

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS AND
BUSINESS LICENSING

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April 24, 2018
Start: 1:12 p.m.
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HELD AT: Committee Room - City Hall

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

COUNCIL MEMBERS:
Margaret S. Chin
Peter A. Koo
Karen Koslowitz
Brad S. Lander

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

Alex Keating
Director of Special Projects for
Transportation Planning and Management
NYCDOT

Casey Adams
Director of City Legislative Affairs
New York City Department of Consumer
Affairs

Mary Cooley
Department of Consumer Affairs

Kenny Manna
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Policy Director for Manhattan Borough
President, Gale Brewer

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Taxi Tours, Inc. d/b/a Big Bus Tour
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Senior Vice President for Public Affairs
Brooklyn Chamber of Commerce

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TopView

Paul Stuart
Licensed Tour Guide
Big Bus NYC

Jane Waterdurec
Resident of SoHo

Cynthia Chapin
Downtown Alliance

Devin Cyfer
Bus Accident Victim

Christine Berta
Co-Founder of CHEKPEDS
A Pedestrian Safety Coalition

Peter Davies
Broadway Residents Coalition

Michael Dillinger
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President of the Guides Association of New
York City

Judy Richheimer
Chelsea Reformed Democratic Club
Guides Association of New York City, Chair
of the Government Relations Committee

Andy Seidor
New York City Tour Guide

Lionel Himinaca
Tour Guide and Member of TWU Local 100 and
Guides Association of New York City

Rick Stoneback
New York City Tour Guide

Linda Derosa
Brooklyn Bridge Park Community Advisory
Council

Terri Cude
Chair, Community Board 2

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2 CHERISE TOREZ: Mike check, mike check.

3 This is the hearing for Committee on Consumer Affairs
4 being recorded by Cherise Torez. Today is April 24,
5 2018.

6 CHAIRPERSON ESPINAL: [gavel] Good
7 afternoon, my name is Rafael Espinal. I'm the Chair
8 of the Committee on Consumer Affairs and Business
9 Licensing. I'm joined today by other members of the
10 Committee. We have Brad Lander from Brooklyn, Karen
11 Koslowitz from Queens, Margaret Chin from Manhattan
12 and Peter Koo from Queens. Today the Committee will
13 hold a hearing on four pieces of legislation. All
14 the bills relate to the regulation of the growing
15 sight-seeing tour bus industry in the City of New
16 York. As early as 1904, the first sight-seeing
17 vehicles, electrically powered observation
18 automobiles took to the City streets carrying
19 tourists around and about the City. These vehicles
20 were a popular novelty that reached a top speed of
21 four miles per hour and shared the streets with horse
22 drawn carriages and liveries. Since then, both the
23 tourism industry and the number of sight-seeing buses
24 have increased significantly. Tourist is important
25 to the City's economy. In 2017, an all-time record

2 of 61 million visitors came to NYC. Tourists spent
3 nearly \$4.2 billion dollars in 2016. According to
4 reports, the number of sight-seeing buses tripled
5 from 2003 to 2013 going from 57 vehicles to 231 in
6 2016. According to the Department of Consumer
7 Affairs, there currently are nine businesses licensed
8 to operate 197 sight-seeing buses. The City's role's
9 infrastructure has not changed significantly in this
10 time period. The increase in the number of large
11 double decker sight-seeing buses on the road has
12 contributed to complaints and concerns regarding
13 traffic congestion, pollution and noise. The Council
14 has worked to address these concerns fairly taking
15 into account the needs of residents, tourists and the
16 industry. In 2005, the Council passed Local Law 41
17 requiring sight-seeing buses to employ the best
18 available retrofit technology to reduce diesel
19 emissions. In 2010, the Council responding to the
20 noise complaints of residents regarding the loud,
21 open air public address systems used by tour guides
22 to communicate with their patrons passed Local Law 15
23 requiring a headphone limited sound reproduction
24 system. Recently, there have been growing concerns
25 regarding traffic congestion and safety, especially

2 in light of a number of disturbing high profile
3 accidents involving tour buses. In August of 2014,
4 two sight-seeing buses collided in Times Square and
5 at least 15 people were injured. All but one of the
6 injured were pedestrians. The driver of one of the
7 buses in the incident was arrested and charged with
8 driving while impaired. The driver's license had
9 been suspended 11 times previously. On July 3, 2015,
10 a sight-seeing bus struck a man in Greenwich Village,
11 pinned him beneath the bus wheels and mangled at
12 least one of his legs. On July 21, 2016, 13 people
13 were injured aboard a sight-seeing bus when it
14 mounted the curb and crashed into a tree along
15 central park. The crash shut down 5th Avenue for
16 five hours. The Council has an obligation to the
17 safety of residents and tourists alike to examine
18 this matter seriously and take reasonable steps to
19 prevent future occurrences. Part of the difficulty
20 in regulating the City's sight-seeing buses are the
21 myriad of laws and regulations that currently govern
22 the industry. Late last year New York State Senator
23 Brad Hoylman's office released a report titled *Thrown*
24 *Under the Bus - How Lack State Laws for Double Decker*
25 *Tour Buses are Endangering the Lives of New Yorkers.*

2 The report found that the laws governing New York
3 City's sight-seeing buses create a multi-
4 jurisdictional web riddled with loopholes,
5 contradictions and lowered standard that combine to
6 allow sight-seeing bus companies to operate in an
7 environment with limited oversight and lax
8 enforcement. The introduction of these four bills
9 today is an effort to address and close some of those
10 loopholes, provide stricter regulations of the City's
11 sight-seeing buses and ensure the safety of New York
12 City residents and tourists alike. The first bill to
13 address these concerns is Intro 289A. This bill will
14 amend the administrative code to require all double
15 decker sight-seeing buses to have at least one
16 employee present on the upper level at all times
17 while passengers are present. To further enhance
18 safety measures, Intro #727 would establish basic
19 requirements for sight-seeing bus drivers such as
20 ensuring a good driving record, a clean license and
21 prohibiting a driver from operating a sight-seeing
22 bus for more than 12 hours during a 24 hour period.
23 This bill would require tour bus companies to align
24 their hiring practices accordingly. The bill would
25 also require the companies to inform the agency of

2 any accidents or traffic infraction involving the
3 tour buses within one business day of the incident.
4 Sight-seeing bus companies must submit a list of all
5 of its bus drivers to the Department of Consumer
6 Affairs. The company must also register New York
7 license drivers in the Department of Motor Vehicles
8 license event notification system. Additionally,
9 sight-seeing bus companies shall maintain driving
10 records for all employee bus drivers and must make
11 these records available for inspection by the
12 Department of Consumer Affairs. Intro #723 would
13 require sight-seeing bus companies to submit
14 operating plans to the Department of Transportation
15 and get prior written authorization for such plans
16 and the use of bus stops before being issued a sight-
17 seeing bus license from DCA. In order to issue the
18 authorization from the City's Department of
19 Transportation must take into account traffic,
20 pedestrian flow and public safety. Lastly, Intro
21 #725 would address congestion and safety concerns by
22 amending the current licensing scheme to cap the
23 total number of sight-seeing buses allowed to operate
24 at 225. I look forward to the testimony today from
25 the administration, the industry, community and

2 business groups and other interested parties. Before
3 I will call on our first panel, I'd like to give my
4 colleague Margaret Chin, a bill sponsor, a chance to
5 say a few words.

6 COUNCIL MEMBER CHIN: Thank you Chair
7 Espinal and thank you for chairing this hearing so
8 that we can hear Intro 725 legislation introduced by
9 me and Manhattan borough president, Gail Brewer, to
10 create limits to the number of sight-seeing tour
11 buses that are allowed to operate on the streets of
12 our City. I represent lower Manhattan and I have
13 some of the most attractive areas for tourists which
14 include Washington Square Park, SoHo, the Historic
15 Battery, Wall Street, Chinatown and even Governor's
16 Island. Just last year a record high 61.8 million
17 visitors came to New York City to visit, shop and
18 eat. While tourism is flourishing, lifelong New
19 Yorkers living in these tourist hot spots experience
20 endless congestion, noise and air pollution that
21 sight-seeing buses largely contribute to. Just
22 imagine if on a cool spring day like today you want
23 to crack the window open for some fresh air, instead
24 of a cool breeze you get a steady stream of noxious
25 fumes. That's what far too many of my residents

2 deals with every single day. Whenever I see one pass
3 by, I can count the number of passengers with one
4 hand. Most of the time, these double decker buses
5 serve no other real purpose than as a advertisement
6 on wheels. With the L train shutdown looming around
7 the corner, we have little time to waste. We need to
8 set ground rules for these industry now and create
9 immediate solution to reduce traffic gridlock on
10 already congested streets. Intro 725 will limit the
11 number of license plates that the Department of
12 Consumer Affairs can issue to sight-seeing buses. We
13 need to strike a balance to accommodate our City's
14 vital tourism industry while still addressing the
15 concern that our residents experience. Once again, I
16 want to thank Chair Espinal for providing me with an
17 opportunity to speak on this important issue and for
18 hearing this bill and I look forward to hearing from
19 DCA, sight-seeing bus operators and members of the
20 public to achieve this balance and secure true relief
21 for our residents. Thank you.

22 CHAIRPERSON ESPINAL: Thank you Margaret.

23 I'd like to call up the first panel. We have Casey
24 Adams of the Department of Consumer Affairs, Mary

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2 Cooley of DCA, Kenny Manna of DCA, and Alex Keating
3 of DOT.

4 COMMITTEE COUNSEL: Please raise your
5 right hand. Do you affirm to tell the truth, the
6 whole truth and nothing but the truth before this
7 committee and to answer Council Member questions
8 honestly?

9 GROUP: I do.

10 COMMITTEE COUNSEL: Thank you.

11 ALEX KEATING: So I'm gonna lead off
12 here. Good afternoon, Chair Espinal and members of
13 the Committee on Consumer Affairs. My name is Alex
14 Keating. I'm the Director of Special Projects for
15 Transportation Planning and Management at NYCDOT and
16 I'm happy to be back before this Committee once again
17 to discuss sight-seeing bus legislation as I was in
18 September 2016. I'm testifying today with my DCA
19 colleague, Casey Adams. As you know, DOT and DCA
20 share responsibility for regulating and authorizing
21 sight-seeing bus companies operating in New York City
22 with DCA as the licensing agency and DOT granting use
23 of the curb for loading and unloading passengers at
24 designated stops. As Mayor de Blasio and NYC and
25 Company recently announced, with 62 million visitors,

2 2017 was New York's eighth consecutive year for
3 record breaking tourism. We are fortunate that New
4 York is a destination for people from across the
5 country and the world. Tourists come to experience
6 our wonderful City and fuel our economy to the tune
7 of over \$40 billion in spending each year, supporting
8 more than 360,000 jobs but with an unprecedented
9 number of residents, commuters and tourists, a
10 booming economy and a surge in construction, we have
11 increased competition for our limited amount of
12 street space in the roadway, at the curb and on the
13 sidewalk. As such we must continue managing our
14 streets to support the most efficient uses and
15 sustainable transportation modes in order to maximize
16 mobility and ensure that this growth benefits all who
17 live in or visit our City. Simultaneously to achieve
18 our vision to zero goal of eliminating traffic
19 related fatalities and serious injuries we are using
20 every tool at our disposal to improve the safety of
21 our streets. Therefore as we previously said, DOT
22 recognizes the need to better regulate the sight-
23 seeing bus industry. When we last testified in 2016,
24 the number of sight-seeing buses had grown to 237.
25 Since then, it has fluctuated back down to the

2 current level of 197 licensed buses. While this is
3 not a large number of vehicles relative to total road
4 users, sight-seeing buses are large vehicles with a
5 significant curb use impact. They also predominantly
6 travel through and stop within the busiest, densest
7 parts of our City's central core often overlapping
8 with transit operations such as the MTA buses that
9 carry New Yorkers on 2.5 million trips every day
10 across the City. DOT requires all companies
11 requesting authorization for bus stops to provide
12 their proposed schedule information. Once DOT
13 authorizes the stop, we require timely updates to any
14 changes to schedules or bus ownership. As we
15 described previously, in 2016 DOT conducted a study
16 of the sight-seeing bus industry. As part of that
17 study we collected data at 14 locations, monitoring
18 over 1,200 sight-seeing bus arrivals and departures.
19 We found that most stops averaged about four to nine
20 buses per hour. Peak sight-seeing operations took
21 place mainly between noon and 4 p.m. each day and
22 started to steadily drop off later in the day.
23 During peak times, we saw double running when
24 companies utilized two buses for every one scheduled
25 stop and arrival frequencies in excess of the

1 schedule submitted for authorization. While two-
2 thirds of the buses were observed loading and
3 unloading passengers within three minutes or less,
4 17% stayed at the curb for more than 10 minutes,
5 particularly at certain locations. We observed
6 instances of obstructing the travel lane or
7 contributing to sidewalk crowding. We also saw
8 examples of good actors at major destinations
9 expeditiously loading and unloading passengers as
10 required by our traffic rules. As we explained at
11 the previous hearing, DOT's bus stop management unit
12 receives requests from multiple types of bus
13 operators seeking permission for loading and
14 unloading customers. This includes MTA buses, inter-
15 City buses such as Megabus and Boltbus, public
16 transportation buses such as New Jersey transit as
17 well as sight-seeing buses. For each bus stop
18 request, DOT assesses the conditions of the
19 particular location. We comprehensively consider
20 traffic patterns and existing traffic and curb
21 regulations. If the request is for a bus stop
22 location utilized by another operator including the
23 MTA, we will assess whether the new proposed service
24 can be accommodated in addition to the current usage
25

2 based on the submitted schedule. DOT may decide to
3 deny a bus stop request for reasons including narrow
4 sidewalks, likelihood of disrupting traffic,
5 potential pedestrian congestion or loss of parking
6 and commercial loading areas. Also, we avoid
7 proximity to hospitals, fire stations and police
8 precincts so as not to interfere with emergency
9 vehicles. Curb regulations and street use are always
10 changing but under current conditions little
11 available curb space remains in the immediate
12 vicinity of the most popular tourist locations in
13 Manhattan which have the highest demand for stops
14 from sight-seeing bus companies. DOT rejects stop
15 requests due to capacity issues at these heavily used
16 locations. On the other hand, certainly many
17 locations throughout the City do have the capacity
18 for additional sight-seeing bus operations. In the
19 past DOT has worked to designate new sight-seeing bus
20 stop locations, in some cases at the request of
21 elected officials. Turning to legislation before
22 Council today, DOT supports the Speaker's bill, Intro
23 723. Similar to 713A from the previous term, Intro
24 723 would mandate that sight-seeing bus companies
25 first have authorization from DOT for all of their

2 bus stops before receiving an operating license from
3 DCA. Under the bill, the process for assigning stops
4 would be similar to our process for assigning inter-
5 City bus stops including Community Board consultation
6 process. It also makes clear that a failure to abide
7 by the conditions of such authorizations can lead to
8 their revocation and makes such revocation a
9 potential cause for the loss of their DCA license.
10 Currently sight-seeing bus operators can be granted
11 DCA license without receiving approval from DOT for
12 their proposed stop locations and schedules. This
13 contributes to buses on the streets utilizing
14 unauthorized stops including MTA bus stops, locations
15 authorized for other companies or curb locations with
16 no authorized bus stop. Intro 723 also includes a
17 requirement that any company granted a sight-seeing
18 bus stop authorization must subsequently provide real
19 time electronic tracking data in a form and frequency
20 to be determined by DOT. Sight-seeing bus operators
21 very likely already collect GPS location information
22 and DOT would promulgate rules and develop a process
23 for regular reporting. By showing where buses are
24 actually traveling and stopping, that data would
25 enable DOT to more effectively monitor that sight-

1 seeing buses are operating in line with approved
2 schedules at stops and could help target enforcement.
3 This data will also compliment other data sources
4 such as the taxi GPS, MTA bus time data to paint a
5 more complete and accurate picture of conditions on
6 our roads. We commend the additional work on this
7 bill since its prior incarnation as Intro 713A and
8 would like to thank Speaker Johnson for his
9 partnership. Sight-seeing buses heavily affect the
10 Speaker's district and are certainly a topic he knows
11 well. Combined with strong enforcement, these
12 changes including a few additional technical
13 amendments we'd be happy to discuss, would help
14 ensure that DOT can effectively authorize bus stops
15 in a coordinated manner and prevent over saturation
16 of activity at particular locations. Finally, when
17 it comes to including the viability of bus route
18 among the criteria that DOT would be required to use
19 as a basis for authorizing sight-seeing bus stops,
20 DOT's appropriate role should be in determining
21 whether a particular location can accommodate a
22 company's proposed schedule of pick-ups and drop-
23 offs, not making a determination as to the routes
24 used between designated stops. Turn to Intro 725
25

2 which would cap the number of sight-seeing bus
3 license plates at 225, we defer to, in general to DCA
4 as the issuer of sight-seeing bus licenses since they
5 would be responsible for administrating any cap. DOT
6 does not want to discourage competition in the form
7 of new entrants into the market or prevent the
8 potential growth of these services elsewhere in the
9 City, including new locations where they may be
10 desired, while at the same time not necessarily
11 reducing problematic activity at presently over
12 saturated locations we know are of concern to Council
13 Members but we do agree that we should manage the
14 impacts of sight-seeing buses to prevent problematic
15 curb uses and prevent over saturation and we welcome
16 efforts to strengthen the City's ability. Finally, I
17 will defer to my colleague at the Department of
18 Consumer Affairs to address Intro 727 and 289. Thank
19 you for the opportunity to speak today on sight-
20 seeing bus regulations in New York City and the
21 proposed legislation. I look forward to answering
22 any questions following testimony from my DCA
23 colleague.

24 CASEY ADAMS: Thank you. Good morning
25 Chairman Espinal and members of the Committee on

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2 Consumer Affairs and Business Licensing. My name is
3 Casey Adams and I am the Director of City Legislative
4 Affairs for the New York City Department of Consumer
5 Affairs. I am joined today by some of my colleagues
6 from the department and, of course, Alex Keating from
7 the Department of Transportation. I would like to
8 thank you all for inviting DCA to testify about
9 Introductions 289, 723, 725 and 727, all of which
10 relate to the regulation of the sight-seeing bus
11 industry in New York City. Currently DCA licenses
12 eight sight-seeing bus companies along with one
13 company whose renewal is currently pending that
14 together operate 197 vehicles. DCA enforcement staff
15 inspect all sight-seeing buses at least once every
16 four months to ensure that they're in compliance with
17 local laws and rules which mandate, among other
18 things, the posting of consumer disclosures and rate
19 schedules, the maintenance of a clean and sanitary
20 interior as well as functioning exterior lights,
21 signaling devices, and windshield wipers and the
22 installation of headphone limited sound reproduction
23 systems. In addition, sight-seeing buses must be
24 inspected every six months by the New York City
25 Department of Environmental Protection as well as the

2 New York State Department of Transportation for
3 compliance with emissions and road safe safety
4 standards respectively. We appreciate the
5 opportunity to be here today with our partners from
6 DOT to discuss proposed changes to the regulation of
7 the sight-seeing bus industry. This industry plays
8 an important role in supporting our City's booming
9 tourist economy as others have pointed out and we
10 share a collective goal to ensure that important
11 industries can thrive and that consumers including
12 both tourists and native New Yorkers are protected.
13 We believe that some of the proposals being discussed
14 today would help to streamline existing regulatory
15 processes without sacrificing protections for
16 consumers. I will offer brief comments on each bill
17 before us today. First, I will discuss Intro 289, a
18 bill that requires sight-seeing bus companies that
19 operate double decker buses to ensure that an
20 employee is stationed on the top deck of a bus
21 whenever consumers are present there. The top deck
22 employee must be licensed as a sight-seeing guide by
23 DCA. As a policy matter, DCA takes no position on
24 the desirability or necessity of having a second
25 employee present on the top deck of sight-seeing

2 buses but we look forward to hearing more from the
3 Council and advocates here today about why this
4 change is needed. We note that under current law,
5 license sight-seeing guides who drive sight-seeing
6 buses are already prohibited from explaining,
7 describing or lecturing while a bus is in motion. A
8 driver who is not a licensed sight-seeing guide may
9 not explain, describe or lecture regardless of
10 whether that bus is in motion.

11 Intro 723 requires that sight-seeing bus
12 companies obtain stop authorizations from DOT before
13 applying for license from DCA. Currently the law
14 does not require sight-seeing bus companies to have
15 stops assigned in order to obtain a license from us.
16 In addition, the bill allows DCA to suspend or revoke
17 a company's license if DOT revokes one or more of the
18 bus stop authorizations. DCA supports Intro 723
19 because we believe it will streamline the regulatory
20 process and more closely align licensing requirements
21 with broader traffic impacts.

22 Introduction 725 would cap the number of
23 sight-seeing bus license plates at 225 preventing DCA
24 from issuing additional license plates above that
25 number. Individual license plates are distinct from

2 the license that must be obtained by a sight-seeing
3 bus company. One license company may have many
4 license plates in circulation. In fact, Gray line
5 and City Sights which together comprise Twin America
6 currently hold 93 plates or almost half of all active
7 plates. At the moment, there is no cap on the number
8 of license plates that can be issued either overall
9 or to an individual company. The DCA would like to
10 offer a note of caution about this proposal. As we
11 stated at the Council's 2016 hearing on an earlier
12 version of this bill, a competitive market is often
13 good for consumers because it may put downward
14 pressure on prices and push companies to innovate.
15 Today the sight-seeing bus market in New York City is
16 highly consolidated. DCA reviewed historical
17 licensing data back to 1991 and found that the eight
18 companies and one pending company currently holding
19 active licenses is equal to the lowest number of
20 companies licensed for any year study and is well
21 below the historical average of 20 companies for the
22 years we reviewed. Today there are eight companies,
23 again with one pending, operating a total of 197
24 buses. In 1995, for example, there were 27 companies
25 operating 144 sight-seeing buses. Under a cap

2 system, current licensees would be able to renew
3 their existing license plates giving current market
4 participants another advantage over new entrants in a
5 business that already has high barriers to entry
6 undermining potentially competitive pressures that
7 can work to the benefit of consumers. In addition,
8 capping the number of license plates could undercut
9 incentives for companies to expand tours outside
10 Manhattan. At the Council's 2016 hearing, Council
11 Members from Brooklyn, the Bronx and Queens remarked
12 that their communities also have much to offer sight
13 seers and tourists but only seldom see the sight-
14 seeing buses and other tourism businesses that could
15 benefit local small businesses by bringing in foot
16 traffic and spending power. Limiting the number of
17 available buses could push companies to place them in
18 tried and true market, as we know mostly in
19 Manhattan, rather than exploring new and untested
20 routes in other communities across the City.

21 Introduction 727 would prohibit sight-
22 seeing buses from employing drivers unless they meet
23 certain requirements. The administrative code
24 required DCA to issue sight-seeing bus driver
25 licenses until 1995 which that provision was appealed

2 as duplicative of State requirements. DCA
3 understands that Council intends to hold companies
4 accountable for hiring safe and qualified drivers and
5 we commend that goal. However, many of the
6 requirements in this bill, especially those related
7 to driver safety and infraction records, partially
8 overlap with State laws and rules governing
9 commercial driver's licenses or the standard
10 promulgated by the Federal Motor Carrier's Safety
11 Administration on which they are based. It is
12 important to remember that DCA is a consumer
13 protection and licensing agency, not a traffic safety
14 agency like the State entities that regulate and
15 issue CDL's in New York and other states. We
16 recommend that the bill be amended to require that
17 companies hire only those persons who hold a CDL
18 valid to operate a sight-seeing bus from either New
19 York or another state whose licenses are reciprocally
20 recognized by the New York State Department of Motor
21 Vehicles. Under this approach, DCA would be able to
22 issue a violation to a company that fails to insure
23 that its bus drivers are properly qualified by a
24 traffic safety agency with the mandate, means and
25 expertise to test and monitor those qualifications.

2 Again, I would like to thank the Committee for the
3 opportunity to testify today. We share the Council's
4 goal of insuring that sight-seeing buses are safe,
5 clean and dependable experiences for the millions of
6 tourists that make New York City one of the world's
7 top tourist destinations every year and for the New
8 Yorkers who share our streets with these vehicles. I
9 will be happy to answer any questions you may have
10 along with my colleague.

11 CHAIRPERSON ESPINAL: Thank you for your
12 testimony. Before I hand it over to my colleagues, I
13 just want to ask one question. So, you inspect the
14 buses once every four months to check the cleanliness
15 and whether the buses are up to standard and safety?

16 CASEY ADAMS: That's right, in addition
17 to the qualifying inspection which is separate.

18 CHAIRPERSON ESPINAL: Now when you do
19 those inspections, are they scheduled inspections or
20 do you walk in unannounced?

21 CASEY ADAMS: Generally, they're
22 scheduled inspections and for the qualified
23 inspection, part of the licensing process is that the
24 company must submit a roster of buses and a request
25 for inspection so we do make an effort to accommodate

2 the company in the scheduling of inspections because
3 it is a disruption to their business process to have
4 their entire fleet inspected.

5 CHAIRPERSON ESPINAL: Okay, now regarding
6 to the 727, the license bill, you mentioned that DCA
7 is not a traffic safety agency. All right, do you
8 not believe that protecting the consumers on the
9 buses from a possible accident is probably a consumer
10 protection issue?

11 CASEY ADAMS: Absolutely, we feel that
12 consumers on these buses should be protected as a
13 traffic safety matter and we think that the most
14 effective way to do that is to directly link company
15 responsibility to monitoring and regulation by an
16 agency that has the expertise and the resources to do
17 so. Because New York State issues these CDL's, we
18 think that the company should be held accountable for
19 hiring people who are qualified under that agency's
20 laws and rules and hold a CDL.

21 CHAIRPERSON ESPINAL: Yeah, before I go
22 on to my next question, I just want to give my
23 colleagues a chance to ask questions because I
24 understand that they schedules. Councilman Peter
25 Koo.

2 COUNCIL MEMBER KOO: Thank you Chair
3 Rafael. Thank you for coming to testify. My
4 question to you is on the cap, the proposed cap on
5 sight-seeing buses. You said that you might hurt
6 tourism, especially in Manhattan but you also
7 mentioned before there are not too many buses that go
8 to other boroughs so maybe we can have a cap in
9 Manhattan and open more licenses to tour bus to come
10 in to go to Queens, go to Bronx, go to Staten
11 Island. Just think of a taxi. We have a yellow taxi
12 and a green taxi, right. So we open a category of
13 sight-seeing buses to the outer boroughs. That would
14 increase tourism in other boroughs to help the local
15 economy of other boroughs so would you take that
16 suggestion?

17 CASEY ADAMS: Certainly we're open to
18 having a discussion with you about potential
19 amendments to the proposal. I think that we share
20 the goal of ensuring that communities that would like
21 these businesses have the opportunity to get them and
22 are not held up by government agencies. I think we
23 work with, there are examples in the past where we
24 have worked with communities that would like to see
25 new sight-seeing bus stops in their areas and we've

2 done that successfully and I think that as my
3 colleagues from DOT pointed out in their testimony,
4 the Speaker's bill is really a great opportunity to
5 start gathering the type of information that would
6 inform a proposal that might place restrictions on
7 certain parts of the City or better encourage
8 companies to expand to places that are underserved by
9 these businesses right now so the bill requires the
10 submission of GPS data to the Department of
11 Transportation and I think that will be a great data
12 source for thinking about how we might address some
13 of the issues that you brought up.

14 COUNCIL MEMBER KOO: I have one more
15 question. On the sight-seeing guides, what are the
16 licensing requirements to be a guide, sight-seeing
17 guide in Manhattan? What kind of knowledge do they
18 have to have? Do you have a test for them or do they
19 have to be a resident of these area so what are the
20 requirements?

21 CASEY ADAMS: So specifically what I
22 think you're getting to and please correct me if I'm
23 wrong, is how do we test the qualifications of sight-
24 seeing guides to ensure that they know the area that
25 that they're guiding people around. Is that fair

2 because I think the answer to that is that we do
3 have, we have a test for sight-seeing guides and the
4 sight-seeing guide has to pass the test in order to
5 obtain the license.

6 COUNCIL MEMBER KOO: Is there a residency
7 requirement? I mean, do they have to live in New
8 York City to be a guide, right?

9 CASEY ADAMS: I don't believe so, no.

10 COUNCIL MEMBER KOO: I think we should,
11 you know, because if you go to Europe, they always
12 hire local guides and then whenever you go to a
13 different city, they change, they use a local tour
14 guide. There's no guide for the whole Europe, no, so
15 we should prefer that people at least they live in
16 the five boroughs, no, to be a sight-seeing guide so
17 help the local people to have better jobs.

18 CASEY ADAMS: I think we should have the
19 goal of making sure that people who are licensed by
20 New York City as sight-seeing guides have a wide
21 ranging knowledge of local tourism attractions and
22 can provide, you know, accurate information about all
23 the historical heritage and attractions that our City
24 has to offer and we think that that is the purpose
25 behind our test and that it serves that purpose well

2 by ensuring that the guides have that knowledge
3 before they obtain the license.

4 COUNCIL MEMBER KOO: So why not there's
5 no requirement that they had to be a New York City
6 resident?

7 CASEY ADAMS: I don't believe so no.

8 COUNCIL MEMBER KOO: So maybe we can add
9 that requirement to the licensing test. Thank you.

10 CASEY ADAMS: Thank you.

11 COUNCIL MEMBER CHIN: Thank you, thank
12 you for your testimony. First I wanted to ask
13 Mr. Keating about your study in 2016 when you looked
14 at the 14 locations. When you were tracking, looking
15 at the buses coming down, did you also do a head
16 count or like a, did you take down notes about
17 whether the bus was full of people or were they empty
18 or were there people on the top level, the lower
19 level? Did you take that into your survey?

20 ALEX KEATING: Right, I'd have to go back
21 to the exact data that we worked up with our
22 consultant on this too but I believe we were not
23 looking at volume, ridership volumes on the buses as
24 part of the study. We were mainly focused on the
25 part of the process that we regulate which is the

2 access to the curb, layover, things like that and to
3 what extent they were impeding traffic or causing
4 issues on sidewalks.

5 COUNCIL MEMBER CHIN: Yeah, if you could
6 check because that, that would be an important
7 component because in the last couple of years, what's
8 troubling us and the residents in the neighborhood is
9 that a lot of these double decker bus are rolling
10 billboards because you see that all of them have, you
11 know, painted all over so no one is sitting
12 downstairs. You might have a few people sitting
13 upstairs but when you have about four to nine buses
14 coming down, I mean we were on Broadway and we saw
15 buses. We took pictures of bus coming down and a lot
16 of them were empty and that's why all the congestions
17 and the fumes and the pollution. It's because, yeah,
18 they got the license and they're making money from
19 the advertisement. Last session when we had the
20 hearing, I could not get any information from the
21 tour company or from DOT or from DCA, the amount of
22 money that's being generated from these rolling
23 billboards. Nobody gave me that information, right,
24 but my constituents are telling me, hey, this is
25 what's going on and if you walked out even right in

2 front of 250. That's a bus stop and you have more
3 than one bus, you know, coming by and often time it's
4 not full so hey, we welcome tourists to the City. I
5 would love to have more, you know, tourists but our
6 tourists they walk. Especially in Manhattan, lower
7 Manhattan, the best way to look at the sights and
8 experience New York is by walking. Take the subway,
9 take bus and get off and just explore the
10 neighborhood but what's going on right now with this
11 industry is that they're taking advantage of the
12 license and the plates that they have and that's
13 what's going on so we want to find a way to balance,
14 to regulate, to make sure that New Yorkers who lives
15 here, that we're not suffering for this growing
16 industry so I know that you were talking about some
17 concern about competition and all that. Well, help
18 us figure out a way. I mean, as my colleague is
19 saying, you know, maybe issue license just for the
20 other borough because we do want them to visit other
21 borough but even within Manhattan, they don't stop at
22 every neighborhood. A lot of them don't stop in
23 Chinatown. They just pass through on Broadway. They
24 don't make a stop or they go up Bowery. They don't
25 make a stop so if the, I think the other legislation,

2 723 the Speaker's bill, that would also us gather the
3 data, where are they stopping? They're stopping at
4 SoHo. Wow, they're there constantly and the Village
5 and that's why we hear directly from a lot of
6 constituents so do you have any suggestions in terms
7 of how we can find that balance and look at, you
8 know, to encourage competition but to really regulate
9 the tourism industry because you see those
10 billboards. I mean, you see those advertisements.
11 It wasn't like that a couple of years back and some
12 of the companies that are doing most of those
13 advertisements, I bet you they're the one that has
14 most of the buses.

15 ALEX KEATING: I mean, I would first go
16 back to the provisions in Intro 723 which add some
17 sort of, some teeth to the authorization process in
18 terms of being able to revoke a bus stop
19 authorization if we're seeing that the company is not
20 meeting the schedule and service level that they
21 present and that GPS data would go a long way to
22 helping us do that so any bus on the road should have
23 an authorized stop and it should be meeting, you
24 know, meeting the schedule proposed so I think being
25 able to really regulate that with more information

2 will go a long way to helping us a) understand what
3 is really happening out on the road and also be able
4 to back up those regulations that are set in the
5 permit authorization.

6 COUNCIL MEMBER CHIN: And also for DCA, I
7 mean, do you check on these buses regularly or do
8 some spot check because I know that we passed a bill
9 about using headsets and it's like, they don't check
10 unless oh, you have to have it there but like whether
11 they're using it or not, it's not being checked on a
12 regular basis so yeah, the company could have the
13 megaphone with a headset on the bus but if they don't
14 use it, nobody penalized them for not using it.

15 CASEY ADAMS: So to the first part of
16 your questions, yes. DCA inspects these, all these
17 buses regularly. We are required by law to inspect
18 them at least three times a year in addition to the
19 qualifying inspection each time a company requests a
20 new plate and part of that inspection, we put out an
21 inspection checklist which is on our website and we
22 can share with you so the companies know what we're
23 looking for and the public knows what we're looking
24 for is the check on the headphone limited sound
25 reproduction system which was a bill that the Council

2 passed so every bus has to have that headphone
3 reproduction system. DCA does not, however, do the
4 in the field enforcement. That is within the
5 jurisdiction of the NYPD.

6 COUNCIL MEMBER CHIN: Well, that's NYPD
7 again. I mean, it's also, it's complaint driven but
8 DCA should really look at, just like DOT. There's
9 got to be some regular inspection to make sure that
10 the tour operators, the sight-seeing operator are
11 abiding by the rules. The other question that I have
12 is that since, when they come to apply, like these
13 double-decker bus, they should be using both level,
14 right, but how do you check them when are coming with
15 their, the bus that they are putting on the street do
16 not have people riding on the lower level because
17 they're painted over. Like if somebody who's buying
18 a ticket, they're not gonna sit downstairs because
19 they can't see anything so automatic all that seat is
20 wasted so is DCA is there a way for you to monitor
21 whether these company are actually giving you the
22 right amount of information? Then it's not a double-
23 decker bus. I mean, like they're only providing an X
24 number of seats.

2 CASEY ADAMS: So DCA requires that these
3 companies submit a great deal of information. As I
4 said at the beginning, no bus is given a plate by DCA
5 unless it has a certificate of inspection from the
6 New York State Department of Transportation as well
7 as a certificate of conformity issued by the United
8 States Environmental Protection Agency and we don't
9 schedule an inspection until we have those documents
10 and once we have them, our inspectors go out and
11 check for all the things I mentioned at the top. In
12 terms of the split level, whether seats are being
13 used, DCA doesn't have the authority right now to
14 require that there be a certain distribution of
15 passengers on a bus.

16 COUNCIL MEMBER CHIN: Shouldn't DCA
17 require that? I mean they said, they're advertising
18 as a double-decker bus, right? They're gonna be
19 supposedly providing 50 seats but they're only
20 providing 25.

21 CASEY ADAMS: We don't, we've received no
22 complaints from consumers that they are unable to use
23 a lower level of the bus but if we did, we would
24 follow up on that but we haven't received any that
25 I'm aware of.

2 COUNCIL MEMBER CHIN: But a lot of them
3 are tourists. They're not, they're just here a
4 couple of days, right? They're not gonna complain
5 but why couldn't DCA be more proactive on that? I
6 mean, I would urge you to take that back. I mean, I
7 don't know we have to do another legislation but, I
8 mean, it makes common sense, right? If they're
9 coming in to license a double-decker bus and they're
10 not providing double-decker service because DCA and
11 DOT. Aren't there regulations about rolling
12 billboards? Don't they have to, isn't there a
13 special license for advertisement to be driving
14 around?

15 ALEX KEATING: So I'm aware that under
16 DOT's existing rules there are some restrictions on
17 commercial advertising on vehicles. We would be
18 happy to follow up on what those are and how they're
19 enforced.

20 COUNCIL MEMBER CHIN: That would be
21 great. I think we should definitely take a look at
22 that because that is what's going on is moving
23 advertisement and this has happened in the last
24 couple of years and they're making money so the City
25 really need to know how much revenue are being

2 collected because they're clogging up our street and
3 causing a lot of congestion problems. Thank you,
4 Chair.

5 CHAIRPERSON ESPINAL: Thank you,
6 Margaret, for hitting on all those important
7 questions. So I just have two questions. Do all
8 sight-seeing bus drivers possess a CDL? There's been
9 some confusion on whether they do or not.

10 CASEY ADAMS: It's our understanding that
11 all sight-seeing bus drivers must possess commercial
12 driver's license under State law in order to operate
13 the type of vehicles that are typically operated by
14 these companies.

15 CHAIRPERSON ESPINAL: Right, okay.

16 CASEY ADAMS: But obviously the actual
17 requirement exists within the State law.

18 CHAIRPERSON ESPINAL: Okay, so we should
19 look for that. Now are the buses considered
20 commercial vehicles?

21 CASEY ADAMS: The way the commercial
22 driver's licenses are defined again, my
23 understanding, we're not the agency of jurisdiction,
24 is based on a gross vehicle weight ratio and the, so
25 depending on what weight class a vehicle falls into,

2 they would need to have a certain class of CDL,
3 either a Class B, or a Class C, and in addition
4 because these vehicles carry passengers, they would
5 need a P, it's called a P endorsement and many of
6 these requirements as I mentioned in my testimony are
7 governed by a federal standard that was promulgated
8 by the Federal Motor Carrier Safety Administration
9 and is followed by a majority of states.

10 CHAIRPERSON ESPINAL: Now do either of
11 the agencies or even NYPD look into whether these
12 drivers possess these licenses?

13 CASEY ADAMS: Not at the moment but I
14 think that's one of the reasons that we made the
15 suggestion that we did for your bill, Mr. Chairman.
16 We think that these companies should be held
17 accountable for only hiring those driver's that are
18 qualified by the appropriate traffic safety agency to
19 operate these vehicles and if they fail that
20 responsibility, our proposal would allow DCA to issue
21 a violation under local law and provided everything
22 in the bill is written in this matter, allow us to
23 consider that violation when we determine whether a
24 license should be issued or renewed.

2 CHAIRPERSON ESPINAL: Okay, so when a
3 sight-seeing bus stop applied for a license, do they
4 need to request for the bus stops before they get the
5 license or show a plan of where they plan on
6 stopping?

7 CASEY ADAMS: Not at the moment but that,
8 again, that's one of the reasons we're looking
9 forward to Speaker Johnson's bill because we think
10 this is going to give, this is going to realign the
11 licensing process so that the requirements for the
12 license more accurately reflect the broader traffic
13 impacts that these vehicles have and it will give DOT
14 the data and the position in the process that they
15 need to effectively account for those impacts.

16 CHAIRPERSON ESPINAL: Now you testified
17 that you only require for the stops to be reported,
18 not the actual routes.

19 ALEX KEATING: Yes, that's correct.
20 Under the, under the current framework, we're looking
21 just at the curb space that's being requested and
22 whether it can accommodate the proposed bus stop and
23 schedule and that has to do with, all the criteria we
24 discussed I think under the proposed legislation,
25 we're excited about sort of further codifying and

2 formalizing those criteria but it is looking at the
3 use of the curb, that's correct.

4 CHAIRPERSON ESPINAL: Okay. Is there a
5 requirement to have a stop in order to apply for a
6 license?

7 CASEY ADAMS: I think there's two
8 questions there. The first question is is it
9 currently a requirement to have a stop in order to
10 apply for the license? The answer is no but that
11 would be one of the changes that the Speaker's bill
12 makes and a change that we support and then the
13 second question there is are buses required to have a
14 stop in order to use a stop and I'll pass it to my
15 colleagues at DOT for that.

16 ALEX KEATING: In order to provide the
17 service and access to the curb, they're required to
18 have a stop that is designated and authorized by DOT
19 and that goes for all of the, basically all of the
20 buses with some exceptions being some charter bus
21 service for buses that are coming into or circulating
22 within New York City.

23 COUNCIL MEMBER KOO: So Mr. Casey, right,
24 you mentioned that tourists they don't complain. You
25 receive very few complaints from the passengers

2 CASEY ADAMS: I'd like to clarify that I
3 was saying that we receive no complaints to my
4 knowledge about

5 COUNCIL MEMBER KOO: No complaints at
6 all?

7 CASEY ADAMS: To clarify no complaints
8 about inability to use the lower level of a double-
9 decker sight-seeing bus. We do receive complaints
10 from tourists who use these surfaces though compared
11 to some of our other categories, there are not that
12 many. I believe it was about 80 complaints last
13 year.

14 COUNCIL MEMBER KOO: Yeah, so is it a
15 requirement right now that each bus they have a sign
16 inside just like a taxi where if you have a
17 complaint, you call this number, and this bus number
18 is what and then this driver is who? Do they have a
19 sign inside the bus

20 CASEY ADAMS: There are several signs
21 that are required inside the bus and we will be happy
22 to share with you the inspection checklist which will
23 tell you exactly what our inspectors are looking for
24 when they go out to check a bus but yes, there are
25

2 several signs including one stating a refund policy
3 which is fairly common across all industries.

4 COUNCIL MEMBER KOO: No, but is the sign
5 posted inside the bus?

6 CASEY ADAMS: Inside the bus, yes.
7 There's actually, there's a requirement for posting
8 of two signs at two different locations within the
9 bus and we can follow up with you about exactly what
10 that looks like when our inspectors go out.

11 COUNCIL MEMBER KOO: So, can you also
12 tell me like the safety record of the sight-seeing
13 buses? Like in the last two years, how many
14 accidently have they involved?

15 ALEX KEATING: Sure, so with Vision Zero
16 being the overarching principal for a lot of the work
17 we do now at DOT and safety is our first priority, we
18 do track data as best we can on sight-seeing buses as
19 well as all the other vehicles on the road. Looking
20 at New York State DMV injury data which we have
21 available through 2016, as well as news reports that
22 sort of give you information on what's happened and
23 DOT/NYPD fatality that's updated daily, we are aware
24 of I believe this would be 15 crashes that were
25

2 involving sight-seeing buses dating back to 2005 to
3 today, one of those crashes involving a fatality.

4 [Inaudible]

5 ALEX KEATING: I wouldn't have the
6 information on the specifics of each incident in
7 front of me now but it's something I could look into
8 and it also depends on the data source largely.

9 CHAIRPERSON ESPINAL: Thank you.

10 ALEX KEATING: Thank you.

11 CASEY ADAMS: Thank you.

12 CHAIRPERSON ESPINAL: I believe we have
13 Manhattan Borough President, Gale Brewer here to
14 testify or her rep, Shulamit Warren, the policy
15 director. Whenever you're ready, you can just state
16 your name and begin. Thank you.

17 SHULAMIT WARREN PUDER: My name is
18 Shulamit Warren Puder. I'm the Policy Director for
19 Manhattan Borough President, Gale Brewer. Thank you
20 so much for the opportunity to testify on her behalf.
21 Thank you to Chair Rafael Espinal for the opportunity
22 to testify today in support of my bill Intro 725
23 introduced jointly with Council Members Margaret Chin
24 and Carlos Menchaca. This bill would amend the
25 Administrative Code of the City to limit the number

2 of sight-seeing bus licenses. It has become clear to
3 me in my role as Manhattan Borough President through
4 countless conversations with business owners,
5 residents and community board members that many in
6 our borough are frustrated with proliferating sight-
7 seeing bus industry. According to the New York State
8 Department of Transportation, the number of double-
9 decker sight-seeing buses in the City more than
10 tripled from 57 to 194 between 2003 and 2013 and the
11 number keeps growing although, of course, I would
12 also note that Council for the DCA and DOT testified
13 today that the current number is 197. There is no
14 question that sight-seeing bus industry has become a
15 vital component in the tourism industry. However,
16 these hop on, hop off sight-seeing buses now often
17 operate well below capacity as noted by Council
18 Member Chin needlessly contributing to pollution and
19 congestion. Some companies moreover disregard
20 predetermined bus stops approved by DOT and drivers
21 will park or idle illegally at MTA bus lanes or
22 outside popular tourist destinations like the 911
23 Memorial and Strawberry Fields in Central Park.
24 These problems are the impetus behind Intro 725 which
25 would cap the number of sight-seeing buses at 225.

2 I've spoken at length to advocates including TWU,
3 Local 225 who have concerns that instituting such a
4 cap will result in the loss of jobs. However, no
5 current licenses or jobs will be taken away under
6 this plan. Rather, once the current number of sight-
7 seeing buses gets to 225 as it actually currently is,
8 no additional licenses will be granted. Thank you
9 again for the opportunity to testify. I look forward
10 to working with members of this Committee to ensure
11 proper oversight and enforcement of regulations with
12 respect to the sight-seeing bus industry. Thank you
13 for your time.

14 CHAIRPERSON ESPINAL: Thank you for
15 testifying, appreciate it. Send our regards to the
16 Borough President.

17 SHULAMIT WARREN PUDER: Will do, thank
18 you so much.

19 CHAIRPERSON ESPINAL: I would like to
20 call up the next panel. We have Patrick Condren of
21 Taxi Tours, Melissa Chapman from Brooklyn Chamber of
22 Commerce, Gideon Oliver of Top View, Paul Stuart of
23 Big Bus NYC and Laura Rothrock from Gray Line NYC.
24 We'll set the clock to three minutes and can you also
25 get a chair for the gentleman. Thank you.

2 [pause]

3 CHAIRPERSON ESPINAL: Feel free to begin.

4 PATRICK CONDREN: Good afternoon, Chair

5 Espinal and the Committee. My name is Patrick
6 Condren. I represent Taxi Tours, Inc. d/b/a Big Bus
7 Tours New York and I'm giving testimony here on
8 behalf of Charles Noland, Senior Vice President and
9 General Manager with me today, Big Bus Tours here in
10 New York. Regarding Intro 725A, Big Bus Tours New
11 York is a private bus carrier providing public
12 transport in an urbanized zone. The double-decker
13 bus is the most efficient per passenger mile vehicle
14 in these zones. It is environmentally safe and we
15 applaud the recent, today's and yesterday's effort of
16 the MTA and New York City Transit to incorporate
17 these same types of buses and similar types of buses
18 into the New York City transit fleet. Being in
19 public transport, it appears inconsistent that Intro
20 725A proposes a cap on the number of double-decker
21 buses which support, oh I beg your pardon. Did that
22 all transmit? Was I loud enough? Would you like me
23 to repeat? Okay, so I'll repeat

24 PATRICK CONDREN: Good afternoon,

25 Chairman Espinal and Committee. My name is Patrick

2 Condren. I represent Taxi Tours, Inc. d/b/a Big Bus
3 Tours New York and I'm here on behalf and giving
4 testimony on behalf of Charles Noland, Senior Vice
5 President and General Manager Big Bus Tours New York.
6 Regarding Intro 725A, I bring up that Big Bus Tours
7 New York is a private bus carrier providing public
8 transport in an urbanized zone. A double-decker bus
9 is the most efficient per passenger mile vehicle in
10 these urbanized zones and the most environmentally
11 safe. We applaud the recent efforts of the New York
12 City Metropolitan Transportation Authority to
13 incorporate these same and similar types of vehicles
14 into the New York City transit fleet. It happened
15 today and yesterday. It appears inconsistent that
16 Intro 725A proposes a cap on the number of double-
17 deckers which clearly support congestion mitigation
18 efforts and reduces the footprint. We thank you for
19 your consideration of this comment.

20 LAURA ROTHROCK: Good afternoon. My name
21 is Laura Rothrock and I'm testifying on behalf of
22 Twin America, Gray Line, City Sight Seeing New York.
23 Regarding Intro 289A, Twin is opposed to this
24 legislation. Twin America has implemented automated
25 tour guide technology to provide tour related

2 information to its riders. In large part, this
3 change in methodology occurred as a result of the
4 2010 legislation requiring headphone limited sound
5 reproduction systems that you mentioned before.
6 While Twin America still uses live tour guides for
7 some of its services, that decision is discretionary
8 with Twin America and is determined based on Twin
9 America's sound business judgment. Legislation
10 should not be promoted as a substitute for this. The
11 Council now seeks to implement legislation to require
12 licensed tour guides to be utilized on the upper
13 level of all tour buses. That certainly seems
14 duplicative of the services already provided and to
15 the extent that concern is one of safety regarding
16 disruption to the drivers, we question why the
17 individual that is required to be on the upper level
18 of the bus is required to be a licensed tour guide.
19 We note that in the original draft of the proposed
20 bill, there was no licensed requirement, only an
21 employee was required. Safety concerns could be
22 addressed in that manner. Lastly, we do not believe
23 any mandate regarding personnel on the buses is
24 necessary. Again, this should be left to the
25 company. Twin America is proud of its driver

2 training and safety record. They will continue to be
3 diligent in the pursuit of the very best and safe
4 experience for its customers. Intro 723 allows for
5 community boards to comment on a sight-seeing bus
6 stop application that is pending before the DOT.

7 While Twin America supports and welcomes the
8 participation of community boards, we believe a
9 collaborative effort is required and I'm just gonna
10 summarize. We respectfully request that the bill be
11 amended to allow for the applicant to respond to
12 community boards and the DOT's concerns following the
13 45 day comment period and that a period of true
14 discourse follow. At present, the DOT may approve or
15 reject an applicant's proposed stops without any
16 justification so we would like to work together with
17 all interests to craft the best solution. Regarding
18 725, Twin America supports the limitation of the
19 number of bus licenses below proviso. We support the
20 proportion of the bill which protects the number of
21 licenses already in commerce. However, the language
22 in the bill ties the City's license to the license
23 plate and not the number of licensed buses. When
24 Twin America replaces a bus in its fleet, a new
25 license for that bus is issued. That situation is

2 not protected in the current bill, only the renewal
3 of the same license is provided. In the event an
4 operator turns in a license because an older bus is
5 replaced for a newer, more efficient vehicle, the
6 operator is in jeopardy of not obtaining a license
7 because the total number of licenses may be exceeded.
8 This language as drafted actually provides a
9 disincentive for operators to upgrade their fleets to
10 a more fuel efficient technology because they risk
11 not obtaining a license for the new vehicle.

12 Therefore, we strongly suggest current DCA licenses
13 be grandfathered and based on the company's current
14 number of licenses issued and not the actual plate.
15 Regarding Intro 727 which outlines the licensing
16 requirements for drivers, we support this legislation
17 and we already take a lot of these steps and heighten
18 precautions and we thank you for your consideration.

19 Good afternoon, Chair Espinal, Committee
20 Members and Guests. I'm Melissa Chapman, Senior Vice
21 President for Public Affairs at the Brooklyn Chamber
22 and I'm delivering testimony on behalf of our
23 President and CEO, Andrew Hoan. We're very grateful
24 for this opportunity to provide feedback on the four
25 bills being considered in an effort to increase

2 regulation for the sight-seeing bus industry. While
3 we agree that safety comes first in these
4 considerations, we are concerned that additional
5 regulation may put limitations on bus operators which
6 would in turn hinder the growth of tourism in New
7 York City. The Brooklyn Chamber is a leading
8 advocate for increased tourism in Brooklyn. In 2014,
9 we launched Explore Brooklyn, the boroughs dedicated
10 tourism website featuring a complete source of places
11 to eat, events, shopping and attraction. We have
12 since formed an explore Brooklyn tourism and
13 hospitality committee with a goal of leading tourism
14 efforts and initiatives as well as closing the needs
15 gap within the tourism industry. I will now outline
16 our position on each bill. Intro 289, rightly so
17 this bill aims to increase passenger safety by
18 keeping the tour operator and bus driver role
19 separate in the hopes of reducing driver distraction
20 which can lead to accidents. However, the reality is
21 that while this provision is well intentioned, it
22 will increase the cost of sight-seeing bus operating
23 companies, especially smaller ones. To this end, we
24 encourage our legislators and the City Council to
25 pass a resolution that would help to create

2 additional incentives for these companies should this
3 bill become law. Such action would make our streets
4 safer while providing operators with the resources
5 that they need to adapt to increased overhead
6 expenses. Intro 723, under this proposed legislation
7 operators on street stop bus plans would be subject
8 to a 45 notice and comment period before their local
9 community board. This would present an
10 administrative challenge for bus operators especially
11 if they would like to alter standard stops for the
12 purpose of creating customized itineraries for
13 corporate conventions and other specialty groups.
14 While well meaning, our determination is that the
15 public notice and comment period is lengthy and could
16 impede much needed business opportunities for
17 operators. In cases where bus operators may need to
18 change established routes, our recommendation is that
19 their application be reviewed by the Department of
20 Transportation who could then issue a special
21 variance within 10 business days to the bus operator
22 provided that the plan changes will not pose any
23 threats to safety. Intro 725, if enacted this
24 provision will limit the number of license plates in
25 our City to 225. In places such as Brooklyn where

2 the tourism is still relatively young, putting a cap
3 on the number of license plates will have a negative
4 effect on the tourism and business development. As a
5 tourism advocate, the Brooklyn Chamber always
6 welcomes additional opportunities for tourists across
7 the bridge and shop at our local establishments.
8 Sight-seeing bus operators are a key element in
9 increasing tourism in the outer boroughs and imposing
10 a cap would inhibit progress being made. As the
11 committee alluded to earlier, probably creating
12 incentives for more buses in the outer boroughs would
13 be a good approach and then just to wrap up, we agree
14 with most of the provisions in 727 but will just
15 require probably a review of the provision where it
16 states that the bus driver's list must be submitted
17 every time a new bus driver is hired or leaves. We
18 recommended that that be done probably on a semi-
19 annual basis and just to wrap up, we look forward to
20 working with this Committee to create a balance
21 between tourism growth and safety in our City and
22 again, thank you so much for the opportunity to share
23 this feedback with you.

24 GIDEON OLIVER: Good afternoon. My name
25 is Gideon Oliver. I'm gonna summarize testimony that

2 I hope the Council Members already have in front of
3 them which is a 12 page letter from Astin
4 Costanough[phonetic], the President of TopView. I'm
5 just gonna read it verbatim, no, I'm just kidding.
6 I'm gonna very briefly summarize some of the main
7 points. There's about three pages of specific
8 comments as to each of the Intros. With respect to
9 289A, like Twin America, TopView uses automated, GPS
10 driven systems to give tours. In order to hire
11 separate licensed tour guides to occupy the top of
12 their buses, it would cost a great deal of money,
13 over a million dollars a year and in fact, I think
14 well over a million dollars a year and the return on
15 that cost would be relatively no to nothing as far as
16 we can see. I think there's some flaws in the logic
17 behind the proposal. For instance, it assumes
18 distractions are driving accidents and not other
19 causes, etc. There's some more comments on that
20 point in the letter. As to 725 and the cap, we
21 oppose the cap. There are serious problems I think
22 with imposing a cap in terms of the possibility of
23 recreating some of the market conditions that led to
24 the antitrust litigation that only settled a few
25 years ago. Certainly if there is going to be a cap

2 that's imposed, we suggest that it should be imposed
3 based on real data and information. The number 225
4 doesn't seem to come from data information at least
5 that we've had access to or been able to have a
6 conversation about so we have those concerns. I'm
7 not sure that there is a connection between the ads
8 on the buses and the congestion and I'm sure that
9 industry stakeholders would be happy to engage in
10 conversations and share information about, you know,
11 some of the concerns that have been raised today and
12 that have been raised in the past. I'm not sure that
13 there's been a flow of information that way but I
14 think there certainly could be and finally on 727, we
15 do have comments on 723 but I'm gonna focus on 727.
16 I want to correct an error on page 11 of the
17 testimony. We agree that reporting within accidents
18 or traffic infractions within a business day is a
19 requirement that makes sense but there are, we do
20 have concerns about what exactly should be reported.
21 Specifically having a business report who may have
22 been at fault within a business day before there's
23 been an investigation, before there's been a police
24 report, as an insurance claim is just beginning to be
25 pending and certainly in cases where they are traffic

2 infractions or situations where drivers are issued
3 summonses or there's some kind of legal process going
4 on, there are other concerns that are implicated
5 here.

6 CHAIRPERSON ESPINAL: That, that point
7 was actually removed from the bill.

8 GIDEON OLIVER: Oh, okay, all right. I
9 see my time is up and I'll rely on the remainder of
10 the 12 pages of comments. Thank you.

11 PAUL STUART: Yes, good afternoon Council
12 Members, ladies and gentlemen. My name is Paul
13 Stuart and I'm speaking in support of safety law
14 Intro 289A, the bill that would require at least one
15 licensed tour guide atop double-decker buses. I've
16 been a licensed tour guide with Big Bus New York City
17 for approximately two years. There are two main
18 functions that I serve in my role as a tour guide.
19 1) to provide a safe environment for passengers
20 visiting my great City and 2) to provide an
21 extraordinary experience for the thousands who ride
22 my buses every year. Today I will focus my remarks
23 on the former of the two. Double-decker buses in the
24 fleet have a seating capacity of at least 55 seats
25 upstairs and 28 downstairs so at any given time I'm

2 responsible for up to 83 passengers and since these
3 buses are hop-on, hop-off, you can see how the number
4 of passengers serviced can add up during any given
5 day. At the beginning of the tour I announce the two
6 Big Bus rules, 1) nobody stands while the bus is in
7 motion. I repeat this rule for emphasis and 2)
8 please do not extend your arms, elbows, head or
9 selfie sticks over the side of the bus and since some
10 passengers either are listening to one of the
11 language translations or just not at all, I make a
12 point to approach them, coach children on how they
13 should sit which is facing forward or use structural
14 language to keep everyone seated. Everyone on board
15 is watching me enforce these rules without exception
16 so riders get, they really get that I take their
17 safety seriously. So far my diligence has resulted
18 in no major incidents on my watch. However, there
19 have been quite a few near misses. Many times
20 passengers are having such a great time taking in the
21 sights that they forget the little things, like
22 watching their children. The other day a child left
23 her seat to search for a dropped item on the floor.
24 I immediately grabbed the child's shoulders,
25 repositioned her properly and instructed the parent

2 to keep the child seated. Some five seconds later,
3 the driver slammed his foot on the brakes to avoid a
4 yellow cab crossing his path. That child could have
5 sustained serious injury if I hadn't acted quickly
6 and would likely have been injured if there were no
7 tour guide on board the bus at that time. Passengers
8 on board actually applauded my actions. Please pass
9 safety law Intro 289A. Thank you for listening to my
10 remarks.

11 CHAIRPERSON ESPINAL: Thank you, thank
12 you. One question that I have, I believe that one of
13 the bills asks for the companies to submit their GPS
14 data to the City. How do the companies feel about
15 that, or the industry?

16 LAURA ROTHROCK: At Twin American we're
17 fine with sharing our data.

18 CHAIRPERSON ESPINAL: Okay.

19 PATRICK CONDREN: Big Bus is as well.

20 GIDEON OLIVER: And for TopView.

21 CHAIRPERSON ESPINAL: Okay, yeah. I just
22 have one question that I'm very curious about. When,
23 when Council Member Chin introduced the bill on the
24 cap, there were 237 buses on our streets. We've now
25 seen reports that there are only 197 buses. Can

2 anyone explain on why there was such a significant
3 drop off?

4 PATRICK CONDREN: I'm pleased to report
5 in recent years I advised Borough President Gale
6 Brewer at different times that Skyline stopped
7 operating and the passengers were then taken care of
8 by Big Bus Tours. A year later, Open Loop, just in
9 the last, last twelve months stopped operating and
10 Big Bus Tours and other companies started picking up
11 their passengers so what we're doing is maximum
12 utilization of equipment and seating at this time so
13 there has actually been a consolidation and it's a
14 normal bell curve cycle in transportation tour and
15 travel related hospitality focus of industry curves.

16 GIDEON OLIVER: And similar to what
17 happened in London as well.

18 CHAIRPERSON ESPINAL: All right,
19 Councilwoman.

20 COUNCIL MEMBER CHIN: I guess my question
21 to the companies like Big Bus Tour, how many license
22 do you have, how many buses do you operate?

23 PATRICK CONDREN: In January and
24 February, we were putting, licensed buses included 64
25 but we were putting 32 and 33 on the road. Now after

2 Easter when we're approaching peak periods, as in any
3 transit operation you have peak periods and we're
4 approaching that level on the tour and travel side
5 now.

6 COUNCIL MEMBER CHIN: So you have peak
7 periods, about 64

8 PATRICK CONDREN: 64, which will be more
9 after Memorial Day to, Memorial Day to Labor Day is
10 the peak period.

11 COUNCIL MEMBER CHIN: Do you go to the
12 other boroughs?

13 PATRICK CONDREN: Pardon? We go to
14 Brooklyn and we have been talking with Queens and
15 Staten Island and the Bronx.

16 COUNCIL MEMBER CHIN: And also I noticed
17 that Big Bus, you don't, I don't think you have
18 advertisement on the side of the bus.

19 PATRICK CONDREN: We have limited
20 advertising on our buses. Some of that is a residual
21 of the integration of some of the companies I just
22 mentioned, the chairmen that had commitments for
23 advertising contracts. Therefore, the advertising
24 contract continued on a minimal number of buses. You
25 are correct, Council Member Chin, thank you.

2 COUNCIL MEMBER CHIN: So you have, you
3 have customers on the lower level?

4 PATRICK CONDREN: I'm sorry, say that
5 again?

6 COUNCIL MEMBER CHIN: I mean you have
7 customers sitting down on the lower level.

8 PATRICK CONDREN: Yes, yes

9 COUNCIL MEMBER CHIN: Because I've seen
10 your bus go by. You don't have those

11 PATRICK CONDREN: We're pleased to say
12 we're carrying, you know, a lot of people.

13 COUNCIL MEMBER CHIN: For Twin America,
14 how many buses, thank you, for Twin America, how many
15 buses do you have licensed?

16 LAURA ROTHROCK: We have 93 licenses but
17 similar to Big Bus, it depends on the time of the
18 year and the weather. It's very weather dependent.
19 As far as how many buses are in operation, we have 23
20 licenses.

21 COUNCIL MEMBER CHIN: 23 licenses and you

22 LAURA ROTHROCK: I'm sorry, 93 licenses,
23 yeah.

24 COUNCIL MEMBER CHIN: 93 plates?
25

2 LAURA ROTHROCK: I'm not sure about the
3 number of actual buses.

4 COUNCIL MEMBER CHIN: But 93 buses at the
5 height

6 LAURA ROTHROCK: Licenses, yeah.

7 COUNCIL MEMBER CHIN: So do your bus,
8 does your bus carry those advertisement on the side
9 that covers the whole side of the bus?

10 LAURA ROTHROCK: So we do, we do have the
11 wrapped buses, the advertising on some of our buses
12 but the technology allows for you to see through the
13 window even when it's wrapped so you still are able
14 to see if you're sitting on the lower level.

15 COUNCIL MEMBER CHIN: But it's not that
16 clear though. I mean is something, it's not as clear
17 as something is blocking your view, right?

18 LAURA ROTHROCK: I mean, you're welcome
19 to come. Well, people prefer if it's a nice day, to
20 sit on the upper deck I think whether or not there's
21 advertising on the windows but you can see through
22 those windows.

23 COUNCIL MEMBER CHIN: I remember you
24 testifying last time but I don't think I got the data
25 from you. Do you have any information about the

2 advertising dollars that you generating wrapping
3 around those buses?

4 LAURA ROTHROCK: We, that's information
5 that I don't have available today. I'm sure the
6 company has that information. I just would need to
7 speak to them if they would be willing to disclose
8 it.

9 COUNCIL MEMBER CHIN: That would be great
10 if you could bring it back. I hope they will.
11 TopView, how many buses do you operate?

12 GIDEON OLIVER: Do you know, I don't have
13 that information sitting here right off the top of my
14 head, 25. Yes I do, 25, 25.

15 COUNCIL MEMBER CHIN: 25?

16 GIDEON OLIVER: Correct, your Honor, yes,
17 Councilwoman, sorry.

18 [Laughter]

19 COUNCIL MEMBER CHIN: But the name

20 GIDEON OLIVER: I'm used to your
21 Honoring.

22 COUNCIL MEMBER CHIN: The name doesn't
23 say TopView though because I don't remember seeing
24 TopView sight-seeing bus?

2 GIDEON OLIVER: It, it does say, it does
3 say TopView, your Honor, and I agree you can see out
4 of the, I think you can see quite well out of the
5 lower level. I would invite all the Council Members
6 to, you know, go and see for yourselves how well you
7 can see out of the lower level and

8 COUNCIL MEMBER CHIN: I don't know, I
9 mean if people yeah

10 GIDEON OLIVER: You can't see, you can't
11 see in though so if you're looking outside the bus,
12 you know, you might be assuming that the lower level
13 is not being used when in fact it is being utilized.

14 COUNCIL MEMBER CHIN: So do you have the
15 amount of dollars that you have generated,
16 advertising dollars that you've generated by those
17 wrap around advertisement on your bus?

18 GIDEON OLIVER: I don't have that sitting
19 here today but I'd be happy to follow up.

20 COUNCIL MEMBER CHIN: Okay, we'll get
21 back to you on that.

22 Yes, sir.

23 PATRICK CONDREN: May I inject, on a
24 personal professional basis I'll preface that I've
25 been in the motor coach and tour and travel and bus

2 business since 1964 when I was in high school so over
3 the lifelong of experience I will tell you that in
4 transit tour and travel the revenue that's generated
5 from advertising, similar to the MTA, New Jersey
6 Transit and most private carriers throughout the New
7 York metropolitan area, is part of general revenue
8 that gets contributed to the pool to operate the
9 company therefore keeping fares at a level
10 [Inaudible]. Big Bus in particular, as you pointed
11 out Councilwoman, has a minimal number but it still
12 is part of the revenue stream so it contributes to
13 the general revenue of the company.

14 COUNCIL MEMBER CHIN: Well, one of the
15 biggest concerns among my constituents and New
16 Yorkers is that you have these rolling billboards,
17 you know, and it's like polluting the air and they're
18 not being fully utilized and so they're clogging up
19 our streets.

20 PATRICK CONREN: I agree, there's 5,370
21 New York City transit buses that the revenue also
22 generates to help our transit system and we're all
23 part of that public transport system.

24 COUNCIL MEMBER CHIN: I don't agree with
25 you on that. I mean, that's why we're looking at

2 finding a balance, you know. I mean, we welcome the
3 tourists and they can walk around the neighborhood.
4 They can get off and really enjoy the sights but when
5 you have empty bus or buses just carrying, you know,
6 a handful of people, just roaming down the street
7 every couple of minutes, it's not a pleasant sight.

8 PATRICK CONDREN: No disagreement and
9 specifically on that, oftentimes that case is in
10 discussion with Borough President Brewer at different
11 times, I've explained and invited her to see it and
12 you may have seen it, that the people are actually
13 then inside the Empire State Building or going over
14 to the State of Liberty. You know, they're not
15 always on the bus. They're in between and this is,
16 an empty seat reflects somebody having gotten on and
17 gotten off because the majority of the vehicles in
18 New York City as you demonstrated Chairman by the
19 numbers of 62 million people coming to New York City,
20 are full buses when they start midtown for the most
21 part so if I may just go back to the other part in
22 New York City. We are a world class City and I
23 recall being in the tour and travel business in Times
24 Square in the 60's and the 70's and the 80's and
25 nobody wanted to come. Now we have people coming,

1 we're fortunate to have that system but other cities
2 which is Boston, Paris, Rome, Hong Kong, Singapore,
3 take your pick, they welcome and integrate tour and
4 travel, tourism related buses into the system and I
5 would invite you to consider that very important
6 thought process and I recognize, I noticed a
7 testimony today by the partnership and I'm going to
8 reach out to Kathy Wild to ask her to collaborate
9 that we could determine, identify the exact amount of
10 money that we've asked, that the average tourist,
11 tourist person does bring into the City of New York.
12 We know what the NYC and Company projects, right,
13 which is \$2,642 or some such thing. I won't bore you
14 with all those details.

16 COUNCIL MEMBER CHIN: We looking, we're
17 looking forward to getting the information. Thank
18 you.

19 PATRICK CONDREN: Thank you.

20 CHAIRPERSON ESPINAL: Thank you,
21 appreciate it. Let's call up the next panel and
22 excuse me if I mispronounce your name. Jane
23 Waterdurec [phonetic], Christine Berta, Devin Cyfer
24 [phonetic], Cynthia Chapin, and Peter Davies.

25 Whenever you are ready, you may begin your testimony,

2 whoever you like. You have to hit the microphone,
3 yeah.

4 JANE WATERDUREC [?]: Is that on? I'm
5 sorry. I live in SoHo on Broadway and I look out the
6 window and see these double-decker buses every day
7 and also I live at the corner of Broadway and Broom
8 where there's pollution from the Holland Tunnel in
9 addition and gridlock in addition to the bus exhaust
10 and I rarely see a bus that even has 33% capacity on
11 the top. Usually it's 10% or even less. Sometimes,
12 you know, four to six people so and they're one after
13 another and I'm supporting this effort by Council
14 Member Chin and Gale Brewer to limit the number of
15 buses but I think that it would be better to have a
16 lower cap on the number, even lower.

17 CHAIRPERSON ESPINAL: Thank you.

18 CYNTHIA CHAPIN[?]: Good afternoon, Chair
19 Espinal and members of the Council. I am here today
20 on behalf of Jessica Lappin, President of the
21 Downtown Alliance, the business improvement district
22 for lower Manhattan. We serve an area roughly from
23 City Hall to the Battery, from the East River to West
24 Street. Our annual meeting is this afternoon and
25 Jessica regrets that she was unable to attend in

2 person. I am here to testify in support of Intros
3 289, 723, 725 and 727 and to offer some suggestions
4 to make them stronger. As the City's oldest
5 neighborhood and home to an array of attractions, we
6 have seen an increasing number of sight-seeing buses
7 throughout the district over the last number of
8 years. This increase in volume is a mixed blessing.
9 Over the last decade, lower Manhattan's tourism
10 industry has been expanding very rapidly. By the end
11 of 2016, we had 14.8 million visitors and we
12 anticipate this number will continue to grow. We are
13 heartened to see the City Council tackling some of
14 the challenges presented by the tourism growth by
15 imposing sensible limits on the number of sight-
16 seeing bus licenses, giving the Department of
17 Transportation an increased role on the number of
18 sight-seeing, sorry, as a regulatory agency and
19 integrating community board input into operator plans
20 and while regulation of sight-seeing buses is
21 laudable, we strongly believe these regulations
22 should also apply to charter buses. Over the course
23 of a recent week-long survey conducted by the
24 Alliance, we found over 200 charter buses including
25 almost 100 unique bus companies either improperly

2 loading and unloading passengers or idling within the
3 district. Not only do these buses create sidewalk
4 crowding wherever they let passengers on and off, but
5 they also exacerbate street congestion by idling,
6 blocking bus lanes and increasing traffic. Add the
7 already high volume of pedestrians, bicycles and
8 other vehicles competing for space as well as
9 downtown's sizeable residential and worker
10 populations to the mix, and the immediate need for
11 better regulation becomes even clearer as their
12 impact on public safety and quality of life
13 increases. The City needs to address the root cause
14 of congestion and improve pedestrian safety by
15 regulating this industry in tandem with increased
16 enforcement. The provisions in these bills are a
17 strong step in the right direction. We believe the
18 bills can be improved with certain modifications and
19 we request that you consider these changes. 1)
20 modify language to more clearly define what
21 constitutes a sight-seeing bus and consider extending
22 the definition to include charter buses, 2) for Intro
23 289 consider specifying the maximum amount of time
24 all employees are permitted to work to ensure they do
25 not combine their upper level shift with the driving

2 shift, similar to the 12 hour maximum for drivers as
3 stipulated in Intro 727. Further, consider lowering
4 the 12 hour maximum for driver's shifts to 10 hours.
5 This number should be consistent with all federal
6 safety standards and guidelines. Should I keep
7 going? For Intro 725, devise a clear process for
8 assigning licenses, especially once the limit has
9 been reached. For Intro 723, consider an
10 intermediate penalty of a suspension versus a
11 revocation of a sight-seeing bus stop approval. For
12 Intro 727, modify language to outline enforcement
13 criteria for the City such as random checks or
14 requiring display of driver's commercial licenses.
15 Thank you again for your attention to this issue. We
16 look forward to working with the Council on these
17 bills and to continue making lower Manhattan safer
18 and more welcoming to New Yorkers and those who come
19 to visit from all over the world.

20 DEVIN CYFER [phonetic]: My name is Devin
21 Cyfer and I shouldn't be here. I shouldn't be alive.
22 On July 3, 2015, I was run over by a double-decker
23 tour bus while I was crossing 6th Avenue in Greenwich
24 Village. There's a traffic video showing me on 6th
25 Avenue in the crosswalk on a green light. There's

2 another traffic video showing the driver of the bus
3 speeding through a stop sign on West 4th Street
4 before plowing into me head on and there's a video on
5 YouTube showing a river of my blood flowing down 6th
6 Avenue. As I rolled under the bus wheels, I remember
7 feeling grateful, grateful that my head was not under
8 the wheels. I spent three months in the ICU at
9 Bellevue Hospital having multiple surgeries. The bus
10 driver got a new job within weeks driving another
11 tour bus. The thing about traffic crashes is that
12 they don't discriminate. Everyone is at risk
13 regardless of race, class, religion or sexual
14 orientation. Every person is at risk the moment you
15 step out of this building and trust me, none of you
16 want to endure what I've gone through. It took two
17 months before I could stand. I had open wounds for
18 more than a year. I still wear a brace on my leg. I
19 go to physical therapy twice a week and I suffer from
20 neuropathic pain that feels like someone is trying to
21 cut off my toes with piano wire and I'm one of the
22 lucky crash victims. Please pass legislation
23 regulating sight-seeing buses. Please make sure
24 drivers are vetted and please don't allow drivers
25 whose licenses have been revoked or suspended even

2 once. The driver who ran me over did not get his
3 license suspended. He didn't even get ticketed
4 despite the video evidence. Tickets are rarely given
5 for maiming or even killing pedestrians and
6 bicyclists. Setting the bar as low as proposed for
7 professional drivers is an insult and a threat to
8 every person who steps into the City. You have their
9 lives and the lives of those you hold dear in your
10 hands. I have remained grateful throughout this
11 experience. I truly hope that I can leave here today
12 feeling grateful to all of you for the work that you
13 are doing to make New York a safer and even more
14 glorious City. Thank you for your time.

15 CHRISTINE BERTA: My name is Christine
16 Berta. I am the co-founder of CHEKPEDS, a pedestrian
17 safety coalition on the West side of Manhattan. Our
18 district includes Chelsea, the High Line, 8th Avenue
19 and Times Square which have all experienced a high
20 concentration of tour buses. We applaud the
21 introduction of this batch of legislation to improve
22 safety, reduce congestion with the following
23 suggestion. Intro 723 which provide a process
24 criteria for bus to be granted by DOT. Today on West
25 42nd Street, sighting bus stop are often located and

2 granted by DOT in MTA bus stop and on dedicated bus
3 lanes significantly slowing down the system. We
4 recommend that the legislation explicitly cite public
5 transportation as a criteria to be considered along
6 traffic. No sight-seeing bus should stop, should
7 ever be located in an MTA bus or in an MTA bus lane.
8 The community board should be given 60 days to review
9 application as is customary. Forty-five days is not
10 visible and equivalent to silencing the community.
11 The legislation should explicitly request that buses
12 use truck routes only as they are the only one
13 permitted for buses and therefore, the route should
14 be really controlled. I'll skip the next two ones
15 which you can read and I want to concentrate on what
16 Council Member Chin is talking about about the fact
17 that many of the tour buses that cruise around seem
18 to be fulfilling the advertising contracts more than
19 facilitating visits. I think it may be useful to
20 request that all buses be equipped with real windows
21 downstairs and not obstructed by anything and then
22 limit the footprint of the advertisement they carry.
23 The City zoning limits the size of advertisement in
24 the City and so I don't see any reason and on taxis
25 there is a limit on the size of advertisement. I

2 don't see any reason why those buses shouldn't be
3 subject to a limit size of advertisement and if there
4 is advertisement, the license should be proportional
5 to the size of the advertisement so we can at least
6 share for the benefit and in Intro 727 I will second
7 what the speaker has said, I mean the thought that a
8 driver who had their driver's license suspended or
9 revoked once in the last five years would still be
10 driving is appalling. You know, in order to have
11 your license suspended or revoked, it means that you
12 have had many, many, many infractions first and you
13 can hear if you nearly kill somebody you don't get an
14 infraction in this country so I think that this level
15 is too flexible and it should be, if you are going to
16 give responsibility for 50 or 60 people to a driver,
17 that driver should have an impeccable record. Thank
18 you so much for hearing us.

19 PETE DAVIES: Good afternoon, my name is
20 Pete Davies. I live on Broadway in SoHo. I'm here
21 on behalf of the Broadway Residents Coalition in
22 support of the legislation to strengthen controls on
23 double-decker tourist buses. This industry is
24 insufficiently regulated but it's highly lucrative.
25 They pay a maximum of \$100 per bus for a two year

2 permit. I would be interested to hear from them.

3 Since they're still here, maybe you could ask them

4 back up. How that balances out cost to the City as

5 opposed to the revenue they bring in. I'm sure they

6 probably pay taxes on their income. Is that taxes,

7 do they pay taxes on the advertising revenue? Is

8 that linked? They're, the biggest company is from

9 London and Paris, international corporation that's

10 decided New York is a great place to do business and

11 we're making it pretty easy for them. These big

12 buses clog our streets. The upcoming L train

13 shutdown, as Margaret has pointed out, is bringing

14 dozens of transit buses into our neighborhood and

15 will further exacerbate our already congested area.

16 The Council has one year to address the

17 interconnected problems of tourist buses and transit

18 buses. Now is the time to act and now is the time

19 for the Department of Consumer Affairs who I'm very

20 sorry have left the room because there's a lot of

21 this that they should be addressing, to enforce the

22 rules already in place for these impactful buses and

23 now is also the time for the DCA to take action on a

24 related problem, the many mobile food vending trucks

25 that jostle for position with these tourist buses for

2 curb space making our SoHo sidewalks impassable and
3 pushing pedestrians into the street. Chair Espinal,
4 I ask you to use your position to address the current
5 failure of enforcement. Council Member Chin,
6 connecting to this L train shutdown, I ask you to
7 work with the other Council Members to push the DCA
8 to fulfill its mandate to protect our quality of life
9 and to demand that DOT share information with
10 downtown residents on what they have planned for us
11 and to Speaker Johnson, I ask him to use his power of
12 his position to call for the needed oversight of this
13 industry. Constituents downtown need protections
14 from an out of control and highly impactful double-
15 decker tourist bus industry. Thank you very much.

16 CHAIRPERSON ESPINAL: Thank you very much
17 and thank you Devin for coming and sharing your
18 testimony. Your incident is what, I think, drove me
19 to want to have these hearings so thank you for being
20 here. Thank you.

21 [pause]

22 CHAIRPERSON ESPINAL: Who is here with
23 TWU? Raise your hands and who is here with the Tour
24 Guide Association? Oh, okay.

25 [crosstalk] [laughter]

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

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2 CHAIRPERSON ESPINAL: Okay, all right, so
3 I'm guessing you are all gonna speak on the same
4 issue all show support for the bills. Is there
5 anyone who wants to play ambassador to everyone
6 because we do have live 20 people who want to
7 testify? Play the ambassador of the organizations?

8 [crosstalk]

9 CHAIRPERSON ESPINAL: Okay, so yeah, I
10 mean, come up. The leaders of the organizations
11 please come up and thank you all for being here
12 today.

13 [pause]

14 CHAIRPERSON ESPINAL: So when you're
15 ready to begin, state your name clearly before your
16 testimony. That way we can keep record and the
17 organization you're with.

18 MICHAEL DILLINGER: Good afternoon
19 Chairman Espinal and I thank you for this time before
20 the Committee. My name is Michael Dillinger. I am a
21 licensed New York City tour guide and president of
22 the Guides Association of New York City and we ask
23 for your support of 289A. My colleagues can attest
24 to the events that occur on the tops of double-decker
25 buses. I would like to provide a bit more context as

2 to why guides are the best choice regarding safety.

3 Guides spend more time actively engaged with our

4 City's visitors than any other New Yorkers they may

5 encounter. The relationship between guide and

6 visitor is interactive. We are not a canned voice

7 rattling off facts and figures. We are not a driver

8 or customer agent there to merely check tickets and

9 make a periodic safety announcement to people

10 overwhelmed by the sensory overload many of them

11 experience in our bustling metropolis. As

12 ambassadors for our City, we are constantly focused

13 on the guest's experience helping to interpret the

14 City via the tour, we monitor the travelers reactions

15 as we direct their attention to various elements of

16 the neighborhoods visited and because we narrate the

17 areas traveled through, we are keenly aware of

18 changes along the route that may give rise to

19 unexpected safety concerns. The very nature of our

20 work as guides keeps us actively engaged with

21 travelers for the duration of their journey on the

22 buses. We want to help people fall in love with New

23 York City and their safety is a crucial part of that

24 and I'd just like to add as the Guides Association of

25 New York City we would be happy to be a resource to

2 you for any of the issues regarding tourism in the
3 City that become before the Committee. Thank you.

4 JUDY RICHHEIMER: How do I start the,

5 CHAIRPERSON ESPINAL: Hit the red light.

6 JUDY RICHHEIMER: Okay. I'm Judy

7 Richheimer. I am representing actually two
8 organizations, the Chelsea Reformed Democratic Club
9 or CRDC as well as the Guides Association of New York
10 City, where I am chair of the government relations
11 committee and Council Member Espinal you may recall
12 that our committee met with you to discuss the very
13 issue of ads on the outside of buses was not a
14 revenue issue so much for us as that we just did not
15 want our tourists to be seeing New York City through
16 a window darkly with ads obscuring the City but thank
17 you Council Member Espinal and Committee Members for
18 hearing us today. CRDC strongly supports Intro 289
19 as an intelligent safety measure that has the added
20 benefit of retaining and creating well-paying jobs.
21 GANYC recognizes that while double-decker touring
22 provides a wonderful introduction to our City, it is
23 potentially dangerous and the only way to offset that
24 danger is to have an addition to the driver, a
25 responsible party on board and for several reasons,

3 that responsible party must be a licensed tour guide.

4 Tour guides have proven themselves not only as

5 entertainers and educators but also as protectors of

6 their customer's wellbeing. They know how to keep an

7 eye out for double-decker passengers who, for

8 example, are so enthusiastic about being here in New

9 York they have trouble staying in their seats while

10 the bus is in motion and once the tour guide spots

11 that risky behavior, the guide knows what to do.

12 That is, handle it with firmness and if possible,

13 humor too. We all have war stories about customers

14 whose enthusiasm was really difficult to tamp down.

15 Mine took place some 20 years ago involving a man

16 taking photos while leaning so far over the upper

17 deck rail, he was jack knifed against its outer side.

18 The man spoke only German. I deployed a few shoulder

19 taps and some vitas [phonetic] please and then I

20 escalated to octone [phonetic], no response. Luckily

21 this odd form of picture taking had begun while at

22 rest but once the engine revved up, I had no choice

23 but to get behind him, grab his belt and then yank

24 the man up before he fell onto the sidewalk.

25 Incidentally, he was well over 6 feet and appeared to

weigh about 250 pounds or more so the pedestrian

2 below as well as the tourist on top was at risk. You
3 will likely hear other cases where extreme
4 intervention was required mainly though by
5 continually stating safety reminders. The guide
6 ensured that those instances are rare. Either way it
7 is unlikely that just any bus company employee would
8 zealously protect passengers as we guides do. We
9 know that the driver cannot and should not constantly
10 monitor the top deck and it is certain that a
11 recorded narration would never reach out and prevent
12 a passenger from falling onto the sidewalk. Please
13 pass 289A to help keep our customers and our City
14 safe.

15 CHAIRPERSON ESPINAL: Thank you, can you
16 please tell us again, state your name for the record.

17 JUDY RICHHEIMER: I'm sorry.

18 CHAIRPERSON ESPINAL: State your name for
19 the record.

20 JUDY RICHHEIMER: Judy Richheimer.

21 CHAIRPERSON ESPINAL: Thank you.

22 ANDY SEIDOR: My name is Andy Seidor
23 [phonetic] and I've been a New York City tour guide
24 for almost 20 years. About half that time was spent
25 working on double-decker buses and most of that time

2 was a Union representative of workers in that
3 industry. A number of times over those years, I have
4 testified in these very chambers for the need for
5 common sense legislation to ensure the presence of
6 licensed tour guides on double-decker buses. We
7 gather guides to tell you the true tales and near
8 disasters that we have prevented through experience,
9 knowledge and professionalism. My own story recalls
10 a time heading up 1st Avenue by Stuytown where
11 someone hurled a ball of ice at the bus striking a
12 passenger in the face so hard it drew blood. While
13 signaling the driver to keep moving so as to vacate
14 the danger, I was able to help the passenger. Since
15 I knew hospitals were coming up, I could offer to
16 take him to an emergency room. He declined but these
17 are things that really only a professional guide
18 would know to do but I have told this story before,
19 over a decade ago when Phil Reed was the head of this
20 Committee. Legislation was all set to go but the
21 Council then yielded to the industry pleading with
22 them to withdraw in exchange for an unwritten promise
23 not to run buses without guides on them. Well, that
24 promise has been broken and the industry is pushing
25 its luck running more and more buses without guides.

2 A fatal accident is becoming inevitable but maybe
3 that's what you want because frankly I've been
4 fighting for years to get this Council to act
5 responsibly, gathering dozens of true accounts of
6 lives saved and accidents averted but I feel that you
7 really wish you had a corpse on a bus, the very thing
8 we guides work so diligently to prevent. Then you
9 could act responsively. Now there was 10 years ago,
10 not one but two fatal accidents down in D.C. on
11 double-decker buses. The City should have acted then
12 but failed again. Is this City going to repeat that
13 failure again because should you not act now and wait
14 for things to get worse rather than prevent these
15 things from happening in the first place, the story
16 is not going to be about a heroic Council taking
17 action because this guys is gonna show how you could
18 have acted and did not. This incarnation of the
19 Council can and should pass 289A and while I've still
20 got some time, if you have questions about how the
21 windows work and stuff like that, or DCA whether they
22 take complaints or not, you can ask me about that but
23 I'll yield to the next person.

24 LIONEL HIMINACA: Thank you Chairman
25 Espinal, Council Member Chin for the honor of

2 addressing you. My name is Lionel Himinaca
3 [phonetic], a native New Yorker. I'm an upper west
4 side resident, raised on the lower east side in
5 Harlem. I'm a tour guide on a hop-on, hop-off bus
6 and a member of TWU Local 100 and the Guides
7 Association of New York City. I had the privilege of
8 helping an elderly lady on a double decker who missed
9 a step on the stairway. I waited with her family for
10 an ambulance so she could receive medical care. Our
11 company gave us safety training on buses, how to turn
12 on the emergency brake in case it rolls or the driver
13 has a heart attack and we have a first aid kit on
14 every bus. My first concern is to provide a safe
15 ride through New York because an accident ruins a
16 tour. The bus stops, 90 people have to get off, the
17 patient must be comforted, medical care obtained and
18 they may face expensive uninsured treatment costs.
19 Of course I want to give a good tour where people
20 have a good time but the bus operator has blind spots
21 on the second level. He actually cannot see. Tour
22 guides can see 360° on top and help the driver avoid
23 potential accidents. If what just happened in Canada
24 yesterday, happened here on the second level of a
25 double decker, by the time the driver realized what

2 was going on, it would be too late. Passengers don't
3 know. Double deckers have special Westinghouse
4 brakes that when slammed unexpectedly can throw them
5 off their feet. They also don't know that they can
6 fall off the side of the bus, that if they stand up,
7 they could be hit by traffic lights or street signs
8 or injure a limb on the staircase. Right here across
9 the street in front of 250, one block down, there is
10 a street sign hanging down with about 250 wads of gum
11 on it. Now if the passengers on the top level of a
12 double decker can reach up and put the bubble gum
13 there, if they really stood up they could get their
14 head knocked off I'm sorry to say. I'm constantly
15 watching and preventing risky behavior. When it
16 rains or snows, I make sure passengers take their
17 ponchos off downstairs because if they're left
18 upstairs they can fall onto the windshield of a
19 passing car. As we speak, there are double deckers
20 driving over bridges to Brooklyn and parts of the
21 Manhattan bridge have no railing and Bronx also with
22 tourists standing up to take photos and nobody on the
23 second level. This is, of course, not our company.
24 This is an accident waiting to happen. I advocate
25 for Intro 289 as the best way to prevent accidents

2 and protect neighborhoods and the passengers we
3 welcome to our beloved New York City.

4 RICK STONEBACK: Good afternoon, my name
5 is Rick Stoneback. I've been a New York City tour
6 guide since 1981. I've worked in three double decker
7 companies over the last 19 years and I'm here to
8 advocate for having licensed tour guides on the tops
9 of double-decker buses. I think it's incredibly
10 important to have someone who is trained properly and
11 who is licensed by the Department of Consumer
12 Affairs. I've had and, I've been one of the lucky
13 one. I've had two cases where I have literally saved
14 passengers physically from either serious injury or
15 death by literally jumping onto them and pulling them
16 down by their shoulders into their seats and
17 countless times for verbal warnings when I see people
18 starting to stand or moving trying to go up and down
19 the steps of a moving double-decker bus is incredibly
20 treacherous and I know that in the past there have
21 been representatives who have not been licenses who
22 have had these jobs working for minimum wage who
23 basically spend much of their time checking Facebook
24 when they're driving around in a double-decker bus.
25 We do, like Michael said, engage directly with our

2 passengers, non-stop. Now I think another thing that
3 we have to review too is the importance of a tour
4 guide to really, the increased revenue of the City of
5 New York which is very important. You cannot get
6 this with a recorded tour. We offer suggestions,
7 we're constantly being pummeled with questions from
8 tourists. We give advice on restaurants, on Broadway
9 shows, on museums, on hotels, on any kind of
10 attraction in the City that you can imagine and when
11 people come to the City, as so many do. I mean, I
12 don't have to tell you the numbers who come in, we
13 are there to help them have the best experience
14 possible so that when they go home, they're more
15 likely to return and they're more likely to tell
16 their friends and their family to also visit New York
17 City. It's a very important part of our industry
18 here in New York. Regarding the advertisements on
19 the bus windows, I have to tell you as opposed to
20 some of the people who have testified today, I spend
21 my day on those buses and I can tell you that the
22 advertisements do inhibit views from the buses,
23 especially on a day that's not sunny. You can see
24 next to nothing. Now it's very, very difficult to
25 what you mentioned, Councilwoman Chin about the

2 numbers of people on any given bus. We run a steady
3 schedule, like every 10, 20 minutes so we can never
4 be sure of how many people are gonna be on a bus at
5 every given moment. That's always something that's
6 impossible for us to figure out, when people are
7 going to be getting on the bus at the different stops
8 as we go. Thank you, thank you very much.

9 CHAIRPERSON ESPINAL: Well, thank you.
10 Thank you so much for being here. Yeah, you're free
11 to go. Well, that concludes our hearing. Oh, yeah,
12 come up, come up, sorry. Hit, hit the button, the
13 button on the

14 LINDA DEROSA: Hit the button, okay. Hi,
15 how are you? Hi, good afternoon. My name is Linda
16 Derosa and I'm from the Brooklyn Bridge Park
17 Community Advisory Council in Brooklyn and first I'm
18 sorry that Council Member Landers wasn't here for the
19 entire testimony today since, you know, we wanted to
20 make sure Brooklyn is represented so the Advisory
21 Council comprises organizations which surround
22 Brooklyn Bridge Park who impacted by park activities
23 since the park began to open venues in I think like
24 2007 and 2008 so first impacted is an understatement.
25 The amount of tour buses that arrive and depart

2 around Brooklyn, especially our neighborhoods which
3 comprise of Dumbo, Fulton Ferry Landing, Brooklyn
4 Heights and the Atlantic Avenue Corridor, the volume
5 is just overwhelming and it becomes more and more
6 overwhelming every year as the park continues to
7 develop and I was surprised to hear that the 197 tour
8 buses because I work in midtown by the Empire State
9 Building and live in sort of this new happening area
10 of Brooklyn and it just seems like it's an
11 overwhelming situation already so I thank you for
12 your work and your advocacy for regulations for these
13 double-decker tour buses. Also, the neighborhoods
14 that we represent in Brooklyn are filled with narrow
15 streets, narrow cobblestone street which were never
16 meant for the volume of any cars, let alone the
17 amount of tour buses that are now trying to navigate
18 around the neighborhood so we absolutely agree that
19 tour bus licenses should be capped. I hope that
20 that's something that can be done. Before designated
21 tour bus stops are located, they really should be
22 closely evaluated and monitored and more importantly,
23 that there should be enforcement of the bus stops
24 because as we see now in our particular area, the
25 84th precinct is trying to monitor the buses along

2 Old Fulton Street and Furman Street and it's just
3 overwhelming. I mean, I give props to the police but
4 they, they can't handle it because there's no really
5 set designated rules and laws that seem to be
6 followed so and also in our particular case and I
7 guess we can follow up with Councilman Lander on
8 this, we would like Brooklyn Bridge Park to be
9 involved and held accountable which they have not
10 been to date. The Council is doing this on their own
11 without a representative of the park here which is
12 frankly a shame so thank you and as far as our
13 committee goes, we would love to be involved in any
14 way we can to help you make decisions and improve the
15 situation and that's it. Thank you very much.

16 CHAIRPERSON ESPINAL: Thank you. I think
17 we also have one more, Terri Cude.

18 TERRI CUDE: Thank you. Hi, good
19 afternoon and thank you

20 CHAIRPERSON ESPINAL: Is the button on,
21 the red button?

22 TERRI CUDE: It is.

23 CHAIRPERSON ESPINAL: All right, great.

24 TERRI CUDE: Thank you for holding this
25 hearing and Community Board 2 has done several

2 resolutions, most of which are very much in favor of
3 the package of legislation before you. I've
4 personally spoken to Council Member Chin's
5 legislation favorably. We would like to see controls
6 on tour buses. We, in the area that Community Board
7 2 serves are overwhelmed as I'm sure you've heard
8 from others who have testified with the loop after
9 loop of advertising that doesn't serve anybody and
10 bring really nothing but negative. There's no
11 benefit to the City. There's no cost to the
12 operators because they have such de minimis fees. We
13 have enormous concerns about the dangers and what
14 comes with the tour buses. If anything, we would
15 like to see these meaningful controls passed and even
16 more reduction in what we already have because it is
17 already too much and as we face the, what has been
18 called the Lpocalypse when the L train goes away, as
19 our streets become more and more congested with more
20 and more surface, this becomes essential so to keep
21 it brief, I urge you to pass this packet or
22 legislation and the only thing that I would ask is
23 even fewer tour buses, that the limits be lower and
24 that the requirements be more stringent and that the

2 costs on the operators be greater and thank you so
3 much.

4 CHAIRPERSON ESPINAL: Thank you Terri.
5 Thank you for testifying. Okay, with that said, this
6 meeting has come to a conclusion. We'll take the
7 time after this hearing to review everyone's
8 testimony and consider on what's the best way to move
9 forward on all of these bills but thank you for
10 coming. This meeting is adjourned [gavel].

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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 May 17, 2018