4 one of these buses?

5 ALBA PICO: [off mic] It's \$100 for two
6 years for each bus.

7 COUNCIL MEMBER REYNOSO: \$100?

8 ALBA PICO: [off mic] Yes.

9 COUNCIL MEMBER REYNOSO: Is there an—an
10 initial fee, though, for that or it's just \$100 and
11 you get—you get to have a bus in the city of New
12 York?

13 ALBA PICO: [on mic] The license is \$100
14 and for every two years you're paying for them when
15 you come in and apply to, and the license has an
16 expiration date. It's by March by 31st of every
17 year. So if you're coming six months before the
18 license expires, then you can pay \$25 and then the
19 renewal time is for two years, and you pay \$100.

20 COUNCIL MEMBER REYNOSO: So—so there's a
21 \$100 registration fee to operate a bus in the City of
22 New York.

23 ALBA PICO: [off mic] Of course the
24 license fee. I don't know if this is--

25 COUNCIL MEMBER REYNOSO: [interposing]
Not license. I'm think I'm talking—we're talking

2 about two different things. You're talking about the
3 license for the driver?

4 DEPUTY COMMISSIONER BAGGA: No, for the
5 company.

6 COUNCIL MEMBER REYNOSO: For the company.
7 So \$100.

8 ALBA PICO: [off mic] For each bus.

9 DEPUTY COMMISSIONER BAGGA: And that's
10 the bus annually. Excuse me, every two years.

11 COUNCIL MEMBER REYNOSO: No--no matter
12 what it is, I think it's a negligible amount. I
13 guess I wasn't expecting that.

14 DEPUTY COMMISSIONER BAGGA: That's for
15 every bus, correct.

16 ALBA PICO: [off mic] I think the bus
17 stops also have--do we charge a fee? No. So every
18 bus is \$100 per year.

19 COUNCIL MEMBER REYNOSO: Okay. So I'm
20 glad that isn't a--a fee structure that we have as--as
21 making it difficult for folks to operate these
22 business, and that it's more the laws, the owners
23 laws that have implemented through the federal, state
24 and city over the last year?

3 ALBA PICO: [off mic] No, but you also
4 have to—a lot of the laws are because they have
5 recondition (sic) the equipment, the buses because of
6 the pollution and all of that. So a lot of the cost
7 cosmetically.

8 COUNCIL MEMBER REYNOSO: Okay, I was just
9 going to see if there was any way--you know ,this is
10 about money at the end of the day. If they—they need
11 to be able to carry folks, and I'm not talking about
12 city money, I'm talking about the industry. Because
13 they're going to go wherever the most folks can get
14 on their buses, and unfortunately for now folks are
15 no choosing the Bronx, Brooklyn or Queens. I was
16 hoping that maybe a structure and fee could have been
17 a way to encourage them maybe. You know, fees if you
18 go to the Bronx or Brooklyn and so forth or a smaller
19 fee, but if it's just 100 bucks, it's very hard for
20 us to incentivize that from happening, and they're
21 just going to go. They're going to continue to go
22 where they go, but this is a very informative time.
23 Of course, just like some folks in the Bronx, but I
24 don't see buses in my district. It's winter's (sic)
25 day, too. It's getting hot so we should talk, but I
appreciate this—this hearing and to learn a lot about

3 this, and I think especially the two pieces of
4 legislation they speak to documenting this, and the
5 recording. It's very, very important for us so that
6 we can continue to make wise decisions for this
7 industry.

8 DEPUTY COMMISSIONER BAGGA: We should
9 just note that the fees I believe are actually are
10 actually in the law, and so if we were seeking any
11 changes to the fee structure, it would be a
12 legislative change.

13 COUNCIL MEMBER REYNOSO: Also, you have
14 here that DCA is asking us to modify the fee
15 structure. [laughs] That's a joke. Scratch that
16 off the record, but I-I appreciate you guys taking
17 the time to be here, and I know DOT is going to speak
18 on a lot of these other issues regarding
19 transportation. So, Chair, I really appreciate the
20 time.

21 CHAIRPERSON ESPINAL: Thank you Antonio.
22 Margaret.

23 COUNCIL MEMBER CHIN: Yeah, I just have a
24 couple of follow-up questions. So it's--a \$100 is
25 for the plate, right, for each plate for two years?

1
2 So does the company have to pay any kind of initial
3 fee to start up?

4 ALBA PICO: [off mic] No, they pay only
5 \$100 for each plate for each bus.

6 COUNCIL MEMBER CHIN: Okay. So is there
7 a limit on how many plates a bus company can apply?

8 ALBA PICO: [off mic] No, there is no
9 kind of limit.

10 COUNCIL MEMBER CHIN: And okay. So right
11 now it's a company with 237 buses. Which are the--
12 what--what is the largest number of buses or plates,
13 given to--

14 ALBA PICO: There is one company that has
15 90--Gray Lines have 93 and the Big Bus is the second
16 company with 50--52.

17 COUNCIL MEMBER CHIN: Shouldn't there be
18 a limit on how many bus a company can apply for? I
19 mean 90 something that is a lot. Alright, I guess we
20 will have to deal with that legis--we will have to
21 deal with that legislatively. But even with
22 legislation, one of the issues that I've been talking
23 with DOT--DCA about is that in the last term I think
24 we remember the legislation that was passed that was
25 introduced by then Council Member Gale Brewer, our

3 Borough President, and it was to get the bus to equip
4 with the technology of the headphones, headsets. So,
5 but they are still not using them, right? These
6 companies are not using those headsets. They're
7 still using the loud speakers, and it's still talking
8 very loud disturbing residents in the neighborhood.
9 What can we do about it?

10 ASSISTANT COMMISSIONER COOLEY: DCA
11 currently inspects sightseeing bus every four months,
12 and they determine whether or not the bus is equipped
13 with the headsets and whether or not they are
14 operable. I can tell you that if the law does not
15 actually require the use of the headsets. It simply
16 requires that the buses be equipped with the headsets
17 and that they operable, and DCA doesn't set for that
18 and—and enforce hat.

19 COUNCIL MEMBER CHIN: So in order for us
20 to get the company to use the headsets, we have to
21 pass another law? Are you telling me that?

22 DEPUTY COMMISSIONER BAGGA: So my
23 Colleague Mary is correct that the law is—the does
24 only require that the buses be equipped with them.
25 In terms of enforcement, I think that you raise a
really good point, right, and you raise the point

3 that we all share concern about both the
4 administration and the Council: How do we best
5 figure out an enforcement structure that works? And
6 I'd like to point out that earlier during this
7 hearing my colleagues from DOT did mention that
8 generally speaking I think there is a sense that we'd
9 like to see some greater fines associated with
10 violations of certain types because that is what
11 would sort of encourage compliance, right? And so
12 we'd like to ensure that any type of structure that
13 we are thinking about as far as overall regulation of
14 the sightseeing bus industry, that industry is set up
15 on such a way we're in compliance—the compliance is
16 encouraged.

17 ASSISTANT COMMISSIONER COOLEY: But one
18 other thing is that if you do have any specific
19 companies that you've—you've observed using that, you
20 can direct it to us and we can ensure whether or not
21 that specific company impacts those specific
22 sections. (sic)

23 COUNCIL MEMBER CHIN: Okay, and then we
24 will—I mean there are residents in those
25 neighborhoods its affected especially Bleecker
Street. We've heard, you know, complaints, and we

1
2 will ask them to keep calling 311, but this has got
3 to be enforced. I mean—so I think we're going to
4 continue to work with you to make sure there is going
5 to be limits. I mean none of these buses and this
6 rolling billboards, and these like loud noises that's
7 coming out from the bus somehow we have to, you know
8 manage and regulate it. This is not acceptable, and
9 we'll talk to street people when they testify. Thank
10 you, Chair.

11 CHAIRPERSON ESPINAL: Thank you,
12 Margaret. I think you're free to go. [pause]
13 [background comments] I'd like to call up the next
14 panel. She's a champion for the Borough of
15 Manhattan, our Manhattan Borough President Gale
16 Brewer. [pause]

17 GALE BREWER: Thank you very much for
18 this opportunity. I am Gale Brewer, and I am
19 supportive of Intro 950 and I am the Borough
20 President, and I do thank Chair Espinal for this
21 opportunity to support Intro 950, which you know
22 would amend the Administrative Code of the City to
23 limit the number of sightseeing bus licenses. I'm
24 very interested in hearing this discussion since I've
25 been having it for about 20 years. It has become to—

1
2 clear to me as a Borough President through countless
3 conversations with business owners, residents, BIDs,
4 Community Boards that many in our borough in
5 particular Manhattan are frustrated with the
6 proliferation of sightseeing buses. According to the
7 New York State Department of Transportation, the
8 number of double decker sightseeing buses in the city
9 more than tripled from 57 to 194 just between 2003
10 and 2013, and that number keeps growing. You heard
11 earlier according to the Department of Consumer
12 Affairs, there are now 237 such buses in operation
13 today held by eight different companies. And I do
14 want to thank all the agencies who are here because
15 we've had many, many meetings on this topic from
16 NYPD, DOT, State and City agencies trying to figure
17 out how we are going to regulate these buses. So
18 today's hearing is very important. There is no
19 question that the sightseeing bus industry has become
20 a vital component of the tourism industry. However,
21 these hop on and hop off sightseeing buses now often
22 operate well below capacity as Council Member Chin
23 indicated, contributing to pollution and congestion.
24 Some companies moreover disregard, predetermine bus
25 stops approved by the Department of Transportation

1
2 and drivers will park or idle illegally in MTA bus
3 lanes. I've seen it myself or outside proper
4 literature destinations like 911 Memorial and
5 Strawberry Fields in Central Park. I just want to
6 add that the Downtown Alliance on Broadway in an
7 observation right below City Hall saw in two hours on
8 Broadway right below City Hall 74 buses hop on and
9 hop off. It is with these problems in mind that
10 Council Member Chin and I introduced Intro 950, which
11 as you know, would limit—would cap the number of
12 sightseeing buses at 225. That number is flexible,
13 but that's one suggestion. I have spoken at length
14 with advocates including two deputies to work with
15 225 will do the wonderful sightseeing and who has a
16 tour guide. And they have concerns that instituting
17 such cap will result in the loss of jobs. However,
18 no current licenses or jobs will be taken away under
19 this plan. Rather, since the current number of
20 sightseeing buses dips to 225, naturally through
21 attrition, no additional licenses would be granted.
22 I would also like to voice my support for Intros 529-
23 A and 713-A, which would respectively strengthen
24 licensing requirements in the sightseeing bus
25 industry and require bus operators to submit

1
2 operating plans through the Department of Consumer
3 Affairs. It's important to note that not all bus
4 companies are guilty of operating in the way
5 described above. Creating stricter rules for
6 licensing and collecting relevant information as
7 these bills propose can help city agencies target
8 their efforts on the bad actors within the industry.
9 I want to thank you for the opportunity to testify.
10 I look forward to working with members of this
11 committee to ensure proper oversight and enforcement
12 of regulations with respect to the sightseeing bus
13 industry, and I know it's not easy. This is the
14 first such hearing in my many years of looking at
15 this topic, and I do think just to address one of the
16 concerns, which is limiting the number of buses will
17 hurt the big or the small. One suggestion would be
18 to have a lottery system with whatever number you
19 select, and then that would I think diversify the bus
20 industry. We all want the tourism. I have to say
21 particularly speaking for the Borough of Manhattan
22 and particularly for Council Member Chin's district,
23 and you only need to stand outside of here at 250
24 Broadway and see the turning challenges that
25 contribute to the congestion. So we do need some

1
2 limitations, however it is deemed appropriate because
3 I don't think that they are contributing greatly to
4 the brining of tourists to the City of New York, and
5 they are contributing greatly to the congestion.
6 When we had all of our meetings on this topic, and I
7 want to thank DOT and NYPD and the State agencies
8 that showed up, there really aren't enough locations
9 for bus stops or these buses. They're just in the
10 population locations. We talked about some of the
11 ones I mentioned and Times Square being another one.
12 There isn't another stop that would fit all these
13 buses. It just legally you can't find the space.
14 Well, I do think we need some kind of a resolution.
15 Margaret Chin and I believe in the number and
16 capping, but there may be others, and I don't know
17 how you do the enforcements. That is a problem. So
18 if you don't cap it, I'm not sure you're going to be
19 able to do the enforcement. Explaining it to PD is a
20 challenge. They have so many already on their plate.
21 Who else is going to do it, et cetera. So you can
22 see the challenges. So thank you very-

23 CHAIRPERSON ESPINAL: [interposing] Thank
24 you.

GALE BREWER: --much for this
opportunity.

CHAIRPERSON ESPINAL: Thank you, Madam
Borough President. Thank you for being a true
advocate on these life issues in the Borough of
Manhattan. So currently there are 237 buses on the
street. So would you be okay with moving that cap
number to 237 from 225?

GALE BREWER: I'm totally open for the
number. I just don't want to see 400, 300 and I do
think that right now however you can get these buses
to not only go to other communities like yours, but
also to get off the bus in some cases in communities
that they do exist. So there are lots of issues.
Upper Manhattan would love to see a bus-get off the
bus the passengers because otherwise it doesn't help
the economic development of that community. So
there's so many issues that are not addressed. It's
a new industry. You have many tourists. I agree
with Margaret Chin, I'd love to see people do more
walking. Maybe we need a different approach in
general, but I do think that a number is open to
discussion. Thank you very much.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON ESPINAL: Thank you. [pause]

For the next panel we have Terry from Community Board
2 of Manhattan. We have Tim Tompkins from the Times
Square Alliance. We have Michael Sampson from the
34th Street Partnership, and we have Noah Pfferblit
(sp?) from Community Board 1. [pause] You may
begin. Just state your name before you give your
testimony.

TERRI CUDE: Good afternoon, Council

Members. I'm Terri Cude, First Vice Chair of
Community Board 2, Manhattan. Community Board 2
appreciates the opportunity to summarize our position
on the interests before you today. We had the public
meeting on Intros 713 and 950. There was a great
deal of community interest and comments and concerns,
and we have passed resolutions supporting both them
that we previously did submit to City Council. These
pieces of legislation need to work together to reduce
the problems that sightseeing buses presents in our
area, and we're glad to see movement towards control
in what has become an unsustainable and dangerous
situation. While the neighborhoods in CB2 including
the West Village, meat packing, NoHo, SoHo, Little
Italy, and Chinatown are proud to be popular tourist

1 destinations. The tour buses have gone well beyond
2 what our streets can handle. The business model for
3 these buses has become less about transporting and
4 educating tourists and more about being mobile
5 advertising and attention getting vehicles
6 increasingly including illuminated signage and even
7 external speakers. And Intro 713 CB2 supports this
8 legislation requiring the operating plan submission
9 and review including routes and times on all stops
10 and welcomes the opportunity to monitor and regulate
11 tour bus movement. We suggest that a provision be
12 included to require large visible signage of the
13 operating plan and information on how to submit
14 complaints to affixed outside the bus. We further
15 suggest that given the industry's high earnings
16 especially for advertising use, a higher penalty per
17 violation is much more appropriate and penalties
18 should escalate based on the number and severity of
19 the violation. In addition, licenses should be
20 revoked after a number of severity-of severe
21 infractions, adding a code des-designation to 311 for
22 reporting complaints about bus routes infractions is
23 also needed. On Intro 950, CB2 supports this
24 legislation in limiting the number of active tour bus
25

1
2 licenses. The number of sightseeing buses has
3 increased from 2013 to 2015, and there are no laws
4 regulating the number of allowable licenses. These
5 bus licenses are issued for two years at very low and
6 obsolete pricing. Therefore, CB2 urges that
7 consideration be given to increasing the fee to
8 better reflect both the profitability and the burden
9 they place on the community. Finally, CB2 helps with
10 the allowable number of sightseeing bus license
11 plates to be re-evaluated and reduced further in the
12 near future after attrition. These huge tour buses
13 travel down our streets polluting the air,
14 exacerbating congestion and emitting excessive noise,
15 endangering people's safety, hindering public bus
16 activities as well as deliveries backing up traffic,
17 making hazardous turns, jumping sidewalks and
18 creating vibrations that structurally endanger our
19 buildings. These need to be controlled, and we do
20 ask that that be considered. Thank you very much for
21 the opportunity, and your kind attention.

22 TIM THOMPSON: So, Chairman Espinal and
23 the members of the committee. I'm Tim Thompson from
24 the Times Square Alliance. Thank you for letting me
25 testify. I do want to reiterate some of the points

1
2 that have been made, but there's no doubt the
3 sightseeing buses are an important part of the
4 tourism industry and then the 360,000 jobs that it
5 generates, and it is important to support that and
6 its hardworking employees. At the same time we—we
7 understand and are sympathetic to many of the
8 concerns that these bills try to address. In
9 particular, there has been frequently stated concerns
10 from some of our key stakeholders ranging from
11 theater goers to the New Yorkers who are working in
12 Times Square who have to get to shows and get to
13 their offices, and have to navigate the intensely
14 crowded sidewalks in Times Square. For that reason,
15 we've always long advocated for a more transparent,
16 consultative and collaborative process for its siting
17 the tourist bus stops using both traffic, pedestrian
18 and vehicular flow data, as well as community
19 consultation. In the new data analyzed that
20 congestion particularly for pedestrian and vehicles
21 is very strong in Times Square. Heavily trafficked
22 corridors because of public—the huge amount of public
23 transportation and subway stations, the consultation
24 and hotels, theaters and entertainment venues,
25 tourists, MTA, other bus stops, and other commercial

1 activities on the sidewalks, make our sidewalks very
2 crowded. And for example, sometimes the pedestrian
3 safety issue on 42nd Street more recently counted
4 3,100 people walking in the bed of the street between
5 7:00 and 9:00 p.m. Now, there's many factors of that,
6 but part of that was recently added in tour bus stops
7 on 42nd Street and 8th Avenue. And similarly, level
8 of service analysis we're submitting an analysis
9 report from Paul Lavine (sic) and Associates, which
10 shows that sometimes right next to where there's a
11 stop—a stop on a sidewalk there's a level of service
12 at E&F which means that, "The traffic is severe—the
13 pedestrian traffic severely restricted and forward
14 progress is only achievable by shuffling." So it
15 does get very crowded on the sidewalks, and so we
16 very much value, and we know Times Square is a busy
17 place. It's always going to be busier, but the
18 addition of these objective criteria for siting them
19 and for your consultation, we're extremely grateful.
20 It's a huge step forward. So we thank DOT, DCA,
21 Council Member Johnson, Chin and all of—all of those
22 involved.
23

24 Intro 528 we think has been slated as a
25 positive move forward for safety for everyone, and

1
2 then finally, with respect to Intro 950 without our
3 knowing the details of how many licenses exist and
4 how much is going to grow, we are not prepared to
5 take a—a position on that, and we think there's a
6 need for a little more conversation about how to do
7 it in a way that doesn't restrict the industry
8 including its capacity to go to other boroughs and
9 other places over time as the tourist market
10 continues to grow. But bottom line, we're very
11 grateful to all of you and to DOT and DCA for a
12 thoughtful step forward particularly with respect for
13 siting the bus stops.

14 NOAH PFEFFERBLIT: [off mic] Good
15 afternoon. Thank you—[on mic] That's better. Thank
16 you, Chairman Espinal, and Council Member Chin and
17 members of the—of the Committees on Consumer Affairs
18 and Transportation for holding this important public
19 hearing today regarding the sightseeing bus industry.
20 My name is Noah Pfefferblit. I'm the District
21 Manager of Community Board 1 in Lower Manhattan, and
22 our community district includes most of Manhattan
23 below Canal Street and south of the Brooklyn Bridge.
24 Our neighborhood is a very dense district that is a
25 rapidly growing residential community, a business hub

1
2 and a destination for tourists and visitors. As a
3 result, our district has an enormous volume of
4 vehicular traffic everyday, which makes our streets
5 among the most congested of any city in the country.
6 Certainly sightseeing buses are significant
7 contributors to this congestion as are the many tour
8 and commuter buses, which descent on our city—on our
9 district everyday, and frequently park or lay over on
10 our streets, not to mention in some instances
11 stopping or slowing down in the middle of traffic
12 reviewing opportunities. According to the New York
13 State Department of Transportation, as we heard
14 earlier, the number of double decker sightseeing
15 buses in the city more than tripled from 57 to 194
16 between 2003 and 2013 and has continued to increase
17 significantly since then. For this reason, on
18 November 19th of 2015, Community Board 1 unanimously
19 passed a resolution in support of Intro 950. The
20 City Council Legislation, which is—is being
21 considered here this afternoon, to amend the
22 Administrative Code of the City of New York in
23 relation to limiting the number of sightseeing bus
24 licenses that was presented to us by the Office of
25 Council Member Chin who are the lead sponsors of that

1
2 legislation, and we strongly support. The other two
3 pieces under—of legislation under consideration this
4 afternoon, Intro 529-A and 713-A these would amend
5 the Administrative Code of the city as we have heard
6 to strengthen the licensing requirements in the
7 sightseeing bus industry, and require the bus
8 operators to submit operating plans to the New York
9 City Department of Consumer Affairs respectively.
10 Our board has not yet had the opportunity to consider
11 these two other pieces of legislation and we,
12 therefore, cannot express a formal opinion about them
13 at this time for this hearing. However, given the
14 very heavy presence of double decker and other
15 tourist buses in our district, which I have
16 described, we believe it is very important for the
17 city to find effective and meaningful ways to ensure
18 that the buses and their drivers or oper—and
19 operators are licensed and regulated in a way that
20 will make them as safe and responsible as possible.
21 The intent of all three pieces of legislation under
22 consideration today appears to be consistent with
23 those goals. I thank you very much for the
24 opportunity to testify. [pause]

1
2 MICHAEL HANSEN: Good afternoon, council
3 members. My name is Michael Hansen. I am testifying
4 on behalf the 31st Street Partnership. We're here to
5 testify in support of those three proposed laws
6 regarding better regulation of the buses on the
7 street, sightseeing buses on the street. We strongly
8 support Intro 950, a law that's being—to limit the
9 number of sightseeing bus licenses. As first hand
10 witnesses to the number of sightseeing buses
11 contributing to the congestion in Midtown, we laud
12 the committee's intent to cut the pedestrian flow
13 limiting the number of licenses required—distributed.
14 We also support Intro 713-A and its call for
15 increased involvement by the local community boards
16 in the determination of on-street bus assignments.
17 We think competition with the community boards
18 regarding on-site bus stops, the bus stop assignments
19 will lead to better considered placements of pickup
20 and drop-off points as boards can approach these
21 types of occurrences with the overall picture of the
22 neighborhood in mind. Finally, we support proposed
23 Intro 529-A. We view Intro 529 as a law whose aim to
24 ensure that visitors to our city are greeted by an
25 interactive, and the highest ambassadors to New York.

1 We believe that proposed resolution supports Intro
2 529 for strengthening license requirement and ongoing
3 roads and in comprehensive training. Thank you.

4 CHAIRPERSON ESPINAL: Thank you.

5 Appreciate it. Our next panel we have Elliott Mouse
6 (sic) from Tour for Professional Progression; Gideon
7 Ryan Oliver from Go New York Tours; Brandon Buchanan
8 from American Bus Association; Laura Rothrock from
9 Twin America; and Bertha Christian from CB4. [pause]

10 ELLIOTT MOUSE: Thank you for inviting me
11 to speak today. I would like many things to be in
12 miles (sic) and I am a professional tour guide, and I
13 am providing service [coughs] and I've been doing it
14 in New York City for 25 years. So I would like to
15 offer a different perspective from what has been said
16 today. The first thing that we find that is very
17 important to stipulate is when we're talking about
18 sightseeing buses, what I've heard today is people
19 talking about the double decker buses. I think it's
20 very important to find if you're a technician for
21 sightseeing buses because according to the DOT rules
22 such as 401-25, all charter buses that take people to
23 places of amusement or interest are under the
24 category of sightseeing buses. And if you are using
25

3 that definition, the number of tour buses you're
4 talking about more than doubles in the city today.
5 It also creates another problem, many other problems
6 that we're talking about, and I think to start with
7 you need to be create separate entities and separate
8 rules for double decker buses, and charter tour
9 buses, and he is why: To begin with, you talk about
10 the—the Intro talks about sending an application and
11 having advanced notice of tour routes. It's
12 important to understand that overwhelmingly tour bus
13 companies charter sightseeing tour bus companies do
14 not make itineraries. They don't know where they're
15 going to. The tour bus or the tour operators who
16 send people to New York on these buses they do not
17 know what the itinerary is going to be. The bus
18 driver who is driving the bus does not know what the
19 itinerary is going to be until he is told by the
20 Licensed Professional New York City tour guide before
21 starting the tour in consultation with a group that
22 comes. This is a very important understanding to
23 have because they cannot send you an itinerary in
24 advance and according to the raw move that you want
25 to propose, they cannot send you any exceptions for
changes of itineraries 45 days in advance. In many

1 cases they don't even have the contract 45 days in
2 advance. So these are important aspects to
3 understand. Furthermore, I think we need to consider
4 separate licensing rules for charter buses, double
5 decker buses and horse drawn carriages. We cannot
6 put a 45-foot motorized vehicle that travels 100
7 miles a day through five boroughs in the same
8 category as a tiny carriage pulled by a horse in
9 Central Park. The rules cannot be the same, and
10 again, the reason why this is important is if you do
11 not change the definitions before any of these rules
12 are put in place then everybody will have the same
13 set of rules for different circumstances. I want to
14 simply quickly address Councilwoman Chin on two
15 things that you're saying. One I agree with and is
16 true. One I do not. The one I do not agree with
17 is we would like to have more tourists in-in
18 Chinatown. Chinatown is exploding with tourists. We
19 can't find places to put our buses. The streets are
20 so crowded, my people leave before buying anything
21 because they can't even get into the shops. The
22 second thing I wanted to talk about is the rolling
23 buses going around New York City, and there you are
24 absolutely right. And the reason why you have buses
25

1
2 going around New York City is because the buses are
3 forced to roll around New York City. To give an
4 anecdotal example, two weeks ago I brought in a group
5 of senior citizens from Long Island, and after our
6 tour we had lunch downtown in Chinatown. For 1 hour
7 and 20 minutes my bus driver drove in circles because
8 he had no place to stop the bus. This is not safe.
9 This is not a congestion. It is not a pollution. It
10 is without thought. So, when you're making any of
11 these rules, you must consider what is going to
12 happen with the tour buses after they drop people
13 off, and how will they pick them up? At the current
14 time right now, we are forced to put pedestrians in
15 danger. We are forced to drop off and pick up in
16 bike lanes. We are forced to make left handed turns
17 into oncoming traffic again and again. So, I believe
18 that the Intro rules that we're stating here denote a
19 certain lack of understanding of what the tourism
20 actually--this industry actually is. New York City is
21 a very complex city, and tourism in New York is no
22 less complex, and the simplified rule about tourism
23 will hurt all those concerned. We have hundreds of
24 buses rolling around the city many of them from out
25 of town. Many of these bus companies have hundreds

3 if not thousands of tour buses, and they do not know
4 in advance even which bus is going to come into New
5 York that day until that day. So we must reconsider
6 everything that we're saying, and we must start with
7 DOT rules that are outdated, inappropriate and
8 sometimes in contradiction with street signage and
9 rules on other pages. Thank you.

10 GIDEON OLIVER: Hi. My name is Gideon
11 Oliver. I'm going to be speaking briefly on behalf of
12 Go New York Tours. I'm just going to read this nine-
13 page submission word by word—I'm just kidding. I do
14 have a nine-page submission, which--

15 CHAIRPERSON ESPINAL: [interposing] We
16 have a clock with three minutes on it.

17 GIDEON OLIVER: --which you're getting
18 at. No, I know I knew the clock would come off of
19 that. And so I'll—I'll keep it brief, but there is
20 a—a lot of information in there. A few details on
21 529-A, the—the idea that there should be kind of—
22 three traffic infractions and you're out policy. I
23 think it's—it's far too broadly. It's just too easy
24 to be issued and to have to accept plea deals for
25 traffic infractions in order to resolve multiple
summons especially in the Traffic Violations Bureau.

3 If you're getting a number of pink summonses, that
4 are returned or the criminal courts, you know, you
5 might end up with non-traffic infractions as to
6 positions and locations, but very frequently before
7 the CBD we're not going to be able to get those
8 dispositions. Three traffic infractions not linked
9 to points in any way, it seems to me—it's too
10 broadly. The DMV uses the point system. There are
11 other barometers that would make more sense for the
12 Council to consider using. The requirements—
13 obviously the requirements to report—to report
14 accidents and perceive traffic infractions and
15 summonses during those in violation or—or issued
16 makes sense. But requiring the owner to report the
17 "details" of the accident or to report whether
18 drivers were at fault creates all kinds of conflicts
19 and problems, and would—would create all kinds of
20 conflicts and problems between owners and drivers.
21 And I—we suggest because there's an accident report
22 created by the Police Department when the Police
23 Department responds to an accident. That—the
24 requirement that the council consider requiring
25 submission of accident reports rather than the
current wording, and also prompt submission of copies

1
2 of legal process whether it's summonses or notices of
3 violation that may be issued by the Police
4 Department. So that the owners, and they're in a
5 position of having to come to a driver who may face
6 criminal penalties after having been issued a ticket,
7 and saying I need you—if you want to keep your job
8 you have to report to me this information so that I
9 can be in compliance with the regulation. I think
10 there are different ways to do it, but I—I hope the
11 Council will look at that. In terms of 713-A, I'm
12 just not sure that the language that's in this bill
13 says what the—what people have been discussing. The—
14 the language of the bill given the current industry
15 practices I'm just not sure how this would—what this
16 would look like how it would work. Would all of the
17 sightseeing bus companies that have licenses have to
18 throw them back into a pool so that they would then
19 be redistributed from scratch without consideration
20 of how many buses they each have, you know, enjoyed
21 over the past years, and which authorizations they've
22 had in the past year. I—I think there are a lot of
23 issues that the Council should look at probably after
24 more consultation by DCA and DOT with stakeholders
25 including the companies. But also including workers

1
2 and the unions who represent the workers who are
3 going to be impacted by these change—changes. And in
4 terms of the cap and the criteria for proposed
5 redistribution of bus stop authorizations, it's great
6 that there are going to be written, you know,
7 objective criteria in place that DOT can use in
8 making determinations about going to authorize bus
9 stops, but none of these address the concerns that
10 led the United States government and the Governor of
11 New York State to bring the anti-trust litigation.
12 That was only very recently and resolved. And so I
13 don't see anything either in the context of—of a cap
14 or the number of that's being proposed for the cap
15 that would explicitly deal with, treat and prevent
16 the problems with access to the market, and trying to
17 create market parity that led to the lawsuit in the
18 first place. And, you know, along those lines there
19 is a tremendous amount of data and information that
20 was developed in discovery in that litigation,
21 including ultimately a competitive impact statement
22 that the government submitted to the district judge
23 before the district judge approved the settlement.
24 And, you know, so in addition to the pools of
25 information that DOT and DCA have, you know, there's—

1
2 there's a additional information and perhaps
3 additional expertise that the attorney general and
4 the—the DOJ attorney to reveal with the anti-trust
5 litigation, you know, they have that may ultimately
6 end up contributing meaningful to the conversation
7 about how to regulate the industry. But if a cap
8 were to go into place, you know, tomorrow, then what
9 would happen is unfair market conditions that led to
10 the litigation and settlement would be frozen in
11 place. It would have tremendous negative impacts on
12 new entrants to the market, as well as businesses
13 like Go New York who are, you know, trying to grow
14 and expand. So that's a quick summary of what's in
15 the nine-page letter. I hope the council members
16 will consider it read. Thanks very much.

17 CHAIRPERSON ESPINAL: Thank you.

18 LAURA ROTHROCK: Good afternoon. My
19 name is Laura Rothrock and I'm testifying on behalf
20 of Twin America Gray Line City Sightseeing New York.
21 Twin America provides hop-on, hop-off—hop-off open
22 top double decker sightseeing tours, and serves over
23 1.2 million tourists visiting New York City annually.
24 And one f the largest sightseeing bus companies with
25 a long history of operating in New York City, we

1
2 thank the Council for considering our feedback on the
3 three proposed bills today. Regarding Intro 529,
4 which outlines the licensing requirements for
5 drivers, we support this legislation. Should this
6 proposed bill become law, Twin America expects to
7 fully comply as the company already has taken
8 precautions to ensure our drivers are competent and
9 qualified. And I also just wanted to correct a
10 statement that was made earlier by Council Member
11 Rodriguez. The unfortunate accident that happened in
12 Times Square the driver was not impaired. He took a
13 a blood test and a breathalyzer. He was not
14 impaired, and he had violations on his record, but
15 they were administrative violations on his license.
16 They weren't moving violations. As far as intro 713,
17 which allows for the community boards to comment on a
18 sightseeing bus stop application that's before the
19 Department of Transportation, Twin America supports
20 and welcomes the participation of the community
21 boards, but we believe a collaborative—a
22 collaborative effort is required. The bill should
23 recognize that a joint process is in the best
24 interest of the city, and the DOT along with the
25 sightseeing op-operator and the community should work

1
2 towards a solution that is workable and accounts for
3 all the interest involved. A blanket acceptance or
4 rejection in light of opposition, should be the
5 option of last resort. We respectfully request that
6 the bill be amended to allow for the applicant to
7 respond to the community board and the DOT concerns
8 following the 45-day comment period, and that a
9 period of true discourse then follow. At present,
10 the DOT may approve or reject the applicants'
11 proposed stops without this necessary process. All
12 interests should be required to work together to
13 craft the best solutions. Regarding Intro 950, Twin
14 America supports the limitation of the number of bus
15 licenses with the flow proviso. We support the
16 portion of the bill, which would protect the number
17 of licenses already in commerce. However, the
18 language in this bill ties the city issued licenses
19 to the license plate and not the number of licensed
20 buses. When Twin America replaces a bus in its
21 fleet, a new license plate for the bus is issued.
22 That situation is not protected in the current bill,
23 and only with the renewal of the same license is
24 protected. In the event that an operator turns in a
25 licenses because of an older bus—an older bus is

3 replaced for a newer more efficient vehicle, the
4 operator is in jeopardy of not obtaining a license
5 because the total number of licenses may be exceeded.
6 This language as draft—as drafted actually provides
7 the disincentive for that operators to upgrade their
8 fleets to more fuel efficient technology because they
9 risk not obtaining a license for the new vehicle.
10 Therefore, we strongly suggest that the current DCA
11 licenses be grandfathered in based on each company's
12 current number of licenses and not the actual
13 license. We thank you for your consideration on
14 these points.

15 BRANDON BUCHANAN: Good afternoon. My
16 name is Brandon Buchanan. I'm with the American Bus
17 Association. We are based in Washington, D.C., and
18 we are a membership organization that represents not
19 only the bus-over-the-road bus users, but our city
20 buses, charter buses, sightseeing buses, shuttle
21 buses from the airports, but also the destinations
22 that they serve, including NYC and Company who are
23 locally in New York and other marketing
24 organizations, hotels and restaurants. We kind of
25 have the—the luxury I suppose of seeing both sides
from the both the consumer, but also the passengers

1
2 as well, and bus companies. I mean I did not expect
3 this—this proceeding today to be so emotional, to be
4 so back and forth, but I very much appreciate that
5 and the ability to comment. We as a national
6 organization are not nearly as well versed in local
7 politics, but we do appreciate the opportunity to
8 provide some past expertise and share some lessons
9 from other jurisdictions. I know in some cases it
10 maybe raising people's questions that you may not
11 follow. I could do it here in this public forum, but
12 also privately. So we would love to be a resource
13 for you. As this committee (sic) mentioned without
14 commission of sightseeing is one that—that text
15 (sic)of buses that greatly concerns us particularly
16 the last half of that definition that's currently in
17 your regulations because it does as it's written
18 anything exclusively originating or reports a use
19 originally from any charter bus that's leaving New
20 York City to go somewhere else even out of state or a
21 port beyond could potentially be impacted by your
22 regulations vis-à-vis also your cap, which we don't
23 inherently oppose specifically. But when you extend
24 it to that umbrella of all the charter buses that
25 could potentially be serving New York City again

3 those domiciled here, but also those visiting from
4 abroad but are then on the second leg of the trip
5 originating from here, they could fall into that. So
6 we're very concerned about that. What this proposal
7 and especially 529, with hours of service and hours-
8 and-and driving hours. We do have a couple of
9 concerns from a technical standpoint. Both the State
10 of New York and also the U.S. Department of
11 Transportation would limit driving hours to ten
12 hours. The current proposal looks at having a cap of
13 12 hours, which is really the opposite of I think
14 what this group is looking for-is looking to achieve,
15 and it's improving safety. There's been a number of
16 studies that show that increased driving hours do
17 increase the opportunity for accidents.

18 CHAIRPERSON ESPINAL: No one disagrees
19 with you on that point.

20 BRANDON BUCHANAN: [laughs] Also as a-
21 we're talking about here a program. It was
22 cooperative who didn't mention bus parking. While
23 assuming we do clarify a type of vehicles being
24 used, we do think that the overall traffic flows
25 could be improved if charter bus parking was afforded
by the city, and would significantly decrease the

1
2 congestion in the streets. I have not yet seen this
3 street plan that Commissioner Forgione talked about
4 earlier on, but that is something that we have been
5 trying to work with the city for several years on.
6 We did also support the intercity bus permit, and
7 would also support a similar permit for the
8 sightseeing buses, and a similar mechanism very
9 easily on my system, although again with the
10 consultation with the industry. And again, we're
11 happy to help promote that beyond. In regards to the
12 cap that has been mentioned by many, many, many
13 people here today, there is some risk. While we
14 understand the number of buses on the streets or the
15 low boards (sic) that we discussed, again the
16 emotional and the very factual experience that people
17 have with them, we do have some concerns as was just
18 mentioned at the—at the very end here of recreating
19 a—a monopoly, and—and barring—barring a new entrant's
20 innovation, and—and allowing for new markets and the
21 areas of operation. And so we hope you utilize the
22 licensing process. Maybe we—we enable the permitting
23 process to—to be that vetting system to help limit
24 duplicitous routes and overutilization and
25 concentration in certain boroughs and certain

1
2 locations. And—and lastly as was just mentioned
3 vehicle swaps, as was written again. I only had a
4 change to read this Friday-Friday night. So I
5 apologize, but—but there—there does seem to be a bit
6 of—a technical point of confusion over how you would
7 be able to introduce new vehicles into your fleet
8 again increasing capitalization and further
9 investment in the companies, and improving it to
10 environmental performance of older vehicles, and we
11 would—we wouldn't mention that most of the newer
12 vehicles tend to be more environmentally friendly
13 even than their newer city buses that are currently
14 circulating in the city. And so, we hope that you
15 the City Council would encourage operators to have
16 more fuel efficient as well as more environmentally
17 friendly vehicles, and there are a number of
18 programs. We're happy to again help educated the
19 Council to certain federal programs that currently
20 exist or from a licensing and inspection protocol
21 programs, but also from an environmental and
22 incentivizing program. Thank you for your time.

23 CHRISTINE BERTHET: Hello. My name is
24 Christine Berthet. I'm the chair of—
25

3 CHAIRPERSON ESPINAL: [interposing]

4 Sorry, sorry, before we continue, I just want to
5 acknowledge that we've been joined by Steven Levin
6 from Brooklyn who sits on the Transportation
7 Committee.

8 CHRISTINE BERTHET: So my name is
9 Christine Berthet. I'm the Chair of Transportation
10 Committee on Community Board 4. This is where the
11 Port Authority Bus Terminal is, and a very large
12 tourist center adjacent to Times Square, and I'm
13 going to bring the perspective of the sidewalk to
14 this discussion. By the way, in the last three years
15 there were 19 crashes involving buses that resulted
16 in death (sic) and injuries in our district, and
17 indeed it's not the sightseeing buses. It's also the
18 commuter buses, et cetera. So I'm not pointing
19 fingers here. We applaud Intros 529 and 713, but we
20 wish they went further in addressing the roots of our
21 daily problems, and we really opposed Intro 950 as
22 treacherous to establish few license. (sic) The
23 sites you are seeing tour bus drivers ought to be
24 subject to at least the same safety tests of the MTA
25 drivers. I don't see any reason to develop a new
level of tests, and certainly if somebody has their

1
2 license revoked, which is a very high standard, I
3 don't believe it should be allowed to go and carry,
4 you know, drive 50 and 70 people around in our
5 district. Second, the approval of siting bus stops
6 and renewals should be subject to community work for
7 over the 60-day timeframe of 45. As you know, 45 is
8 not kind of the—it doesn't allow for the cycle of the
9 community boards. So 60 days is the proper amount,
10 and allows due diligence and the dialogue that
11 everybody was talking about, which we do very
12 regularly. We also urge this Council to clarify the
13 renewal procedures, and make sure that 311 calls and
14 community complaints are taken in account for the
15 renewal process because currently the DOT is going
16 into the direction of allowing only NYPD reports, and
17 you know that NYPD doesn't have the time to enforce.
18 Therefore, this would be a free-for-all. The
19 Department of Transportation should publish a map of
20 all bus stops granted in including the long distance
21 that just made, and the company names, the type of
22 bus and have the means to the full license. Today,
23 is—nobody can find what is the—on the license. We
24 have opened Nutratar. It's a permitting kind of a—
25 the city for building, and we've been asking for what

1
2 is on the license, and we can't find out. So how do
3 you enforce something that you don't know, it's not
4 there? It would also help to do a plan of what
5 should be done. I don't think any stop should ever
6 be approved in MTA stop or bus lane. I mean we are
7 trying to move people around, and commuters around,
8 and having those buses in the same places it really
9 doesn't comply with the flow of MTA buses, and I
10 think that should be really a rule across the board.
11 I think the concept of stops, routes, and viability
12 should be further defined and included in writing in
13 the license. It's a stop that's defined in duration.
14 It's extremely tourists or the number of buses that
15 are stopping there. You know, you could have three
16 minutes or less, but you have ten buses like it's a
17 major nightmare, right? And then for--again the
18 example of open nook as I give in one stop supposedly
19 to use the one bus for less than three minutes and we
20 have six buses, which were sitting there the whole
21 day. So, this is not the same thing. And then that
22 included five persons doing the vending of tickets on
23 the sidewalk, very disturbing or very-- Routes
24 should be strictly to track routes as is the prime
25 flow, and I have a question nobody asked, which is

1
2 why are sales of tickets on any sidewalk permitted
3 around the Port Authority Bus Terminal that is the
4 one 40th Street. There is four ticket vendors at
5 that intersection nobody can walk to because each
6 ticket vendor have three tourists around them. So
7 you have ten (sic) people at this intersection. So
8 what's the rule about that? I mean why are people
9 allowed to stand in the street? This is not—And there
10 are standing in the place that there are no buses.
11 This is—they are just capturing the flow of tourists
12 coming from hotels. So we cannot walk any more. As
13 far as limiting the number of license, we have an
14 arbitrary limit. I think that we run the risk that
15 we get what happens in the vendor, you know, street
16 vendors or food vendors or the tax team, which is
17 people who are selling their licenses, and they are
18 not vetting the proper operators, and then we have a
19 system of, you know, who's selling, and—and—and
20 exclusive licenses. I think it would be much
21 preferable to the very stringent license standards to
22 approve licenses that will ensure that everybody is
23 better off. For example, buses with only clean air
24 technology or companies in good standing with the
25 Federal Motor Carriers Safety Administration. Both

1
2 designed that have a window and do not have
3 advertisement. I don't think buses should do
4 advertisement. That's exclusive, and then, you know,
5 a company that agreed to not sell tickets in the
6 street. So essentially, get down the numbers by
7 getting to the very good operators, and if we have
8 better operators, it would be less intrusive to
9 everyone. If we have a limited number of operators,
10 if they are not good operators, it would be very bad.
11 So I think that would be a better way, but I agree
12 that the limitation is important, and I completely
13 agree that parking is a critical issue, and in our
14 neighborhood we've been fighting for getting the
15 parking garage for Tour and Charter, and we're still
16 fighting it. So anything we can do to bring that to
17 the Administration, would be very welcome.

18 CHAIRPERSON ESPINAL: Thank you so much,
19 and thank you for all the different point of views on
20 the industry. I would like to give Margaret Chin a
21 chance to ask a few questions.

22 COUNCIL MEMBER CHIN: Yes. Yeah, thank
23 you for your testimony and especially the testimony.
24 I didn't get your name earlier from the National and
25 the tour guy, your company. I think we could have

1
2 more discussions to really sort of clarify what we
3 really need. I think that the legislation between
4 Twin was really for those hop-on and hop-off buses,
5 but yes we have to deal with the charter buses and
6 parking issues, and--and most longstanding issues.
7 But right now, in--in today's hearing, we want to
8 focus on these double decker buses. So I have a
9 question for Twin America. Since you have one of the
10 largest numbers of licenses, can you enlighten us in
11 terms of like the revenues that you are generating
12 from these advertising, these rolling billboards?
13 Like all of a sudden, within the last couple of years
14 or--or even less, we see all these big advertisements
15 on these double decker buses. So can you just give
16 us some statistics in terms of how much do you
17 charge, you know, for those advertising--

18 LAURA ROTHROCK: [interposing] I-I
19 actually don't--

20 COUNCIL MEMBER CHIN: --and the revenues
21 that you generate?

22 LAURA ROTHROCK: --have that information,
23 but I can follow up with Twin America and get that
24 for you.

25

3 COUNCIL MEMBER CHIN: That would be
4 helpful, okay, because I think we really want to have
5 a clear picture of why that's happening especially
6 you sort of like you took away a lot of seats on the
7 bus especially on the—on the lower level, and that's
8 not what my constituents are telling me. They're
9 rolling those. But if you can get those statistics
10 that would be helpful. Thank you.

11 CHAIRPERSON ESPINAL: Thank you. Thank
12 you all. [pause] I have couple of—the final panel
13 we have Joanne Chanelle, a resident. We have Peter
14 Davies from 548 Broadway. We have Julia Kites from
15 Transportation Alternatives, and we have Melissa
16 Chapman from Brooklyn Chamber of Commerce.
17 [sneezing] Bless your. [sneezing] Bless you.
18 [pause] Okay, whenever you're ready just state your
19 name and present your testimony.

20 COUNCIL MEMBER CHIN: [off mic]

21 CHAIRPERSON ESPINAL: I don't remember,
22 but whoever would like to go first. Yeah, ladies
23 first, according to Margaret Chin.

24 JOANNE CHANELLE: My name is Joanne
25 Chanelle. I live in Battery Park City. I would like
to speak in favor of the legislation and to thank

1
2 Margaret Chin for her work on. I think especially of
3 Lower Manhattan the Financial District, Battery Park
4 City and Tribeca where the streets are not designed
5 for these massive vehicles and where we have been
6 plagued since 9/11 with a huge increase in tour bus
7 traffic that has negatively impacted our quality of
8 life, and turned our neighborhoods into bus parking
9 lots. The buses use South End Avenue, a mainly
10 residential street as a through street, and a place
11 to load and unload passengers. Tour buses get stuck
12 in intersections drive by (sic) because of the narrow
13 streets, and the huge buses make turns impossible.
14 In historic centers of European cities that have
15 similar street patterns, tour buses are not
16 permitted, and these cities are not suffering. It
17 seems most tourists can walk if they have to. In
18 Battery Park City, current regulations are not
19 enforced so this legislation is crucial. Beginning
20 after the opening of the 9/11 Memorial until about
21 two years ago, I have been photographing tour buses
22 that were parked illegally, and they're parked
23 illegally there and emailing the picture to the
24 community board, which forwarded them to someone at
25 the DOT who ignored them. I sent them to the Battery

1
2 Park City Authority, which ignored them. These are
3 copies of just a few of those emails. I dropped them
4 off the pictures, and this is only a small part. I
5 called 311, which did nothing. I met other people
6 who were taking similar action as mine, and having
7 the same results. At a community board meeting on
8 June 13, 2011, George Lend and Jim Murphy—I don't
9 know if they're still involved were with the Denning
10 Tour Bus Companies, and they assured us that double
11 decker buses would not be parking downtown when, in
12 fact, they started using Albany Street for parking as
13 the Easter Memorial (sic) opened, and they are still
14 sending their double deckers through Battery Park
15 City. My point is that there is no monitoring
16 enforcement or accountability, and we need this
17 legis—we need that in addition to this legislation.
18 There is more that can be done, but all of this
19 legislation is a necessary first step in returning
20 our streets to the people who live here. Thank you.

21 MELISSA CHAPMAN: Good afternoon, Chair
22 Espinal, other members of the committee and guests.
23 I'm Melissa Chapman, and the Senior Vice President of
24 Public Affairs of the Brooklyn Chamber of Commerce.
25 Today I'm delivering testimony on behalf of Borough

1
2 President and CEO Carlos Scissura. The Brooklyn
3 Chamber of Commerce is a membership based assistance
4 organization that represents the interests of over
5 2,200 member business as well as other businesses
6 across the Borough of Brooklyn. Thank you for the
7 opportunity to provide feedback on the three bills
8 being considered that could further regulate the
9 sightseeing industry. While we believe that safety
10 comes first in these considerations, we are concerned
11 that additional regulation will put extreme
12 limitations on bus operators and stifle
13 entrepreneurship in the long run. The Brooklyn
14 Chamber is a strong supporter of tourism in Brooklyn.
15 In 2014, we launched Expo Brooklyn. The borough's
16 dedicated tourism website featuring the concrete
17 source of places to eat, events, shopping and
18 attractions. We have since launched an expo of
19 Brooklyn's tourism and hospitality with the goal of
20 leading tourism efforts to initiatives in the borough
21 in order to close the needs gap within the tourism
22 industry. And you've heard from some of the members
23 of that committee here today or testimony or today
24 some feedback from this group. And it should be
25 noted that while that while some of the members of

1
2 this group are supportive of the bills being
3 considered many of them particularly the bus
4 operators said that new provisions would negatively
5 impact their operations. With respect to 529-A, we
6 agree with all the standard conditions that this bill
7 outlines for compliances. However, the requirement
8 that the owner of the sightseeing bus must provide
9 the Department of Consumer Affairs with a dated list
10 of bus drivers and within five days a new driver is
11 hired, or leaves, the company will create excessive
12 administrative burdens for operations. A better
13 approach may be to have the tour operators provide
14 the full list of drivers that will be or have worked
15 with a bus company at the time of applying for their
16 license, and also at the time of renewal. As it
17 relates to 713-A, one of the requirements involves
18 the bus operator first obtaining an authorization
19 from DOT for all designated on street bus stops and
20 pickup. As we heard from some of the bus operators
21 that today it's very challenging providing this
22 information in advance especially with a 45-day note
23 and common period. You know, we keep in mind that
24 this will be extremely daunt-daunting for operators,
25 and will result in hundreds of applications being

1
2 fled early. And finally, with regard to 950 in
3 places like Brooklyn, the sightseeing bus industry is
4 still relatively young, and there is a growing demand
5 for this service. It would be very unfair to stifle
6 entrepreneurship not only as it relates to bus
7 operators, but also small businesses that depend
8 heavily on tourists to thrive and expand. As we
9 mentioned earlier, safety is a priority in this
10 discussion. However, inundating bus operators with
11 additional regulations is not good for business. We
12 look forward to working with both committees to
13 stress a balance between safety and connecting
14 tourists with local businesses. In addition to
15 today's hearing, we would be happy to also facilitate
16 an open dialogue with tourism stakeholder who can
17 lend this introspective to today's use of them.
18 Thank you again for the opportunity to testify.

19 JULIA KITE: Hello. Hello, thank you for
20 convening this hearing. My name is Julia Kite, and
21 I'm the Policy and Research Manager of Transportation
22 Alternatives. We're a 43-year-old non-profit with
23 more than 150,000 activists known network dedicated
24 to promoting bike-biking, walking and public
25 transportation as alternatives to cars in New York

1 City. We advocate on behalf of New York City's
2 pedestrians and cyclists for safer, better and more
3 livable streets. We support these bills to
4 strengthen licensing requirements, require greater
5 monitoring by the Department of Consumer Affairs, and
6 limit the number of sightseeing buses. While tourism
7 is one of New York City's economic engines, and we're
8 very proud to welcome the world, the last thing we
9 want is for any visitor or any resident to lose their
10 with the injuries due to preventable factors. You
11 mentioned earlier the crashes that caused injuries
12 in recent years. So clearly there is a public safety
13 need for greater regulations for sightseeing buses.
14 We believe all commercial drivers should be held to
15 the highest standard of operations, but unfortunately
16 due to loopholes and the lack of requirements to
17 report crash data, consumers cannot presently make
18 intelligent decisions about their sightseeing bus
19 drivers. They simply don't have the information, and
20 in addition, the number of sightseeing buses has
21 greatly increased in recent years contributing to
22 road congestions in the Manhattan city gates. (sic)
23 So with regard to Intro 529-A, we're happy to see it
24 includes a lot of common sense provisions. A driver
25

1
2 of a double decker sightseeing bus should not have
3 received two or more suspensions and revocations
4 within the last five years nor should they have been
5 convicted of alcohol or drug related driving
6 offenses. The 12-hour daily limit of driving hours
7 is in line with the Taxi and Limousine Commission's
8 new evidence-based regulations. So we would suggest
9 that you also add the TLC's weekly 72-hour limit to
10 the bill as well to keep them in line with each other
11 because a commercial driver is a commercial driver.
12 What they're doing on the road is essentially the
13 same. Most importantly, Intro 529-A requires crash
14 reporting, which sightseeing bus companies previously
15 did not have to provide to the Department of Consumer
16 Affairs. So this bill, therefore, rectifies a
17 longstanding problem. However, we would like you to
18 go further, because data is really no use to the
19 public unless it can be easily accessed, and
20 passengers have the right to know the safety record
21 of the company that they're trusting with their
22 lives. So we suggest that the Department of Consumer
23 Affairs makes crash data for sightseeing tour bus
24 companies publicly available via website, and
25 requires that operators clearly post how passengers

1
2 can obtain this information. In light of state
3 inaction to close the loophole that currently exempts
4 sightseeing bus operators from the requirements of
5 obtaining operating authority as stipulated in
6 Article 19-A of the Vehicle and Traffic Laws. This
7 bill is an important necessary and proactive step
8 towards greater safety. Our one objection to Intro
9 529-A is in regards to subsection 60 of new
10 subchapter 20-376.2, the requirement to report within
11 five days as to whether or not the sightseeing bus
12 driver was at fault. Well, of course, we support
13 rapid reporting of the crash and driver
14 responsibility being noted with applicable. We're
15 concerned that requiring fault to be officially
16 determined within five days of the crash may be too
17 soon for a thorough investigation to conclude. It's
18 more important that responsibility be noted
19 accurately rather than quickly. And, we're concerned
20 that if time pressure is looming individuals
21 responsible for reporting may jump to conclusions
22 rather than waiting for the results and
23 investigation, and we wouldn't want to, you know,
24 clear some of fault who may have been at fault or
25 dices that. (sic) So we suggest that reporting be

1
2 required with five days as presently stipulated for a
3 crash for longer period of time to determine
4 responsibility, and my final comment is with regard
5 again to data. We would also like it if the number
6 of buses and the number operated by each company
7 would be also easily available to the public
8 somewhere on the city website because, for example,
9 when getting information for today's testimony, we
10 did—we found that there—we were using federal
11 records, which had a total that was significantly
12 lower than the 237 that was mentioned at this
13 hearing. So for the sake of greater transparency, it
14 would be helpful to have the data on the number of
15 buses public available. Thank you very much for your
16 time and consideration.

17 CHAIRPERSON ESPINAL: Thank you. I just
18 want to clarify the—our intent of the bill was not to
19 have the business owners have [background comments]—
20 they're not in a sense at fault the driver. (sic)

21 JULIA KITE: I do believe that was in the
22 bill.

23 ALBA PICO: [off mic] It will be put out
24 there without the—
25

1
2 JULIA KITE: Okay, so the assessment of
3 fault will be NYPD's arena. It will be removed from
4 the bill, but they're still calling for a judgment of
5 fault?

6 ALBA PICO: [off mic] No.

7 JULIA KITE: So why is it--?

8 CHAIRPERSON ESPINAL: We can—we can have
9 this conversation--

10 JULIA KITE: [interposing] Okay.

11 CHAIRPERSON ESPINAL: --later, okay.

12 PETER DAVIES: Chair Espinal, Council
13 Member Chin, thank you for the opportunity to speak
14 today. My name is Peter Davies, and I am speaking in
15 support of this legislation in regard to the
16 sightseeing buses, a very profitable, but very
17 problematic industry in New York City. As 36-year
18 resident of Broadway in our beautiful but
19 overburdened neighborhood of SoHo, I speak in support
20 of this legislation. These bus companies have grown
21 nearly fourfold in the last decade, and they are now
22 overwhelming our downtown communities. Although I
23 speak today as a resident negatively impacted by
24 these buses, I would like the council members to know
25 that I serve as a residential representatives on the

1
2 Board of our local Business Improvement District, the
3 SoHo Broadway Initiative. We welcome visitors to our
4 neighborhood, but we need a balance. I also
5 volunteer to protect our local community as a member
6 of the steering committee of our ad hoc neighborhood
7 group, the Broadway Residents Coalition. My
8 neighbors asked me to tell the Council today that
9 they, too, seek solutions to the many problems
10 created by the bus industry, and they also support
11 this legislation. Those us who live along Broadway
12 experience these double decker buses not only daily
13 or hourly, but constantly as they pass below our
14 windows. Many of these buses are now wrapped with
15 advertising as Margaret has mentioned, and with
16 flashing illumination, LED lighting. In essence,
17 operating as traveling billboards. These buses often
18 take up entire block fronts, and they even double up
19 out into the bus only lane as they jostle for loading
20 positions at the curb thereby blocking traffic, and
21 overwhelming our already crowded streets and
22 sidewalks. As can be seen in this photo taken from
23 my window where there are five different buses from
24 five different bus companies all trying to get in
25 that one little slot as Broadway and Spring. Current

1
2 legislation will help to better regulate this bus
3 industry, which has grown exponentially in recent
4 years, growth that is in many ways detrimental to
5 local communities. I also speak in support of the
6 resolutions passed by Community Board 2, read here by
7 Vice Chair Terry Cude regarding this legislation, and
8 hope that the additional points raised from those
9 well considered resolutions and raised by others here
10 today will serve to continue the much needed
11 discussion regarding the sightseeing bus industry
12 particularly the hop-on, hop-off bus industry. I
13 just want to say that it would be a real shame if we
14 got bogged down in needed changes. Even though
15 things do need to be addressed that Mr. Niles and
16 others have raised, to let this dissipate out because
17 oh, it's too complicated is not the answer. So I-I
18 really urge that that be paid attention to. Also,
19 particular attention needs to be paid to the routes
20 of these buses, and the impact on residential and
21 mixed use communities such as SoHo and NoHo. Please
22 be aware that the bus routes currently funnel large
23 numbers of these sightseeing buses onto lower
24 Broadway, as the buses move downtown, particularly
25 south from West 8th Street where many turn onto

1
2 Broadway, then continue through NoHo where additional
3 buses turn at West Fourth Street onto Broadway, and
4 then again at West Houston Street where even more
5 buses turn south on Broadway and into SoHo resulting
6 in a concentrated battalion of these buses all
7 overwhelming Broadway. It is my hope that the New
8 York City Council now and in the future will pay
9 needed attention to the very profitable sightseeing
10 hop-on, hop-off tourist bus industry, and do what is
11 necessary to assure that residents are not negatively
12 impacted by bus routes and modes of operations. I
13 urge the Council to pass this legislation. Thank
14 you.

15 CHAIRPERSON ESPINAL: Thank you, and just
16 to clarify, Julia, I-I total agree with you. There
17 was a typo in the bill that-that the staff has made,
18 but I do believe that-that it is PD's responsibility
19 to be requesting, [off mic] and not-not the bill
20 opponents. (sic) [on mic] Okay. Thank you. Alright
21 so thank you all for coming and testifying at this
22 hearing. Margaret, do you have any more comments.

23 COUNCIL MEMBER CHIN: [off mic]

24 CHAIRPERSON ESPINAL: Well-well, thank
25 you all. With that said, this is the conclusion of

1 this hearing. There will be some amendments that we
2 made in the future, and at a later date that we all
3 come into agreement, and we would have a second
4 hearing to vote these bills if we come to that point.
5 So with that said, this meeting is adjourned.

6 [gavel]

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 5, 2016