

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

JOINT COMMITTEES ON CONSUMER AFFAIRS AND
TRANSPORTATION

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September 21, 2009
Start: 10:00am
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HELD AT: Council Chambers
City Hall

B E F O R E: JOHN C. LIU, LEROY G. COMRIE, JR.
Chairpersons

COUNCIL MEMBERS:

- Charles Barron
- James F. Gennaro
- G. Oliver Koppell
- Simcha Felder
- Alan J. Gerson
- Larry B. Seabrook
- Gale A. Brewer
- Eric Ulrich
- Jessica S. Lappin
- Daniel R. Garodnick
- Vincent Ignizio

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

Andrew Eiler
Legislative Director
Department of Consumer Affairs

Margaret Forgione
Manhattan Borough Commissioner
Department of Transportation

David Woloch
Deputy Commissioner
Department of Transportation

Susan Stetzer
Community Board 3, Manhattan

Shirley Secunda
Chair, Traffic and Transportation Committee
Community Board 2, Manhattan

Barbara Backer
Our Streets Our Lives

Lloyd Burlingham
Our Streets Our Lives

Judy Richeimer
Chair of the Government Relations Committee
The Guides Association of New York City

Martin Treat
Hell's Kitchen Neighborhood Association

Mark Mermelstein
Twin America

Matthew Baker
The Guides Association of New York City

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

Isabelle Silverman
Environmental Defense Fund

Milton Paulski
Resident
Washington Square Village

Alan Horlan
Washington Square Village Tenants Association

Gerry Marlowe
Concerned Citizen

Joan Gregg
Concerned Citizen

Judith Chasen Walsh
Resident
Washington Square Village

Carol LaVerne
315 Condo Corp

Sylvia Rakow
Concerned Citizen

David Gruber
President
Carmine Street Block Association

2 CHAIRPERSON COMRIE: Good morning.

3 I am Leroy Comrie. I am the Chair of the
4 Committee on Consumer Affairs. I am joined by my
5 co-chair, Council Member John Liu, Chair of the
6 Committee on Transportation. We've been also
7 joined by Council Member Alan Gerson, a Council
8 Member from Manhattan. Today our two committees
9 will be holding an oversight hearing on
10 sightseeing buses in New York City. We will also
11 be holding our first hearing on Intro 742, a local
12 law in relation to sound reproductive devices on
13 sightseeing buses; Intro 836, a local law in
14 relation to requiring sightseeing buses to submit
15 operation plans; and Intro 1066, a local law in
16 relation to allocation of bus stops to private bus
17 companies. Please note that the first two bills
18 are in consumer affairs and the last bill is a
19 transportation bill. I'd like to thank the
20 administration for attending and testifying today,
21 as well as members of the sightseeing industry and
22 members of the community. I'd also like to
23 acknowledge all of the people that worked on
24 today's hearing, including the staff of both the
25 Speaker's Office, my Consumer Affairs staff and

2 the Transportation staff. As one of the capitals
3 of the world, New York City has long benefited
4 from tourism. In 2008 alone we played host to
5 approximately 47 million visitors and benefited
6 from about 30 billion in visitor spending. The
7 draw of the Big Apple has benefited many
8 industries, including hotels, restaurants,
9 entertainment venues, museums, bars and
10 nightclubs. Today, however, we will be focusing
11 on the sightseeing industry and in particular
12 sightseeing buses around New York City. According
13 to the Department of Consumer Affairs, there are
14 approximately 250 sightseeing buses currently
15 operating in New York City. In recent years these
16 buses have become as ubiquitous a sight on the
17 streets of New York as the yellow taxicab.
18 Recently, due to changing demographics,
19 sightseeing bus tours are becoming a source of
20 contention for residents of neighborhoods
21 throughout which they operate. Complaints about
22 these buses include their contribution to air
23 pollution, the noise produced by their
24 loudspeakers and the role they play in traffic
25 congestion. Tourism is clearly an important

1 industry for New York City and its residents. In
2 2007 alone, it supported 353,536 jobs and
3 contributed to \$17 billion in wages. Sightseeing
4 buses are an important and novel part of the
5 tourist experience in New York. We must always be
6 sensitive and find ways to balance the curiosity
7 of tourists with the concerns for our city
8 residents. Today's Consumer Affairs bills, Intro
9 742 and 846 are a step in that direction. Intro
10 742 would require that any bus seeking a license
11 be required to use headphones or similar devices
12 to ensure that the tourist guide's voice is only
13 audible to those on the bus, and cannot be heard
14 by those on the sidewalk or in nearby buildings.
15 Intro 846 would require applicants for a
16 sightseeing bus license or license renewal submit
17 a plan with proposed routes, days and times for
18 operation of the bus to the Commissioner, who
19 would then forward this plan to the affected
20 Community Boards and Council Members for
21 consideration. The Commissioner would have the
22 power to amend the bus's proposed plan if he saw
23 any potential impacts on traffic, public safety or
24 other factors. Again, I'd like to thank everyone
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2 for attending today's hearing. I look forward to
3 hearing all the testimony. Now it is time to hear
4 from my Co-Chair, Council Member John Liu, in
5 whose committee Intro 1066 is being heard.
6 Council Member Liu.

7 CHAIRPERSON LIU: Well thank you
8 very much, Chairman Comrie. I want to thank
9 everybody for attending today's hearing of the--
10 this joint hearing of the Consumer Affairs and the
11 Transportation Committee hearings. My name is
12 John Liu. I have the privilege of chairing the
13 Transportation Committee. And there are, over the
14 years, an increasing number of issues and
15 complaints with regard to tour buses and how they
16 are operated, and how the City administration
17 deals with these buses, and that's why we've
18 convened this hearing, for the purpose of
19 examining a number of these issues and also to
20 consider these three bills. Chairman Comrie has
21 talked about Intro 742 and Intro 846. Intro 1066,
22 which has been referred to the Transportation
23 Committee has been sponsored by Council Member
24 Jessica Lappin of Manhattan, and it would require
25 the Department of Transportation, the Agency that

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2 actually assigns bus stops, to seek input from the
3 Metropolitan Transportation Authority, from the
4 Department of Consumer Affairs, the local
5 community board and City Council members before it
6 goes ahead and assigns a bus stop to a private bus
7 company. That is clearly necessary. A number of
8 issues have arisen over the years to necessitate
9 that. And so we look forward to robust testimony
10 and let me introduce the members of the committees
11 who are here with us today. So far it's Council
12 Member Simcha Felder of Brooklyn, Council Member
13 Alan Gerson of Manhattan, Council Member--and
14 Vincent--I knew somebody was watching over us.
15 Council Member Larry Seabrook of the Bronx, and I
16 had seen Council Member Vincent Ignizio of Staten
17 Island. There's another--and Council Member
18 Daniel Garodnick of Manhattan. We've got
19 concurrent hearings going on right now, so people
20 will be stepping in and out. And Council Member
21 Oliver Koppell of the Bronx is here. Thank you
22 very much, Mr. Chairman.

23 CHAIRPERSON LIU: Thank you.

24 Council Member Gerson has an opening statement
25 that he would like to make at this time.

2 COUNCIL MEMBER GERSON: Thank you
3 very much, Mr. Chair, Mr. Chair. And as you very
4 adequately summarized, all of the bills including
5 the two I have sponsored, Intro 742 and Intro 836-
6 -I'll just make some very, very brief comments.
7 We all know, Mr. Chair, as you correctly noted,
8 the significance of tourism, the tourist industry
9 to our City and our City's economy. That goes
10 without saying. We all know, of course, the
11 importance of tour buses as part of the tourism
12 industry. And that also goes without saying. The
13 jobs they provide and the support to both the
14 local and the City economies. What we sometimes
15 forget, however, is the importance of livability,
16 the livability of residents who are impacted. You
17 know, ironically one of the major reasons people
18 come to New York is to see New York's
19 neighborhoods, to see how New Yorkers live. And
20 we therefore must manage our tourism in a way
21 which makes it possible for New Yorkers to
22 continue to live with a decent quality of life,
23 with a reasonable degree of livability in these
24 neighborhoods that people are coming to visit.
25 The resolutions, the legislation, which I have

1 introduced, applies and extends commonsense
2 oversight, commonsense regulatory authority, of
3 the sort that we seen in any number of other
4 industries that are equally significant to our
5 city in order to protect and preserve the
6 livability of residents--and within that
7 framework, within that framework to assure that we
8 continue to have a robust and a prosperous tourism
9 industry. I mean, Mr. Chair, to cite just one
10 example of the issues that have not been addressed
11 because of the lack of the type of regulatory
12 authority which this legislation would establish--
13 on Bleecker Street, and you'll hear much testimony
14 to this effect, you'll hear every three minutes
15 during daylight hours and even extending into
16 post-daylight hours, tour bus after tour bus after
17 tour bus directly just a few feet underneath
18 windows from where people live. Many of these
19 buses have open-air rooftops with amplification
20 that continually bombards noise into residential
21 premises. And even without the amplification the
22 steady steam with the inherent engine noise, with
23 the inherent difficulties caused by the size of
24 the turns of these buses of this size present both
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1 livability problems as well as safety problems
2 that have been impossible to address because of
3 lack of regulation. In sum, Intro 742 would apply
4 to New York what other cities throughout the world
5 have applied, and that is using technology to
6 prevent amplification from going in to residential
7 apartments either through the use of headsets or
8 through the use of enclosures or any other
9 equivalent technology. It could be done very
10 cheaply, without hindering tourism. And Intro 836
11 would assure that government exercises necessary
12 oversight in setting time and frequency
13 restrictions and bus stop restrictions in order,
14 again, to protect basic livability as well as
15 safety. I must also add, Mr. Chair, two final
16 points. I support Intro 1066, introduced by my
17 colleague Jessica Lappin, for the same policy
18 reasons that I've expressed with respect to the
19 other two; they all kind of fit together. And
20 finally, I would be remiss in not pointing out
21 that--taking every opportunity to point out that
22 lower Manhattan, as well as I'm sure other parts
23 of the City, desperately requires a comprehensive
24 bus management plan. We have tour buses, casino
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1 buses, commuter buses, long distance buses,
2 destination buses--meaning buses bringing people
3 to specific destinations--which are only going to
4 exasperate and get much worse when the memorial
5 opens near Ground Zero with all the tour buses
6 headed there. There is no plan for parking; there
7 is no plan for layover. The Port Authority agreed
8 to work with the administration to develop a
9 comprehensive plan. I call on the administration,
10 let's get going and get it done. In conclusion,
11 to give you an example of the types of numbers
12 we're talking about, according to the police there
13 is more long distance bus passenger traffic from
14 parts of our district, especially in Chinatown and
15 the Lower East Side going to cities outside of New
16 York than there is from the Port Authority in
17 midtown New York. This clearly requires
18 commonsense regulation of the sort these
19 regulations would seek to impose. And this
20 clearly requires a comprehensive bus management
21 plan, so I urge the administration, work with the
22 Council to enact this; work with the industry and
23 with residents and come up with win-win-win
24 solutions. And I thank you Mr. Chair, and Mr.

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2 Chair, and my colleagues for conducting this
3 hearing.

4 CHAIRPERSON COMRIE: We've been
5 joined by--no clapping. No clapping. No
6 applauding, no booing, no clapping. If you want
7 to clap, just raise your hands. If you want to
8 boo, put thumbs down. All right? We've been
9 joined by Council Member Charles Barron. And at
10 this point we will have the administration's
11 representatives, Andy Eiler, Legislative Director
12 for DCA; Margaret Forgione, the Manhattan Borough
13 Commissioner for DOT and David Woloch, the Deputy
14 Commissioner from DOT, to come to the mic. No
15 other members wanted to say anything, correct?
16 Great.

17 [Pause]

18 CHAIRPERSON COMRIE: Whoever would
19 like to go first. It's up to you.

20 ANDREW EILER: Okay, I'll start.
21 Good morning, Chairman Comrie, Chairman Liu and
22 Committee Members. I'm Andrew Eiler, Director of
23 Legislative Affairs for the Department of Consumer
24 Affairs. Commissioner Mintz asked me to thank you
25 for the opportunity to appear before you at your

1 joint oversight hearing on sightseeing buses in
2 New York City and proposed Intros 742, 836 and
3 1066. Let me begin with an overview of the
4 licensing and operations of the sightseeing bus
5 industry. The City has been licensing sightseeing
6 buses for almost a century. These buses are now
7 licensed pursuant to Subchapter 21 of Chapter 2 of
8 Title 20, which was enacted by Local Law 56 for
9 the year '65 that amended Article 40 of the
10 Administrative code by including both sightseeing
11 buses and horse-drawn cabs under one licensing
12 law. The law requires the licensing as a
13 sightseeing bus of any motor vehicle designed to
14 comfortably seat eight or more passengers
15 operating for hire from a fixed point in New York
16 City to a place or places interest or amusement,
17 or one that is let or hired for a specific or
18 special purpose from a starting point within the
19 City. The sightseeing bus license is issued to
20 individual sightseeing buses. To be eligible for
21 a license a bus is required to be inspected to
22 determine if it complies with the equipment
23 standards specified in Section 20-376 and all the
24 requirements of the vehicle and traffic code laws,
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2 and must be certified by the New York State
3 Department of Transportation that it is safe and
4 properly equipped to operate. This section
5 includes the requirement that sightseeing buses be
6 equipped with an engine covered by the proper
7 certificate of conformity to section 20-376, which
8 the Council added in 2001. That section removed
9 from city streets the vintage buses equipped with
10 outdated and highly polluting engines that had
11 been operated by Apple Tours. The sightseeing bus
12 license is for a two-year term, ending on March
13 31st of even numbered years, and a license fee is
14 \$50 for each bus license. The Department has
15 currently issued 244 licenses for buses that
16 provide only ground transportation, and six
17 licenses to Duck Boat Buses that provide both
18 ground and water transportation. The 250 buses
19 are operated by 12 companies. Gray Line New York
20 Tours, Inc. operates the largest fleet with 91
21 licensed buses, followed by City Lights New York
22 with 66 buses and Skyliner Travel and Tour Bus
23 Corp. with 36. Two companies operate 15 and 14
24 buses. The remaining seven companies each operate
25 six or fewer. As these numbers suggest, the

1 sightseeing industry is a major attraction for the
2 roughly 47 million foreign and domestic tourists
3 who visit the city each year. Compared to the
4 number of visitors enjoying the sightseeing buses,
5 the industry as a whole generates few consumer
6 complaints. The Department received only 19
7 consumer complaints during the last five fiscal
8 years from 2006 to the present. The Department
9 successfully mediated 14 of them by obtaining
10 \$1,085 in restitution for consumers. As these
11 resolutions suggest, almost all complaints involve
12 requests for refunds for various reasons.

13 Finally, there have been no findings of violations
14 of Section 24-1636 of the administrative code
15 regarding the retrofitting requirements for
16 sightseeing buses that would trigger the DCA to
17 take action on the license of non-compliant buses.

18 Indeed DEP Commissioner Lawitts, reported to the
19 Mayor that as of June 24th, 2009, all five non-
20 compliant companies have reported that they have
21 come into compliance, and we will be completing
22 final inspections in the weeks to come. To
23 implement the record-keeping requirement to
24 confirm that the equipment has been properly
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1 maintained, the DCA has adopted Section 2-21.1 of
2 Title 6 of the Rules of the City of New York, that
3 specifies the records pertaining to the operation
4 and maintenance of sightseeing buses that bus
5 operators are required to keep. Intro 742 would
6 ban on sightseeing tour buses the use of sound
7 reproduction devices other than headphones. While
8 this bill seeks to advance the laudable goal of
9 reducing sound emanating from the buses and into
10 our neighborhoods, as drafted, it would present a
11 great burden to tour bus industry, and the
12 Department, with little if any benefit to the
13 neighborhood in which these buses operate.

14 Furthermore, it warrants mention that DCA has not
15 received any complaints regarding noise violations
16 by tour buses that we license. DCA inspects tour
17 buses once every two years, inspecting for
18 headphones and other sound reproduction devices at
19 the renewal of bus license would allow for the
20 companies to switch their sound system on
21 licensure day only to revert back once their
22 license has been renewed. More frequent
23 inspections would prove prohibitively burdensome
24 to the Department. Regarding Intro 836, the
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2 administration opposes the bill as currently
3 written. We believe it poses serious State legal
4 issues and significant local operational issues.
5 We will be consulting further with the Law
6 Department on the legal issues. Thank you for the
7 opportunity to provide an overview of the
8 sightseeing bus industry and to comment in Intros
9 742 and 836. I now turn to my colleagues from the
10 Department of Transportation for comments on Intro
11 1066.

12 DAVID WOLOCH: Good morning. I'm
13 David Woloch, Deputy Commissioner for External
14 Affairs at the New York City Department of
15 Transportation, and with me here today is
16 Manhattan Borough Commissioner, Margaret Forgiione.
17 We're here today to testify on Intro 1066 relating
18 to the allocation of bus stops to private bus
19 companies. As we are all aware, in recent years
20 the City has experienced an increasing presence of
21 inter state and inter city buses. A DePaul
22 University study found the number of buses
23 operating in the US has grown by at least ten
24 percent between 2007 and 2008, with New York City
25 experiencing the greatest increase. In the

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2 current economic climate it's no wonder this form
3 of transport has become more popular. However, in
4 an already congested City, this has presented a
5 new set of problems, adding yet another competitor
6 for valuable space in our transportation network.
7 We've begun to tackle this issue with the New York
8 City Police Department and most recently by
9 addressing illegal conduct of these buses and
10 private tour buses stopping in lower Manhattan.
11 From August 27th to September 16th, the most
12 recent period for which data was available, NYPD
13 traffic enforcement agents issued 349 summonses
14 and towed 38 buses. While increasing enforcement
15 efforts can be effective, I must note that ICC
16 buses are in fact allowed to operate within New
17 York City, provided they expeditiously pick up and
18 drop off passengers. At present, DOT does not
19 have the authority to require bus companies to
20 consult with the City on their operations, or even
21 to get approval from us for bus stop locations.
22 Without this authority, the City is limited in our
23 ability to consistently and effectively manage
24 this growing concern. While we whole-heartedly
25 agree with the council that something must be done

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2 to ameliorate the congestion, health and safety
3 issues associated with these buses, given the
4 City's limited authority, we don't believe Intro
5 1066 will be truly effective in achieving these
6 aims. The bill requires that prior to issuing
7 spaces to private bus companies, DOT must submit
8 an operating plan to the Department of Consumer
9 Affairs, the MTA, the Community Board and local
10 Council Member. We certainly appreciate the
11 intent of the bill and in fact we'll often work
12 closely with Community Boards in the placement of
13 bus stops. At present, we don't work with DCA on
14 bus stop assignments. Most important is the
15 federal government licenses ICC busses and state
16 law does not give us the authority--we don't have
17 the ability to mandate stops for these carriers.
18 That said, we'd like to work with the Council on a
19 more comprehensive solution to this problem,
20 soliciting your help in obtaining the permitting
21 authority to actually regulate where ICC buses
22 stop within the City. To this end we will be
23 proposing state legislation necessary for such
24 authority, requiring that prior to discharging and
25 picking up passengers on City streets, ICC bus

1 operators apply to DOT for the assignment of
2 approved stops. Your support in reaching out to
3 your colleagues in Albany as well as the approval
4 of a home rule message would go a long way in
5 achieving our shared goal of minimizing the
6 impacts of this industry on our city's
7 infrastructure and quality of life. In addition
8 to increased authority we're also pursuing a
9 number of initiatives aimed at containing this
10 problem. We're in the process of looking for
11 temporary solutions for new space for bus
12 layovers. In the longer term we're exploring
13 alternative space, such as untapped city parcels
14 and future Port Authority facilities. We'll
15 continue, even with limited resources, to work
16 with NYPD on aggressive enforcement and towing and
17 we're considering the use of on street metered
18 spaces for bus layovers. Finally, we'll be
19 pursuing the idea of a voluntary GPS pilot program
20 to get a clearer sense of how buses are operating
21 on our streets. To conclude, as written, Intro
22 1066 does not appear to address the core problems
23 associated with private buses on City streets.
24 Again, as we don't have authority to require
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2 companies to come to us for the designation of bus
3 stops, the bill only captures the universe of
4 companies that are already working with us and may
5 even disincentivize that behavior by making the
6 process overly burdensome. We share the Council's
7 concerns about this industry, and in an effort to
8 both improve their operation on the streets of New
9 York City and rein in the bad actors; we hope the
10 Committee is amenable to working with us on a more
11 comprehensive solution. Thank you for inviting us
12 here today, and at this time we'd be happy to
13 answer any questions you may have.

14 CHAIRPERSON COMRIE: Commissioner,
15 are you going to say anything? Borough
16 Commissioner? No? Okay. We've been joined by
17 Council Member Gale Brewer from Manhattan, Oliver
18 Koppell from the Bronx and Eric Ulrich from
19 Queens. And--I said Charles Barron already, but
20 I'll say him again. Charles Barron from Brooklyn,
21 yes. All right. At this point we do have some
22 questions. I'll allow the prime sponsor of the
23 bill, Council Member Gerson, to ask a couple of
24 questions first. And then--or actually, I'm
25 sorry, the Chair of the Transportation Committee

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2 wants to ask the first questions because he has a
3 limited timeline.

4 CHAIRPERSON LIU: Well thank you
5 very much, Chairman Comrie. Did we mention that
6 Charles Barron is in the house? Okay. All right.
7 Commissioners, thank you very much for joining us
8 today. I have a couple of question for both Mr.
9 Eiler and Mr. Woloch. Thanks for joining us. I
10 think this is going to be a fun discussion. Andy,
11 the Department's objection to something as simple
12 as Intro 742 seems to be--well let me put it this
13 way, I find a hard time understanding the
14 Department's objections to something like Intro
15 742. I mean in this day and age, to limit the
16 sound to people who actually want to hear it
17 doesn't seem to be that difficult a thing to deal
18 with.

19 ANDREW EILER: It's not the
20 objectives that's really the issue. It's that the
21 proposed language that calls for that the bus not
22 be licensed if it has other than the non-audible--
23 in other words headphone audible equipment. And
24 the thing is, like for example, what happens if a
25 bus comes in with no sound equipment? Does that

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2 mean that we have to license it or not? What if
3 they then go out and use bullhorns or other kinds
4 of amplification devices that are not on the bus
5 when they come in to be licensed. So what we're
6 saying is that basically the proposal as it's
7 drafted would not be an effective way for
8 implementing the purposes that you're seeking to
9 accomplish.

10 CHAIRPERSON LIU: Well I don't
11 think that Councilman Gerson has locked in
12 concrete the specific provisions of his bill. I
13 mean his goal, and the goal that's shared by other
14 Council Members as well, is to allow these tour
15 buses to operate without totally impinging on
16 people's quality of life.

17 ANDREW EILER: Well we'd certainly
18 be willing to discuss or review this with the
19 Council in terms of alternatives.

20 CHAIRPERSON LIU: For the
21 Department to say that, you know, it warrants
22 mention that the Department of Consumer Affairs
23 has not received any complaints regarding noise
24 violations by the tour buses the Department
25 licenses, I mean, that's silly. Nobody has any

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2 idea that the Department of Consumer Affairs is
3 the place that they have to go to. What about
4 311? How many complaints on 311 have come in?

5 ANDREW EILER: Well we've checked
6 in to that and unfortunately 311 can't segregate
7 out whatever data they get about violations--

8 CHAIRPERSON LIU: [Interposing] All
9 right. So the Department of Consumer Affairs has
10 no idea about how man complaints are coming in.

11 ANDREW EILER: Well the City
12 basically--not about whether or not the noise is
13 about buses, because the noise complaints that are
14 received through 311 count together with
15 complaints--

16 CHAIRPERSON LIU: [Interposing]
17 Well you can...

18 ANDREW EILER: --about trucks,
19 against motorcycles and all sorts of noise
20 related--

21 CHAIRPERSON LIU: [Interposing]
22 Well let me say this. Since the Department has no
23 idea how many people are complaining about the
24 noise coming from these really loud loudspeakers
25 on the buses, especially the open-air buses, then

2 it would not behoove the Department to say that
3 the DCA has not received any complaints, therefore
4 implying that this is not a problem. It is a
5 problem, and you can talk to Council Members,
6 because we all get complaints about this stuff.

7 ANDREW EILER: I appreciate--I mean
8 in terms of--it's a laudable goal. The main point
9 is that basically the way the legislation is
10 drafted in terms of how to seek to minimize or
11 eliminate these kind of audio systems, it's not
12 an effective way of implementing the proposal.
13 That's our primary issue with this legislation.
14 We could look and--I mean you'll hear testimony
15 about how feasible it is from a business
16 standpoint--

17 CHAIRPERSON LIU: [Interposing]
18 Okay. I mean I--

19 ANDREW EILER: --that's a different
20 question.

21 CHAIRPERSON LIU: I'll accept--Andy
22 I'll accept that--remember, don't take any of this
23 personally, okay?

24 ANDREW EILER: Oh, we've been
25 through this before, Councilman.

2 CHAIRPERSON LIU: I'll accept that
3 if--the testimony should have then said that the
4 Department of Consumer Affairs recognizes that
5 this is a problem and that you think there's a
6 better way to address the problem, but the
7 Department right now through this testimony is
8 simply saying that it's not really a problem. And
9 not only are you saying--not only is the
10 Department through its testimony saying that well,
11 they haven't gotten any complaints, therefore
12 implicitly it's not a real problem--you also say
13 that well, DCA inspects these tour buses every two
14 years and so it would be impractical to have this
15 kind of restriction on how far the sound can
16 travel off of these buses. That's not a good
17 rationale for implementing a law or a regulation.
18 The fact of the matter is that something is going
19 to be against the law and therefore, when somebody
20 does call in, if the Department would actually
21 track these kinds of complaints, we could then go
22 after the buses that are violating them.

23 ANDREW EILER: Well I think that's
24 the flaw, because basically that's not--the way
25 the legislation is crafted it says, the

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2 Commissioner shall not license a bus that doesn't
3 have these systems.

4 CHAIRPERSON LIU: Yeah but--

5 ANDREW EILER: [Interposing] And
6 that's a licensing issue that requires us to look
7 at the bus at the time of licensing and whether or
8 not it has or doesn't have the appropriate
9 equipment. If it does, you know, if it doesn't
10 have or it has inappropriate equipment, then we
11 shouldn't issue the license.

12 CHAIRPERSON LIU: That's true of a
13 lot of other parts of the equipment on the buses.

14 ANDREW EILER: That's true.
15 However, we can, as I pointed out, what we can see
16 is a bus comes in, seeks a license, doesn't have
17 any sound equipment. Now, do we license that bus
18 or not?

19 [Off Mic]

20 ANDREW EILER: Why? Because it
21 doesn't--if it has no sound equipment, then its
22 perfectly appropriate to license the bus.

23 CHAIRPERSON LIU: Well that's just--
24 -I mean that is--

25 COUNCIL MEMBER KOPPELL:

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[Interposing] I'll wait my turn.

CHAIRPERSON LIU: --just such minutiae.

COUNCIL MEMBER KOPPELL: I apologize for speaking out. I'll wait my turn, but I would like to ask a question.

ANDREW EILER: However, I think what you want to get at is that buses should not operate with systems that--where sound is heard outside of the earphones. That's an operational issue rather than a license condition issue. And there's--like I say, there's alternative ways of achieving this objective, which is what we're perfectly willing to discuss with the Council Members. What we're mainly saying is that the proposal as drafted does not effectuate the objective you're seeking.

CHAIRPERSON LIU: Well I'm--

ANDREW EILER: [Interposing] Does not effectively do it.

CHAIRPERSON LIU: Well I'm glad you testified to that fact, because nothing in your written testimony actually indicates that the Department is open to working with Council Member

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2 Gerson and our colleagues here on crafting
3 legislation that the Department of Consumer
4 Affairs actually thinks can be implemented. And
5 so, once again I thank you--correct me if I'm
6 wrong, I thank you for stating on the record that
7 the Department doesn't actually know how many
8 complaints there are and that this is a laudable
9 goal and that we should work together on crafting
10 legislation that makes sense and will protect the
11 quality of life of residents while allowing tour
12 bus companies to operate in this City. Wonderful.
13 I've got a couple questions for my buddy, Dave
14 Woloch. Commissioner, how are you?

15 DAVID WOLOCH: Fine. How are you?

16 CHAIRPERSON LIU: All right. So,
17 you know, this is an issue that's been going on
18 for a long time, where private buses, buses run by
19 private companies, can stop in the City. And your
20 testimony--well let me ask you this, can the buses
21 stop anywhere they want, the interstate and
22 intercity buses?

23 DAVID WOLOCH: They can stop
24 anywhere where dropping off and picking up
25 expeditiously is allowed. So they can't stop

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2 where the regulation says no stopping, for
3 instance, because you can't do that there. But
4 they can stop where it says no standing, where it
5 says no standing for a bus stop, where it says no
6 parking, where parking is allowed. So there is a
7 lot of curb space in the City which is open for
8 this expeditious pickup and drop off.

9 CHAIRPERSON LIU: Okay. So why
10 would it be necessary for a private company to get
11 a bus stop?

12 DAVID WOLOCH: Well I think there
13 are a number of bus companies, and there have been
14 more and more over the past decade, that recognize
15 that for there operations it makes sense to have
16 an assigned spot with their name on it and then
17 it's easy for customers to see that this is an
18 appropriate spot. So the interesting thing I
19 think is that there are a number of companies out
20 there that have bought into that idea and that
21 have come to us and have worked with us and others
22 that have not.

23 CHAIRPERSON LIU: But the City has
24 no power to dictate to these private interstate
25 and intercity bus companies where they can pickup

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2 and drop off passengers. So what effect would
3 these private bus stops have?

4 DAVID WOLOCH: Where they operator
5 is willing and where they want to have a signed
6 spot with their name on it, and many come to the
7 conclusion that it's in their business interest to
8 do so, they will come to us and they will work
9 with us.

10 CHAIRPERSON LIU: But then does
11 that bus stop for ABC Bus Company--so what you're
12 saying is ABC Bus Company may be interested in
13 having their own private bus stop and so they
14 would come to the DOT, the DOT would assign them a
15 location. What if XYZ Bus Stop wants to stop
16 there and pickup and drop off passengers?

17 DAVID WOLOCH: I think that's part
18 of the problem with the current system.

19 CHAIRPERSON LIU: Okay. But what
20 happens--I mean, because the City has no power,
21 according to your testimony, if XYZ Bus Company
22 wants to stop at the ABC Bus stop, would they get
23 fined? Would they be issued violations?

24 DAVID WOLOCH: It's going to be
25 harder for them to attract customers, because

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2 they're not going to be able to have a sign there
3 that says the name of their company like their
4 competitor.

5 CHAIRPERSON LIU: Yes, but would
6 they get violations?

7 DAVID WOLOCH: If they come there
8 and expeditiously pickup and drop off, no.

9 CHAIRPERSON LIU: Well, I think we
10 have numerous instances where that is in fact not
11 the case, that XYZ Bus Company stops at a bus stop
12 designated for ABC Bus Company and XYZ gets a
13 ticket immediately, numerous tickets. And in
14 many--and there are cases that XYZ company had
15 been stopping at that location for a long time
16 without the DOT giving them the permission,
17 because the DOT for a long time has maintained
18 your position, that the City has no jurisdiction.
19 And then lo and behold, a bus stop gets designated
20 for ABC company and XYZ, even though they've been
21 stopping there for years picking up and dropping
22 off passengers, are all of a sudden getting
23 tickets every time they stop there. The DOT staff
24 seems to be unaware of this inconsistency between
25 law regulation and actual enforcement. So the

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2 question becomes, how much jurisdiction does the
3 City have? Are all those tickets that were issued
4 then invalidated because your testimony says the
5 City does not have jurisdiction to regulate where
6 those buses stop to pick up and drop off
7 passengers?

8 DAVID WOLOCH: I think in many
9 instances summonses have been given to bus
10 companies for other violations. They can't
11 layover where layover is not allowed, for
12 instance. DOT does not do the enforcement; that's
13 my understanding.

14 CHAIRPERSON LIU: Well the DOT puts
15 up the signs that are then followed by the agents.
16 There at best seems to be a lack of coordination
17 between the DOT and the NYPD with regard to the
18 actual promulgation of the regulations and the
19 assignments of the bus stops, and the actual
20 enforcement by NYPD agents. Is that fair to
21 characterize the situation as that?

22 MARGARET FORGIONE: Yes. Let me
23 speak to that a little bit.

24 CHAIRPERSON LIU: Margaret, can you
25 identify yourself for the record?

2 MARGARET FORGIONE: Sure. Margaret
3 Forgione, Borough Commissioner for Manhattan at
4 DOT. At recent months we have begun coordinating
5 much more closely with PD about this issue as it
6 has become more and more of a problem. We met
7 with them recently and as a result they have
8 really been focusing some efforts in lower
9 Manhattan. As Dave had mentioned in his
10 testimony, we have had dozens of tows, which is
11 really the most effective way to send a message to
12 a company. When their bus is out of service for a
13 whole day, that greatly impacts their business,
14 while a summons much less so.

15 CHAIRPERSON LIU: Okay.

16 MARGARET FORGIONE: We've been
17 working with them. The summonses that were
18 issued, many of them were for parking--that's not
19 loading and unloading, but parking in no standing
20 areas for periods of time, leaving the bus or not
21 leaving the bus, but not expeditiously loading and
22 unloading, which is what is allowed. I think
23 we've been pretty clear with PD on what should be
24 summonsed, and they know as well as us, and we do
25 coordinate that regularly with them.

2 CHAIRPERSON LIU: Well I appreciate
3 your comments, Commissioner. But I would submit
4 to you the Department--I don't think you could
5 possibly refute this--that this is a problem
6 that's not only been building up over the last
7 several months as you've just stated. It's been
8 building up for many years at this point.

9 MARGARET FORGIONE: Correct.

10 CHAIRPERSON LIU: And for years,
11 the Department of Transportation--again, don't
12 take this personally--the Department of
13 Transportation has failed to address this problem
14 in a comprehensive manner. There have been so
15 many points of friction in lower Manhattan and
16 midtown, friction between the bus company
17 operators and the residents and storekeepers in
18 the area and the riding public. And the
19 Department of Transportation has failed to come up
20 with a comprehensive approach to this issue. And
21 now for the Department to testify that Intro 1066
22 does not appear to address the core problems
23 associated with private buses on City streets--at
24 least Council Member Lappin has put together some
25 kind of a solution to start working towards to

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2 solve this problem. But to say, to minimize again
3 the situation, that's not acceptable either.

4 DAVID WOLOCH: We're absolutely not
5 minimizing it. To the contrary. I think we've
6 been working for the past decade with the tools
7 that we have. And I think we're in agreement that
8 that doesn't allow us to get far enough, and so
9 that's exactly why we've proposed a solution that
10 requires legislative change. As it happens, it
11 requires legislative change on the State level,
12 that would give us the tools we need to deal with
13 what we absolutely agree is a problem.

14 CHAIRPERSON LIU: Well that's fine.
15 But again, as I discussed with Mr. Eiler there
16 about the Department of Consumer Affairs, the gist
17 of this testimony, the Department of
18 Transportation's testimony, is that the City
19 doesn't really have jurisdiction over this and
20 therefore it's difficult for the City to come up
21 with a solution. And then you even knock Intro
22 1066 as not being able to achieve the purpose or
23 to deal with the core problems associated with
24 these private buses on City streets. And so, you
25 know, it doesn't seem like the Department really

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2 wants to tackle this problem, even though it's
3 been going on for several years.

4 DAVID WOLOCH: I would disagree
5 with that. We absolutely want to tackle it and I
6 think that the part of this that has been evolving
7 over time is we do have a program for establishing
8 stops for the companies that do come to us and are
9 dialogue with the communities about those stops
10 has improved over time. The limitation is less so
11 with these stops and these companies and more so
12 with the operators who aren't coming to us. So I
13 think, again, I think we're in agreement that this
14 arena is not working well and there's work we can
15 do. And I'm sure that--this is not the only
16 solution; we mentioned some others, but this we
17 think is a core part of our collective ability to
18 deal with this growing universe and this growing
19 set of problems.

20 CHAIRPERSON LIU: All right. I
21 mean you do mention exploring alternative space,
22 such as untapped City parcels. Is that a
23 realistic approach to this? I mean is the City
24 going to give up space for purposes of allowing
25 these private bus companies?

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2 DAVID WOLOCH: I think our
3 collective obligation is to leave no stone
4 unturned. If there were easy answers, if there
5 was property in obviously places that could be
6 turned over for these purposes easily, it probably
7 would have happened already. So I don't suggest
8 this is going to be an easy path for us to take.
9 But I think the idea is--and Councilman Gerson I
10 think got at the issue correctly, this is going to
11 be a challenge for us that is going to grow and
12 grow, and so we do need to look into all the
13 possibilities.

14 CHAIRPERSON LIU: And again, in my
15 experience, and I have had a number of discussions
16 with some of these private bus companies, in many
17 cases they're not looking to invade streets or
18 neighborhoods; they want to know what they can do.
19 They've been looking for guidance from the
20 Department of Transportation proactively, but
21 nobody has given them clear instructions on what
22 they can or cannot do. In many cases they have
23 asked for designated spaces, and the Department
24 has not been responsive to them to the point where
25 they have no choice but to simply go along with

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2 the assumption that the City doesn't have the
3 authority to regulate what they're doing with
4 regard to picking up and dropping off passengers.
5 So, having a comprehensive approach would have the
6 effect of not only curtailing some of the bad
7 practices out there, but actually steering these
8 companies in a direction that creates better
9 services for their customers as well as better
10 balance for quality of life among nearby
11 residents. So, I would just encourage the
12 Department to not take the approach that the City
13 can do very little, because that's the gist of
14 this testimony. There's one line at the end of
15 your testimony that says--and I guess this is kind
16 of like the hopeful point, the one hopeful point
17 in this testimony--that you hope the Committee is
18 amenable to working with the Department on a more
19 comprehensive solution. We certainly are
20 amenable, but we have to get it going sooner
21 rather than later. Thank you. Chairman Comrie?

22 CHAIRPERSON COMRIE: Council Member
23 Gerson and Council Member--I'm sorry. My coffee
24 is still not kicking in. Council Member Gerson
25 and Council Member Koppel. Do you have any?

2 COUNCIL MEMBER GERSON: Mr. Chair,
3 with your permission, I would be happy to yield to
4 my esteemed colleague, Council Member Koppell, and
5 then come back.

6 CHAIRPERSON COMRIE: Okay. Council
7 Member Koppell?

8 COUNCIL MEMBER KOPPELL: Thank you.
9 I just want to focus on the one issue. You
10 apparently license--I'm talking now to Mr. Eiler--
11 you license 250 buses, 250 tour buses.

12 ANDREW EILER: That's the number of
13 standing issue--of licenses.

14 COUNCIL MEMBER KOPPELL: And how
15 many of those 250 buses have public address
16 systems?

17 ANDREW EILER: We have no way of
18 knowing. We don't look for that.

19 COUNCIL MEMBER KOPPELL: Are there
20 any licensed that do not?

21 ANDREW EILER: We have no way of
22 knowing because we don't check the buses for that.

23 COUNCIL MEMBER KOPPELL: I see, I
24 see. Well I suspect if you go back and check that
25 there are none that don't have public address

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2 systems, because how are they going to have a tour
3 bus without telling people what they're seeing and
4 what they're going to. They either have a public
5 address system with somebody speaking or they have
6 some sort of recording that they use. And how
7 many of those 250 buses that you license don't
8 have engines?

9 ANDREW EILER: They all have
10 engines.

11 COUNCIL MEMBER KOPPELL: Right.
12 Because they need an engine to operate, right?

13 ANDREW EILER: That's correct.

14 COUNCIL MEMBER KOPPELL: And how
15 many of them have windshield wipers?

16 ANDREW EILER: They wouldn't be
17 able to get on the road if they didn't.

18 COUNCIL MEMBER KOPPELL: Right.
19 That's right. And how many of them don't have
20 transmissions.

21 ANDREW EILER: Obviously it's a
22 necessary piece of equipment.

23 COUNCIL MEMBER KOPPELL: Right, as
24 is a public address system. I would suggest, sir,
25 it's a necessary piece of equipment. And what

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2 this bill says is that public address system has
3 to be such that doesn't make noise on the outside
4 of the bus.

5 ANDREW EILER: Well actually, the
6 language here says the Commission shall refuse to
7 license any sightseeing bus that employs any
8 sound--other than a telephone system. The point
9 being is that the public address system or the
10 audio amplification system that a bus could use
11 could be a bullhorn, could be a handheld
12 amplification device. And according to this--

13 COUNCIL MEMBER KOPPELL:

14 [Interposing] If you're suggesting--

15 ANDREW EILER: [Interposing]
16 According to this language the whole enforcement
17 mechanism that's proposed is a licensing condition
18 that relates to what is on the bus when it comes
19 in to be licensed.

20 COUNCIL MEMBER KOPPELL: That's
21 right.

22 ANDREW EILER: That's over two
23 years, now.

24 COUNCIL MEMBER KOPPELL: So do we
25 want them to use a bullhorn?

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2 ANDREW EILER: That's not the
3 issue.

4 COUNCIL MEMBER KOPPELL: Do we want
5 them to use a bullhorn? No, you raised the
6 bullhorn issue. I'm asking you a question.

7 ANDREW EILER: No, we don't.

8 COUNCIL MEMBER KOPPELL: Okay,
9 fine.

10 ANDREW EILER: But--

11 COUNCIL MEMBER KOPPELL:
12 [Interposing] We want them to have a public
13 address system, not a bullhorn. So we want them
14 to have an installed public address system that
15 doesn't make noise on the street. Right?

16 ANDREW EILER: I think what you
17 want to do is to bar the operation of buses with
18 other than this kind of a system, not whether it's
19 licensed--not as a condition of licensing, but as
20 a condition of operations. And then, if a bus is
21 operated using an improper sound system it can be
22 cited and violated.

23 COUNCIL MEMBER KOPPELL: Okay. Let
24 me--

25 ANDREW EILER: [Interposing] The

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2 way this is written right now is that there's one
3 time that the issue can be addressed by the
4 Department, which is when a bus comes in to be
5 licensed. Now when a bus comes in to be licensed,
6 yes, they look at the--State transportation looks
7 at does it have windshield wipers. However the
8 windshield wipers can become inoperative. Lights
9 can become inoperative. Things can change. The
10 way this is written changes are not accounted for
11 in the operation of the bus, and that's what we're
12 talking about. That basically the mechanism for
13 enforcing the proposal is not the best way to do
14 it. And we're perfectly willing to discuss and
15 explore with the committee a way of doing it that
16 might be workable and effective and essentially
17 minimal enforcement resource is necessary. So
18 basically, yes, I think it's possible. That was
19 my only point with regard to the mechanism that is
20 being use is not an effective--does not appear to
21 be the most effective way to achieve the goal.

22 COUNCIL MEMBER KOPPELL: With all
23 due respect, if you had come and said to Council
24 Member Gerson, I think it ought to be drafted a
25 little bit differently, that would be a fine

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2 thing. But let me read from your testimony, sir;
3 while the bill seeks to advance a laudable goal of
4 reducing sound emanating from the buses and into
5 our neighborhoods, as drafted it would present a
6 great burden to the tour bus industry and the
7 Department, with little if any benefit to the
8 neighborhoods in which the buses operate. The
9 burden to the companies is that they have to have
10 a proper sound system. Your change in language
11 would not change that burden. What you're saying
12 here is that you don't want to put the burden on
13 the companies because you think it would be of
14 little benefit. Well we disagree that it would be
15 of little benefit and we do want to put that
16 burden on the company. So with all due respect,
17 if you'd come in here and you'd said this is a
18 laudable goal, but it shouldn't be a condition of
19 license, it should be condition of operation or it
20 should give rise to a fine, I wouldn't be speaking
21 to you today. But you didn't say that. I read
22 you what you said, and I would suggest, sir, that
23 you amend your remarks to say what you said now,
24 not what you said in your prepared testimony.
25 Really it's very disturbing to read this and then

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hear what you had to say.

ANDREW EILER: I just commented on basically what I think the issues could be and how they could be related. And I regret how the statements have been taken.

CHAIRPERSON LIU: Let me just interject for a second here. I completely agree with Council Member Koppell's comments. But I will rise to the defense of Andy Eiler because that language, it's a laudable goal, we share your goals, but it's not going to work--that's not Andy's language. That's standard Bloomberg Administration language. We hear it all the time.

COUNCIL MEMBER KOPPELL: I won't blame Andy for the language then if you're right, Mr. Chairman.

CHAIRPERSON COMRIE: Councilman Koppell, are you done? Thank you. Okay, so we're talking language, who said what and when they said what. Just for the record, we've gotten statements in support of the two bills from Ms. Linda Graf [phonetic] from 350 E. 51st Street and also New York Senator Tom Dwayne, supporting both Intro 742 and 836. I won't read their statements,

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2 but they're in support for the record. And we
3 also have a statement from NYC.gov, oh, NYC and
4 Company that is against both bills and also
5 testimony from the American Bus Association,
6 they're against all three Bills that we're talking
7 about today. I won't read those either due to
8 time. Council Member Gerson and Councilman
9 Brewer. But before Council Member Gerson--

10 COUNCIL MEMBER GERSON:

11 [Interposing] Gale, do you want to go first?

12 CHAIRPERSON COMRIE: Okay, all
13 right. Just before Council Member Brewer comes
14 up, I just want to ask a quick question as to has
15 anyone done a sound check on any of the sound that
16 has been emanating at any point that you could get
17 back to us today? Has there been a utilization of
18 sound meters by the Police Department that go
19 around and have sound meters in--each police
20 station is supposed to have one car that has sound
21 ability to check the sound on the buses? Has
22 anyone done anything, from the administration, to
23 come to us today to talk about the level of the
24 sound and what's the maximum decibel level of the
25 sound that's been recorded by the buses?

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2 ANDREW EILER: That would be within
3 DEP that would be doing those kinds of checks.

4 CHAIRPERSON COMRIE: Yes. But I
5 mean, you know, since you're all working together
6 to come today, I would, you know, I would have
7 preferred--

8 DAVID WOLOCH: [Interposing] We'll
9 check with the other agencies.

10 CHAIRPERSON COMRIE: I would have
11 preferred DEP come, but since they're not here,
12 that's a critical piece of information that would
13 have been helpful to the hearing. I'm
14 disappointed that the administration didn't come
15 prepared to at least announce what that was as far
16 as maximum sound level. I would be very curious
17 to know what that is. And I would hope that we
18 could get that information to what's the maximum
19 sound level emanating from these buses right now,
20 so that we could use that in our deliberations.
21 Council Member Brewer?

22 COUNCIL MEMBER BREWER: Thank you.
23 On the sound issue, I mean it does seem to me that
24 working with DoITT or some software developers you
25 could figure out how to have no sound coming from

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2 an installed system through, even something as
3 creative as an iPod, not to mention headphones.
4 Is that something that you could rewrite that
5 could be included as part of a rewrite of that
6 bill? Then there would be no sound whatsoever.

7 ANDREW EILER: Well--

8 COUNCIL MEMBER BREWER:

9 [Interposing] A little creativity beyond our silo.

10 ANDREW EILER: Again, I think in
11 terms of implementing this we should explore the
12 most effective, efficient way to minimize the
13 sound emanating from operating buses that would be
14 disturbing neighborhoods and so forth and so on so
15 that we could, you know--yeah. The idea is to be
16 creative in enabling the buses to operate at a
17 minimal cost and, you know, basically so that you
18 also have--protect the neighborhoods from
19 excessive noise.

20 COUNCIL MEMBER BREWER: Right. I'm
21 just suggesting it's probably not very costly and
22 not very hard to do and any software person and
23 even DoITT could figure it out. Number two; with
24 311 can you ask DoITT to segregate the 311 calls
25 from buses. Would that be something that you

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would be willing to do?

ANDREW EILER: That's not within-- that's not anything I mean in terms of where those--how the protocols are written for those kind of issues. I think it would be DEP, the one that's in their purview, and they would be the ones that would have to revise protocols in terms of how that stuff is recorded.

COUNCIL MEMBER BREWER: Andy, I'm just saying I do it all the time, just me, Gale, calling up the Commissioner saying, do it. So I'm just saying, there's data for lots of topics. So I'm just suggesting that, you know, you could do it. You could make it segregated working with DEP and it might give some support to the work that you're trying to do.

ANDREW EILER: Well that would be-- you'd have to have a protocol for the number of calls that come in, so it would be handled on a, not an individual basis, but on a mass basis of how--differentiating the different calls.

COUNCIL MEMBER BREWER: The third issue on the state, I guess this would be for DOT and then I'll--is two questions. One is, is there

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2 any--are the buses clean in terms of the fuel
3 emissions, that's question number one; and second
4 is, have you involved the state in your
5 conversations already on this issue, because we
6 have in the audience a representative of Speaker
7 Silver, whose district this issue impacts
8 tremendously, and I know he's very interested in
9 it. And I think he might have reached out to you
10 and not gotten a response. So I want to know who
11 you've talked to at the state level and I want to
12 know about the cleanliness of the fuel.

13 DAVID WOLOCH: We've reached out to
14 the Speaker, the Speaker's Office and to the State
15 Senator's Office for the district.

16 COUNCIL MEMBER BREWER: Okay. And
17 on the fuel issue?

18 DAVID WOLOCH: I mean, the
19 legislation we're anticipating doesn't deal with
20 the fuel per se, but it's certainly something we
21 can talk about.

22 COUNCIL MEMBER BREWER: How can we
23 go about that fuel issue? On a private bus I know
24 it's different then dealing with a City bus.

25 DAVID WOLOCH: Yeah. I mean it

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2 gets, I think, into different terrain in terms of
3 State standards for buses, but I think it's
4 something we can look into.

5 COUNCIL MEMBER BREWER: Okay.

6 Because one of the issues of course is you're
7 dealing with the noise; the other challenge is the
8 fuel emissions. And on these small streets,
9 needless to say, it goes right up to the homes.
10 Okay. So can you get back to the committee with
11 what it would require to make the fuel clean?

12 DAVID WOLOCH: Sure.

13 COUNCIL MEMBER BREWER: Thank you.

14 CHAIRPERSON COMRIE: Council Member
15 Gerson? It's your turn. I just want to echo what
16 Council Member Brewer said about making the fleet
17 more energy--less toxic to the residents. I think
18 that should be a major part of the desire and goal
19 of the administration, that purports to wants to
20 do that on a regular basis, especially if there's
21 a 20 whatever plan, or a whatever the plan is. To
22 make the entire fleet of buses more energy
23 efficient or less toxic should be a major part of
24 this incentive also. And if this young lady would
25 go sit down, Council Member Gerson could start. I

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was jus stalling.

COUNCIL MEMBER GERSON: Actually,
Ms. Lee [phonetic] is a member of our staff and
was--

CHAIRPERSON COMRIE: [Interposing]
Oh, okay. But--

COUNCIL MEMBER GERSON:
[Interposing] No, I appreciate that she should
have--I should have asked her to come in back of
me. I apologize.

CHAIRPERSON COMRIE: Okay.

COUNCIL MEMBER GERSON: Okay. But
just on the issue of fuel, did not regulations go
into effect this past January enforceable by the
department--both DEP and DCA, I think based on
Council legislation, that these buses must use
ultra low sulfur diesel?

ANDREW EILER: The Council Member
is correct. There is a law that went into effect
on retrofitting equipment--

COUNCIL MEMBER GERSON:
[Interposing] And best available retrofits.

ANDREW EILER: Yeah. Best
available retrofitting, and that's what I

2 mentioned in my testimony, that basically as of
3 June, when the letter was sent by the DEP
4 Commissioner to Mayor Bloomberg, that all the
5 companies had complied and were in compliance with
6 their retrofitting obligations.

7 COUNCIL MEMBER GERSON: Really
8 there's a little tag on the bus, right, that
9 indicates compliance.

10 ANDREW EILER: I'm not familiar
11 with what exactly they've done, but basically the
12 DEP does that and so the latest that we've heard
13 that all the buses are complaint. We're talking
14 sightseeing buses, only sightseeing buses.

15 COUNCIL MEMBER GERSON: Yes. That
16 is correct. That is correct. Mr. Eiler, so if I
17 understand your testimony correct in response to
18 queries by my colleagues, the administration feels
19 that Intro 742 does not go far enough, that you
20 would like to see a stronger bill?

21 ANDREW EILER: I'm not--not whether
22 stronger or weaker, one that's more effective.

23 COUNCIL MEMBER GERSON: In this
24 sense, in this sense, let me ask you this. I mean
25 essentially we're talking about a condition on the

license, which is what 742 would require, and an enforceable condition on operation, which is what you have called for in your testimony, as I've heard. And in fact, the two are not mutually exclusive. Isn't that correct?

ANDREW EILER: No they're not.

COUNCIL MEMBER GERSON: Aren't there any number of requirements that you impose as a condition on the license, which then carry over into requirements for operation enforceable either by your or other agencies?

ANDREW EILER: In terms of--

COUNCIL MEMBER GERSON:
 [Interposing] I mean for example the windshield wipers that you talked about with Oliver Koppell. You would not license a bus that did not have a windshield wiper.

ANDREW EILER: That's correct. I mean basically--

COUNCIL MEMBER GERSON:
 [Interposing] But therefore the fact that you license it doesn't necessarily--you don't know in advance that they're going to use the windshield wiper properly. But there's another body that

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2 requires them--of regulation--that requires proper
3 use of the windshield wiper during appropriate
4 weather. So the two--one is a prerequisite, if
5 you don't have a windshield wiper you can't use
6 it. We agree with that, right?

7 ANDREW EILER: Yes, obviously.

8 COUNCIL MEMBER GERSON: But if you
9 have it, it doesn't mean you're going to use it,
10 so you need an additional requirement that you use
11 it when you should. Correct?

12 ANDREW EILER: Well--

13 COUNCIL MEMBER GERSON:
14 [Interposing] So can't we take the same approach
15 with sound limitation?

16 ANDREW EILER: That's the direction
17 in which we can go, and to explore.

18 COUNCIL MEMBER GERSON: So can we
19 agree that the administration will support
20 legislation that keeps a condition on the license
21 as set forth in 742, with the necessary technical
22 adjustments so, you know, if there are other ways
23 of achieving the goal--that was always the intent
24 of the legislation to allow it. And at the same
25 time impose a condition on operation that what is

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2 required to be implemented be used. Could we
3 agree on that?

4 ANDREW EILER: We agree that we
5 can--

6 COUNCIL MEMBER GERSON:
7 [Interposing] Great.

8 ANDREW EILER: --explore the
9 possibilities--

10 COUNCIL MEMBER GERSON:
11 [Interposing] Whoa. I don't like explore. We're
12 not doing--can we agree to support legislation
13 that would achieve those goals and implement those
14 requirements?

15 ANDREW EILER: Yeah, as long as--

16 COUNCIL MEMBER GERSON:
17 [Interposing] Yes.

18 ANDREW EILER: We would go and look
19 at and consider the options that would effectively
20 implement what you're trying to do.

21 COUNCIL MEMBER GERSON: Let me ask
22 it again. Can we agree that we'll keep the
23 condition on the license with the necessary
24 modifications so it's not restricted to one
25 particular sound limitation device--

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2 ANDREW EILER: [Interposing] I
3 don't want to get involved in discussing specific
4 legislative provisions.

5 COUNCIL MEMBER GERSON: That's what
6 we're here about. That's what the hearing is all
7 about.

8 ANDREW EILER: Not in terms of
9 specific provisions. I think we can explore--

10 COUNCIL MEMBER GERSON:
11 [Interposing] But do you agree that you will
12 support legislation to achieve these goals?

13 ANDREW EILER: We would--yes--

14 COUNCIL MEMBER GERSON:
15 [Interposing] Good.

16 ANDREW EILER: We indicated that we
17 would support--that will accomplish the objectives
18 in an effective and efficient manner.

19 COUNCIL MEMBER GERSON: Okay. With
20 legislation. So we heard that. So Mr. Chair, I'm
21 sure with your ongoing leadership I look forward
22 to those conversations to work out the necessary
23 bill that will maintain the appropriate condition
24 on the license and then impose the appropriate
25 condition on operation. And this is the first

1 hearing. That's what the purpose of first
2 hearings is all about. Okay, just on--since we
3 haven't talked about 836 all that much, let me
4 just ask any of you, in fact does not the City of
5 New York at this point have the authority to
6 prohibit, you know, the oversized--or to prohibit
7 buses on particular streets? In other words, does
8 the City of New York have the authority to
9 restrict specific streets or specific types of
10 streets--obviously the narrower streets through
11 residential neighborhoods--to sightseeing or tour
12 buses or commuter buses or any kind of buses?

14 DAVID WOLOCH: I think what we have
15 the authority to do is the--

16 COUNCIL MEMBER GERSON:

17 [Interposing] Could you use the mic? I'm sorry.

18 DAVID WOLOCH: Oh. Sure. Is to--

19 COUNCIL MEMBER GERSON:

20 [Interposing] I like to hear you David, always
21 loud and clear.

22 DAVID WOLOCH: Sure. We have the
23 authority to say that buses can't go on certain
24 streets. But we can't differentiate between one
25 bus from another based on its use.

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2 COUNCIL MEMBER GERSON: Okay. And
3 I concur on that because of all the federal and
4 state issues that are involved. But we can also,
5 with respect to all categories of buses, we can,
6 implicit in that authority, restrict hours of
7 operations on specific streets. Can we not?

8 DAVID WOLOCH: Sure. I believe if
9 we were talking about all buses we could say, you
10 know, between the hours of X and Y no buses.

11 COUNCIL MEMBER GERSON: Okay. And
12 so let's take it a step further. Can we restrict
13 routes in the sense of allowing turns or not
14 allowing turns at particular intersections for all
15 buses? As a matter of broad City authority.

16 DAVID WOLOCH: Sure. There are
17 places, I believe, where we have regulation, no
18 turns, no turns for buses.

19 COUNCIL MEMBER GERSON: I think so
20 too. And now here's--what about frequency of
21 operation? If there was a way to do it that did
22 not discriminate between category of buses or bus
23 companies--and you know, you can imagine--I'm not
24 proposing any specific mechanism, but you can
25 imagine there were neutral ways, a lottery system

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2 for example if it came to that. Again, but if it
3 were done in a neutral way, could we restrict
4 frequency of bus operation on particular streets
5 then?

6 DAVID WOLOCH: I think that would
7 be a hard thing to inherently restrict, but
8 there's another way at that issue and it's a tool
9 that we have to some degree--

10 COUNCIL MEMBER GERSON:

11 [Interposing] Hold on, I just want to understand
12 your testimony. Hard in the practical sense or
13 hard in the legal sense?

14 DAVID WOLOCH: I think both. I
15 don't know if we have the legal authority; I don't
16 believe so. But just practically, how could you
17 say there's a, you know, ten buses can travel down
18 this street in any hour. Is it first come, first
19 serve?

20 COUNCIL MEMBER GERSON: No, I just
21 suggested a way; you could have a lottery system.
22 I mean we can come up--but that's not my question.
23 My question is do you have the legal authority.
24 Not currently in terms of--but does the City of
25 New York have the Charter authority to--

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2 DAVID WOLOCH: [Interposing] I
3 don't believe so, but I'd have to check.

4 COUNCIL MEMBER GERSON: But could
5 you get back to this? Because I actually believe
6 we do.

7 DAVID WOLOCH: Sure.

8 COUNCIL MEMBER GERSON: But could
9 you have your lawyers get back to us?

10 DAVID WOLOCH: Sure.

11 COUNCIL MEMBER GERSON: I just want
12 to wrap up, Mr. Chair. 1066 actually I give you
13 guys the credit for this because, as you know, and
14 with appreciation, we've had many conversations
15 with your department, and you met with community
16 folks and community boards on the issue that we're
17 talking about today, and it was someone from your
18 department who said to me, you know, we would like
19 the ability to have greater control over where and
20 how these buses--but we need you, the City Council
21 to give us that authority. Implicit in that is
22 that the Charter allows the City to do it, but
23 that you need some enabling authority. So all
24 1066 does, and I know it was directed to the
25 Department of Consumer Affairs because they

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2 currently license these buses, but whether it's
3 DCA or DOT, and I would defer a lot--I would defer
4 to my Chair, Chair Comrie, to advise us on which
5 is appropriate down the line, but the intent of
6 1066 is to give some appropriate City department
7 the type of regulatory authority which you all
8 told me you would like us to give you. So when
9 Mr. Eiler testified just very briefly with respect
10 to 836, the administration opposes the bill as
11 currently written, is that because you want the
12 authority to be given to one department and not
13 the other? Or, I mean again, because we drafted
14 this bill based on A, the need and B, your input
15 as to how you could meet the need.

16 DAVID WOLOCH: Councilman, are you
17 talking about 1066 or the--okay.

18 COUNCIL MEMBER GERSON: I'm sorry;
19 836. 836.

20 CHAIRPERSON COMRIE: He's bouncing
21 back and forth. He's talking about 836.

22 COUNCIL MEMBER GERSON: They both
23 have that 6, but I'm talking about 836. I do
24 support 1066, as I said in my opening statement,
25 but now I'm asking you specifically about 836.

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2 And that's the one I asked you about frequency and
3 routes and turns. I didn't mention bus stops
4 because that's 1066. But go ahead. Do you still
5 maintain that you would like the Council to give
6 you greater enabling legislation to regulate these
7 buses?

8 DAVID WOLOCH: I can't recall that
9 conversation. I don't know if it was me or a
10 colleague, but I think--

11 COUNCIL MEMBER GERSON:
12 [Interposing] I think it was a colleague.

13 DAVID WOLOCH: But I think what
14 they were referring to is what we reference in my
15 testimony about 1066. The authority that we need
16 pertains to the stops. So sightseeing buses have
17 to come to us for stops. There are other buses
18 out there, some of which do come to us, some of
19 which don't. We'd like that authority. And this
20 is important, because having control of the stops
21 gives us a good tool to manage these buses. And
22 so in terms of your question about frequency,
23 where we do have control and where this has been a
24 good tool for us is the frequency of the buses
25 that come and use the sightseeing bus stops. So

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2 that's among the information that we get from the
3 operators when they come to us.

4 COUNCIL MEMBER GERSON: Could your
5 regulate--okay. Mr. Chair I'll wrap up in just a
6 moment. I think we're at an important point.
7 Putting aside the legal issues, we'll let the
8 lawyers--whether the City Council can do it on its
9 own or whether we need State approval, would the
10 administration welcome the appropriate regulatory
11 authority to regulate stops and frequencies and
12 routes of oversized buses?

13 DAVID WOLOCH: From our
14 perspective, it's the stops that we would like the
15 authority for.

16 COUNCIL MEMBER GERSON: But if you
17 could get the authority--

18 DAVID WOLOCH: [Interposing] Not
19 the routing per se.

20 COUNCIL MEMBER GERSON: If you
21 could get the authority for frequency and routes--
22 I mean we have--the situation I described earlier
23 does not involve a stop. It involves a continual
24 frequency. There are places where buses, if they
25 can't stop or they won't stop, they'll go through

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2 every three minutes and maybe there should be
3 other routes considered. Why not for the same
4 underlying policy that you would seek the ability
5 to regulate stops, would you not also seek the
6 ability to regulate routes and frequency?

7 DAVID WOLOCH: I think the stops
8 gives us the ability to get at the issues--

9 COUNCIL MEMBER GERSON:
10 [Interposing] But to be on the same side, why not
11 also give you the authority to appropriately,
12 where stops don't work, be able to control
13 frequency and routes?

14 DAVID WOLOCH: I mean I think for
15 the most part we are not in the routing business.

16 COUNCIL MEMBER GERSON: But how is
17 that different from regulating stops if you're not
18 in the routing business? Stops are routes.

19 DAVID WOLOCH: Stops allow us to
20 figure out how to best use the curb space. And we
21 create rules for curb space all over the City.
22 But as a general rule, people can travel where
23 they want to.

24 COUNCIL MEMBER GERSON: Are you
25 unconcerned about a situation where every two or

1
2 three minutes there's an oversized bus passing on
3 a one-lane street? Is that a concern to you at
4 all?

5 DAVID WOLOCH: I mean we're
6 certainly concerned about over-dimensional
7 vehicles where they're breaking the law, because
8 of their size.

9 COUNCIL MEMBER GERSON: I'm not
10 asking that question.

11 DAVID WOLOCH: We're concerned
12 about curb space for a number of reasons because--

13 COUNCIL MEMBER GERSON:
14 [Interposing] You've said that already but are you
15 sir--

16 DAVID WOLOCH: [Interposing] Please
17 let me finish. Both because of the competition
18 for that curb space and also the traffic and
19 safety impacts when vehicles inappropriately use
20 curb space. But as a general rule from a traffic
21 perspective, you know, a lane of traffic can carry
22 a few hundred vehicles an hour. So our concern is
23 less the traffic impact of a few vehicles, but
24 what those vehicles are doing at the curb space.
25 And for the most part we've been able to get at

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2 community concerns that have come up regarding
3 these buses in terms of relocating stops.

4 COUNCIL MEMBER GERSON: Well Mr.
5 Chair, I'll just make this point. I mean what
6 about the livability concern? Again, I wan to
7 make it clear. By the way, we've had, and you'll
8 hear testimony from some of the bus company
9 operators that have tried and work well with our
10 communities, we can have it both ways but we need
11 the mechanism. So, Mr. Chair, it just doesn't
12 make any sense for the City of New York to say
13 they only want authority to regulate stops but not
14 frequency or routes when you're talking about
15 oversize buses passing through, you know, historic
16 districts, landmark districts, residential
17 districts that are not historic, where people
18 live. And even if we deal with the--Andy is going
19 to work with us and come up with legislation that
20 will solve the amplification problem, as he just
21 said, but even if we deal with that there are
22 inherent engine issues. There's inherent impact
23 just based on the size. And to say, you know, I
24 don't think any--to say we don't care about that
25 and we don't care, you know, how frequently or

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2 what routes they take through these residential
3 districts is again not heeding the livability
4 issue. So I hope the administration will get back
5 to us and expand your purview. And you know,
6 stops are fine, but to give you the tools to deal
7 with it comprehensively, we could include
8 frequency and routes. Thank you very much.

9 CHAIRPERSON COMRIE: Thank you,
10 Council Member. I don't think the administration
11 is saying they don't care. I think that based on
12 the framing of the situation, I think there's a
13 larger issue, as you stated earlier, with all of
14 the bus traffic coming in to the City. And it
15 would start me off to ask--you had said earlier in
16 your opening statement that downtown is getting
17 more traffic than the Port Authority. Is that
18 true? Have you tracked that, Commissioner, about
19 the amount of buses that are coming in and out of
20 the downtown area? And if so, and will that be
21 tracked so that we can get a comprehensive look at
22 it? I think that's part of what the frustration
23 of today is. We're mixing media here. We're
24 mixing problems.

25 DAVID WOLOCH: Right.

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2 CHAIRPERSON COMRIE: We're mixing
3 the issues of the traffic that's coming down to
4 look at the memorial, the traffic that's now
5 coming interstate--the Boston buses and the DC
6 buses and other buses that are coming into
7 downtown. And I think at this point there needs
8 to be a comprehensive study of all of the bus
9 traffic that is entering lower Manhattan. Because
10 if the statement that Council Member Gerson is
11 saying is true, then that's a reality that we need
12 to deal with. And maybe finding a second bus
13 depot in lower Manhattan before we lose all
14 available space, or maybe creating space to build
15 it out is something that we really need to look at
16 as part of a 2020 plan or a 2010 plan--or I forget
17 the dates that have been part of the planning.
18 And has that been considered in the--what is it?
19 The 2030? I'm forgetting. What is the name of
20 the plan 2020 plan? The 2030 plan? Is that part
21 of the 2030 plan at all?

22 DAVID WOLOCH: I can't recall
23 specifically if it was in there, but I think it's
24 certainly been of concern to the administration.
25 And as you said, I mean part of the problem is

there are many different categories of buses, some of which we have more control over than others.

And I think there is no question that in lower Manhattan there are a number of streams of buses, all of which have been growing over the past few years. And in terms of a date, if it's, you know if we need a 2010 plan or a 2020--

CHAIRPERSON COMRIE: [Interposing]
We need a plan, right. We need a plan.

DAVID WOLOCH: We need to be working on this set of issues on lots of different levels.

CHAIRPERSON COMRIE: Right.

DAVID WOLOCH: Precisely because there are so many different pieces of the problem.

CHAIRPERSON COMRIE: Right.

DAVID WOLOCH: So to say that the only solution is a long-term strategy to find space gets at part of it but there are other pieces.

CHAIRPERSON COMRIE: I think there needs to be a short term strategy to find space also, especially with the 9/11 memorial coming up and the problem with just buses down there that I

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2 see with the truck--the routing of everything
3 else; trying to work with the federal government
4 to continually lower emissions on buses. And I
5 think all of those things are critically important
6 to do--in the short term as well. And I don't
7 mean just to point to 2030, but I think there
8 needs to be a short term plan as well. And I want
9 to emphasize that. My other problem, that you
10 know, that has me perplexed is that we don't have
11 a sound study, a study on the level of sound
12 coming from the buses, from the Administration,
13 that could give us some idea of what the level of
14 quality of life--disturbance of quality of life--
15 is in reality. Because as you know I've been
16 working on the sound issue with another group of
17 people that are coming in and traveling in
18 throughout the City. And I just need to get an
19 understanding of what that sound level is and if
20 anyone has done any studies on the impact of the
21 actual sound, the amount of maximum sound that's
22 generated from these buses and also what the
23 administration could propose on that. So not
24 having that today really inhibits the discussion.
25 We've been joined by Council Member Jim Gennaro,

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2 who limped in. And I guess he had so much fun at
3 his victory party he broke his foot again or
4 something. But I'll let you espouse on that
5 later. But Council Member Felder had a couple of
6 questions.

7 COUNCIL MEMBER FELDER: Thank you
8 very much. Thank you very much, Mr. Chairman.
9 And I just want to say it's nice to see people who
10 live in the neighborhoods that are affected here
11 coming down into a hearing. But the purpose of a
12 hearing in fact is to find out all the information
13 and all the facts. And some--although I was here,
14 I think I was here on time in fact, and I tried
15 listening to some of the questions. I just wanted
16 to echo, Chairman, that a lot of what you just
17 said convinces me at this point, certainly, that
18 there's no way in the world that this bill,
19 particularly, I think it was 742, at this point
20 there's so much information that is lacking that
21 there's no way in the world that this should
22 proceed until we get the information that you
23 asked, such as the DEP violations, the sound tests
24 that you talked about, the 311 logs which probably
25 exist as to the number of complaints and how many

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2 times the same complaints come from the same
3 people. I think that that's very, very important.
4 Having said that, I would like to play the devil's
5 advocate on this issue, since no one else has at
6 all. Now it's clear that the people who are
7 affected by the sound certainly would not be happy
8 about it. In fact in the testimony that we've
9 been given here it says in fact that in 2008 the
10 residents, I think in the West Village, were able
11 to force some of the bus lines to stop using the
12 address system on Bleecker Street. Now I will say
13 to you, from the outset that philosophically I'm
14 opposed to regulation unless there's a compelling
15 reason, a compelling reason. And the fact that
16 they were able to either by force or work
17 something out with the bus company shows that
18 there may not necessarily be a compelling reason
19 for regulation. Now, Mr. Eiler, I wanted to ask
20 you, does a bus have an engine?

21 ANDREW EILER: Yes.

22 COUNCIL MEMBER FELDER: Does it
23 have wipers?

24 ANDREW EILER: It runs; yes.

25 COUNCIL MEMBER FELDER: Does it

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have a transmission?

ANDREW EILER: Yes. We've gone
though that.

COUNCIL MEMBER FELDER: Now is it
fair to say, and I don't want you to answer the
question, so you can calm down. There may be a
product, the product is called the sightseeing
bus, and I haven't traveled the world over, but I
know that there are, from what I've read, it seems
that throughout the world there are automated
systems where in fact there's no tour guide, for
the most part, there are exceptions. So that you
get on a bus and you put on, if you want to
listen, you put on some sort of headphone and you
hear what's going on. Or many, many large cities
do have tour guides with a speaker system such as
the ones that exist, a megaphone or whatever you
want to call it. That doesn't mean there are no
exceptions to the rule. I'm not saying that. But
for the most part, this is a product, that's what
it is; it's a tourism product. People come from
all over the world to get on these buses and they
get something. And what they get is a tour of the
City, with somebody in New York, standing there

1 very often at some point looking like he's going
2 to fly over the second floor of the bus, and
3 telling people what it's like. That's a flavor,
4 it's a product, it's something that exists. That
5 doesn't mean that it cannot be done without it.
6 It's a different product. So, unless somebody
7 says, you know, I find it difficult to say, well
8 you can have a tour bus without it. Yes, you can
9 have a tour bus without it. You can have a
10 pastrami sandwich without the mustard; for some
11 people that's not a pastrami sandwich. This is a
12 product, as we have it now. I'm not going to say
13 whether it has to be that way or not, but to just
14 say, you know, what's the big deal? Get rid of
15 the guy; have somebody talking on the tape. And
16 if you want to listen, you'll listen. It's not
17 the same. Whether it's good or bad, it's
18 certainly not the same. And in terms of the
19 complaints, look, I live next to a school. We
20 bought a house knowing 20 years ago that we're
21 going to live near a school with, thank god, at
22 that time there were 300 children, now there are
23 600 children. We share the noise, the garbage and
24 everything else you can think about. When we
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1 bought our home, we knew what we were getting
2 into. A lot of people here, I would assume, that
3 since the bus service started in the 1990s, were
4 living there way before the bus service started, a
5 lot of people living here. So that the noise, I
6 can't make the analogy at all. But there are
7 many, many people, many, many people I would say,
8 that are living throughout the City in areas that
9 the bus works that bought their homes, bought
10 their coops at a time where these buses went, and
11 it doesn't seem to be an issue. Now I cross
12 Broadway here. There are two buses that stop
13 there all the time. I'm not going to tell you
14 that they are noisy or not noisy. All I can tell
15 you is that I don't hear anything from those
16 buses--maybe because there's just so much noise
17 otherwise. So, I would just say that when it
18 comes to regulation, first of all, again to recap,
19 until we get a clear understanding, Mr. Chairman,
20 about what actually exists--and I want to
21 reiterate, I'm not in any way minimizing the
22 effect that it has on people living there and that
23 it bothers them. But there's a question when you
24 make laws, you don't make laws to address a
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2 specific issue. I would give you an example. In
3 parts of my district where they're extraordinarily
4 congested, the garbage trucks used to be down the
5 streets 8:00 to 9:00, it was impossible. I
6 thought of doing regulation which would prohibit
7 garbage pickup anywhere in the City from 8:00 to
8 9:00 in the morning, so this way it would help the
9 congestion. And the response was, look, it's bad
10 but it's not bad everywhere. We took certain
11 streets in the district where it was terrible and
12 we worked with the Sanitation Department. And in
13 fact today those cross streets do not have pickup
14 8:00 to 9:00. But thank god there is no law that
15 says you cannot have pickup 8:00 to 9:00
16 throughout the whole City. It doesn't make sense.
17 So in this case I would say the same thing, that
18 especially given the fact if I had not read that
19 they were able to work something out on those
20 streets--no one in this room can tell me and
21 convince me that on Broadway there's a problem
22 with noise from those double-decker buses. There
23 is so much noise going on otherwise, that's the
24 least of it. And I would say that's the case in
25 many other places. Should there possibly be

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2 restrictions in certain residential areas where
3 there's a problem? That's something that we
4 should consider. But that's something really that
5 should first work out with the companies, just
6 like they worked out those two streets. So having
7 said that, I would just say I certainly know that
8 there are people here who didn't like what I said,
9 but that's not what the hearing is supposed to be.
10 You're not the only people that don't like me at
11 this point. There are a lot of people that don't
12 like me for a variety of reasons. But I would
13 hope at a minimum that some of what we discussed,
14 even if you disagree entirely, you would have to
15 want to make the compelling argument that this
16 should be legislated; that's what we're talking
17 about. Because every time the City legislates
18 anything it winds up costing the taxpayers money
19 at the end of the day. Thank you.

20 CHAIRPERSON COMRIE: Thank you,
21 Council Member Felder. And due to time I'll just
22 ditto what he said. I'm concerned that we don't
23 have enough to make any real decisions here. We
24 haven't even dealt with the issue of headphone
25 cleanliness and sanitation and whether or not we

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2 might infect some tourists. We haven't even dealt
3 with--and I agree wholeheartedly with what Council
4 Member Felder said about the flavor of the
5 operators that are giving the information, that
6 that's part of the panache and the reason that
7 people get on the bus--not to hear a tape but to
8 hear someone that's expounding on the joys of the
9 City from their own experience as opposed to
10 hearing a repeat tape. There's a lot of issues
11 that unfortunately because we have another 20
12 people that want to speak today, I really can't
13 expound on. But I think for me the critical two
14 points why we can't move forward is the issue that
15 there's been no sound measurement done by the
16 administration. There's been no comprehensive
17 look at the traffic flow in the area. I'm really
18 disappointed that New York City and Company didn't
19 come to talk about the impact on possible loss on
20 tourism in an economy that's sputtering right now.
21 And we can't afford to, you know, hurt an economy
22 that's sputtering until we have a clear,
23 comprehensive reason to do so. And that hasn't
24 been established today. So with that I want to
25 thank you for being here. And we do have to hear

1
2 from all of the constituents, the other
3 constituents that are here. Councilman Gennaro,
4 you had one question? Because we are way up
5 against--

6 COUNCIL MEMBER GENNARO:

7 [Interposing] To save time I just want to state on
8 the record that I wish to be associated with
9 remarks of Council Member Felder and with your
10 remarks, Mr. Chairman.

11 CHAIRPERSON COMRIE: Thank you.

12 COUNCIL MEMBER GENNARO: Thank you,
13 Mr. Chairman.

14 CHAIRPERSON COMRIE: Thank you. We
15 just also, I guess people had to leave, for the
16 record testimony in support from Debora Glick
17 [phonetic] for Intro 742, and I think 836. I'm
18 not sure that she's 100 percent in supporting that
19 yet. And that's all we have so far. With that
20 though I want to thank the panel, unless you had
21 anything else to add. I appreciate you coming
22 this morning. Next we'll hear from Susan Stetzer
23 from Community Board 3. Please, as you're moving
24 around, be aware there's a guide dog. His tail
25 has been stepped on three times already, so please

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2 don't step on it anymore. She's a very patient
3 dog, but I think three times is enough to step on
4 her tail, the dog's tail. Shirley Secunda, also
5 from Community Board 12 in Manhattan.

6 COUNCIL MEMBER GERSON: 2.

7 CHAIRPERSON COMRIE: All right. It
8 says 12 on here. 2. I need more coffee. Barbara
9 Backer from Our Streets Our Lives, and Lloyd
10 Burlingham from Our Streets Our Lives. Did Matt
11 Borden from Assembly Member Glick's office leave?

12 [Pause]

13 CHAIRPERSON COMRIE: And did the
14 Representative from Sheldon Silver's Office leave?

15 [Pause]

16 CHAIRPERSON COMRIE: All right.
17 They're not testifying. Okay. But do we have the
18 four people, Lloyd Burlingham? Are you here?
19 Okay. All right. And Barbara? Okay. And
20 Shirley? Okay. And Ms. Stetzer, correct?

21 [Pause]

22 CHAIRPERSON COMRIE: Yeah. Due to
23 time and we're supposed to be out of this room by
24 1:00, we're going to have to limit testimony to
25 two minutes.

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[Pause]

CHAIRPERSON COMRIE: Ms. Stetzer,
do you want to start please?

SUSAN STETZER: Sure.

CHAIRPERSON COMRIE: You have to
turn on the microphone.

SUSAN STETZER: Okay, thank you.

My name is Susan Stetzer and I'm representing
Community Board 3, Manhattan. Management of
transportation issues is one of the highest
priority concerns for our board. A major
component of this is management of private buses.
We have been working with DOT and the Mayor's
Office to resolve many of the problems in our
district regarding private buses. DOT does now
understand the need to inform the Community Board
before assigning stops to private bus companies in
the district below Houston, as there have been
serious problems as a result of inappropriate
assigned stops. I have pictures attached if
private long distance bus using an assigned stop
adjacent to an MTA stop at 1 and 3 Pike St., and
the community board's resolution requesting
removal of this assignment, which has not been

1 done. The pictures show the problem, an
2 inaccessible MTA stop, businesses that are
3 inaccessible, the necessity of trespass affidavit
4 to protect nearby residences. However, DOT now
5 notifies the community board before assigning bus
6 stops in this area. I have also attached a
7 resolution regarding such a request, which
8 explains why assigning stops without an overall
9 plan is a problem. Community Board 3 will not
10 approve any more stops until there is an overall
11 plan. So, actually, it would not work with Intro
12 1066. We believe the City cannot continue to deal
13 with this issue piecemeal. There must be a plan
14 for loading, unloading, layover and monitoring and
15 inspecting the many private buses in Community
16 Board 3. The Board agrees that it's critical to
17 inform impacted parties before assigning stops to
18 a private company, however the timetable in Intro
19 1066 would not work for community boards. 30 days
20 notice and 10 days to comment will effectively
21 remove the input the Board has presently. The
22 Public has input into decision-making for their
23 communities through the community board, therefore
24 it is necessary for the community board to have
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2 time to place this on the agenda that is
3 publicized so the public can attend meetings and
4 give input. These meetings are also attended by
5 representatives from elected officials as well as
6 DOT, so this is an opportunity for valuable input
7 for everyone before making decisions. The current
8 procedure works very well for us; DOT informs the
9 applicant they must notify the community board,
10 the board places this on the next agenda and it is
11 posted on the website and emailed widely to
12 community and elected officials. The community
13 board has a public meeting, hears from the
14 applicant, the public and then votes. The
15 timetable suggested in the intro would not allow
16 time for community boards to have a public meeting
17 and vote and would therefore take away our current
18 ability to have input. We believe that it is
19 critical for the City to develop a plan to manage
20 and monitor private buses, including assigning
21 stops. We understand that the various types of
22 buses present different issues, but we're dealing
23 with long distance buses as a first step. And I
24 just want to say, what the DOT presentation
25 actually very accurately reflects how our board

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2 has been working with DOT. Our only problem is
3 that it took so long to get here. What they're
4 doing now which is figuring out what jurisdiction
5 and what legislation is needed and hopefully
6 coming up with an overall plan is exactly what we
7 want. The towing that has been going on has been
8 urged--and issuing a violation--has been urged by
9 our community. And the community is very happy
10 that this is happening. We just want something
11 that is permanent and long term and will not rely
12 on using all the police for targeted enforcement
13 and then, you know, that cannot be kept up. And
14 I'd like to also mention, I just this second got
15 an email that there is a report on a Lower
16 Manhattan bus plan and it's going to include a bus
17 parking facility under Pier 42, which is the first
18 that we're hearing of this.

19 CHAIRPERSON COMRIE: Where did you
20 get that email from?

21 SUSAN STETZER: Pardon?

22 CHAIRPERSON COMRIE: Where did you
23 get that email?

24 SUSAN STETZER: From the Borough
25 President's office, but it's from DOT.

CHAIRPERSON COMRIE: So DOT is working on a Lower Manhattan bus plan with a bus parking where?

SUSAN STETZER: Under Pier 42.

COUNCIL MEMBER GERSON: Which would be a problem.

SUSAN STETZER: Councilman Gerson knows how my heart is pounding.

CHAIRPERSON COMRIE: It's interesting they didn't bring that up today. Okay. I want to thank you for your testimony. I was going to ask you for the copy, but you do have it here. So in other words, you don't like the Intro either at this point, just to be clear.

SUSAN STETZER: We desperately want an overall plan in our board. We realize--

CHAIRPERSON COMRIE: [Interposing] That was a yes or no. I heard you. You want an overall plan.

SUSAN STETZER: For our district it would not work.

CHAIRPERSON COMRIE: Thank you. Next person?

COUNCIL MEMBER GERSON: Excuse me.

1
2 Just for clarification, you're addressing only
3 1066, is that correct?

4 SUSAN STETZER: That is correct.

5 CHAIRPERSON COMRIE: She was
6 addressing 1066 and emphasizing your need for an
7 overall plan. And also, if I heard her, they're
8 not going to approve anything else until the
9 overall plan is done. Correct?

10 SUSAN STETZER: Right. That's what
11 we've been doing.

12 CHAIRPERSON COMRIE: All right.
13 Thank you. Next person.

14 SHIRLEY SECUNDA: I'm Shirley
15 Secunda. I'm the Chair of the Traffic and
16 Transportation Committee of Community Board 2,
17 Manhattan, which supports both Intros 742 and 836.
18 I'm going to read from our resolutions, which we
19 passed on December 18th, 2008. In support of the
20 resolution I will read major points. Whereas an
21 overwhelming number of tour buses using
22 loudspeakers pass down our streets emitting
23 heavily amplified noise that disturbs people's
24 peaceful enjoyment of their homes and public
25 spaces, threatens their health and wellbeing and

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2 severely reduces their quality of life; whereas
3 individual headsets make the voices of guides on
4 such sightseeing buses audible only to riders are
5 used successfully throughout Europe without
6 reduction in tour bus use and with no elimination
7 of tour guide jobs. CB2 recognizes the importance
8 of tourism, especially in the current economy, but
9 believes that Intro 742 provides a reasonable and
10 balanced approach to containing tour bus noise
11 that preserves tourism within the framework of
12 community livability; whereas it is important to
13 put these noise abatement requirements into action
14 in advance of warm weather--I'll go beyond that,
15 because that was December talking about spring.
16 Therefore be it resolved that Community Board 2
17 Manhattan wholeheartedly supports Intro 742 and
18 urges that it be swiftly passed into law. And
19 that was a unanimous vote on the part of the Board
20 for 742. This is for 836, whereas huge diesel-
21 powered sightseeing tour buses travel down our
22 narrow streets, spewing fumes that pollute the
23 air, adding to congesting, hindering deliveries,
24 backing up traffic, making unwieldy and hazardous
25 turns, jumping the sidewalks, destroying trees,

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2 emitting loud noise from heavily amplified sound
3 systems and hydraulic brakes, and creating
4 vibrations that structurally impact our small
5 scale buildings and street beds altogether
6 compromising the health, safety and access of
7 residents and all users of these streets--

8 CHAIRPERSON COMRIE: [Interposing]
9 Ms. Segundo, we have the rest of it. I hate to
10 cut you off, but you are testifying in favor of
11 it.

12 SHIRLEY SECUNDA: Yes.

13 CHAIRPERSON COMRIE: And we do have
14 your written testimony. Thank you. You only have
15 37 members on your board right now?

16 SHIRLEY SECUNDA: No. These are
17 the members that were present at the time the full
18 vote was taken.

19 CHAIRPERSON COMRIE: How many
20 members do you have on your board at present?

21 SHIRLEY SECUNDA: At the present?
22 Well we should have 50.

23 CHAIRPERSON COMRIE: 50.

24 SHIRLEY SECUNDA: I think we
25 probably have about 48.

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CHAIRPERSON COMRIE: 48?

SHIRLEY SECUNDA: Yes.

CHAIRPERSON COMRIE: Okay. But that day only 37 showed up and everybody voted in favor?

SHIRLEY SECUNDA: Seems so. Right, that was a full board meeting and the vote was taken.

CHAIRPERSON COMRIE: Okay.

SHIRLEY SECUNDA: And I may be wrong about the 48.

CHAIRPERSON COMRIE: All right.

Thank you.

SHIRLEY SECUNDA: Do you want that information? Should we provide that to you?

CHAIRPERSON COMRIE: That would be helpful. But you said no one voted against it, so it really doesn't matter.

SHIRLEY SECUNDA: Right. It was unanimous.

CHAIRPERSON COMRIE: Okay. Thank you.

SHIRLEY SECUNDA: And probably the ones that were absent would have voted the same

2 way.

3 CHAIRPERSON COMRIE: Right. Okay.
4 Mr. Burlingham?

5 LLOYD BURLINGHAM: Good morning.
6 My name is Lloyd Burlingham. I've been a resident
7 of New York City for 50 years. For the last 11
8 years I've been working with first a guide dog for
9 eight years and now my present guide dog. And
10 contrary to popular belief, the dogs do not
11 determine when we cross the street; they do not
12 read the signs. It's I who have to make the
13 determination, or any blind person has to make the
14 determination, and this has to be done through
15 hearing. I've had some very unfortunate
16 experiences in the last few years with the
17 extremely loud diesel engines of these tour buses,
18 which make it extremely difficult for me to make
19 the decision I need to make. And as Mr. Felder
20 pointed out, the city is a very noisy city to
21 start with. This is noise on top of noise and
22 then on top of that noise we have the, pardon my
23 phrase, but the blathering of these tour guide
24 people. And so it makes it just about impossible
25 to make decisions. And I live--I cross 8th Street

2 a great deal; I cross Bleecker Street a great deal
3 and there's a lot of buses in those particular
4 areas. So, both my dog, Kemp, and I would be very
5 grateful if you could support both 742 and Intro
6 836. Thank you very much.

7 CHAIRPERSON COMRIE: Thank you.
8 Thank you for coming today. Ms. Becker?

9 BARBARA BACKER: Good morning. My
10 name is Barbara Backer and I am a resident of New
11 York City and a member of the Citizens Group, Our
12 Streets Our Lives. Thank you Chairperson Comrie
13 and Chairperson Liu for having this hearing and
14 for all members of the Committee. I speak in
15 support of Intro 742 and 836 and start with
16 introducing the idea that the problems that tour
17 buses bring to neighborhoods, that is noise,
18 congestion, threats to safety to bikers and
19 pedestrians, disruption to citizens' quality of
20 life, have solutions. Opponents of the
21 legislation may say it is too costly, will limit
22 the number of tourists in the neighborhoods and
23 can hurt businesses. These are problems that
24 citizens, City government and businesses can solve
25 by working together. They are not insolvable. We

1 support tourism and believe the legislation
2 provides a win-win solution for both the bus
3 companies and citizens. The legislation won't
4 disrupt the industries. No one will lose their
5 jobs. Tour guides and tour bus drivers will still
6 be employed; tourists will still be able to visit
7 the same businesses and the rerouting will mean
8 less disruption for local residents. Buses can
9 use their hop on hop off features on major
10 thoroughfares and still convey the same number of
11 people to the same areas they do now and use of
12 narrow residential streets can be avoided.

14 Tourists come to New York City not only to see
15 buildings and monuments, but to get to know New
16 Yorkers for the interesting, creative people we
17 are and who have made the City what it is. All of
18 us need to remind ourselves and each other that we
19 live in a society, not simply an economy. For us
20 city people, our neighborhood streets are our
21 front yards. We don't have escapes of country
22 houses to go to to avoid congestion and noise. It
23 is on our streets that we live our lives, meet
24 each other, shop, hang out our wash so to speak.
25 We welcome walking tourists to our areas, but the

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2 huge, noisy buses disrupt and diminish our front
3 yards and our lives. We therefore urgently ask
4 you to vote yes on both these intros and we
5 believe this can support both interests of
6 businesses and New Yorkers. I will present to
7 you, Chairman Comrie and to Chairperson Liu,
8 petitions with signatures of over 800 citizens who
9 want this legislation passed. Thank you.

10 CHAIRPERSON COMRIE: Thank you. I
11 want to thank the panel for coming and testifying.

12 COUNCIL MEMBER GERSON: Just a
13 minute, Mr. Chair.

14 CHAIRPERSON COMRIE: You have a
15 question?

16 COUNCIL MEMBER GERSON: Yeah, just
17 two brief follow-ups because the witnesses, I
18 think, really said it all. To the last witness,
19 Barbara, you've worked on this issue for quite a
20 while. Do you think that with a rational
21 planning, oversight process that a rational route
22 distribution within the same area, that an area
23 could accommodate the same overall tourism,
24 visitation, through buses but just divide it up
25 appropriately in time and place? Is that...?

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2 BARBARA BACKER: I think
3 essentially that's a start. But I think what is
4 very, very important is to look at the use of
5 major thoroughfares to use the buses and have the
6 people use the hop on and off features. For
7 example, on Bleecker Street there is one lane,
8 it's ten feet wide; the buses are eight feet wide.
9 There's a bike lane and then there are cars parked
10 on either side. Should anybody have to maneuver
11 in any direction, there is absolutely no room.
12 It's an accident waiting to happen. One block
13 south of Bleecker is Houston Street, which is a
14 seven-lane highway; I don't like to use the word
15 highway, but it's a major thoroughfare. Buses
16 could use hop on hop off there. Tourists would
17 need to walk one block north and they would be in
18 the same area as they would coming in a bus down
19 Bleecker Street. But I think these Intros are a
20 beginning. And I'd just like to comment on the
21 fact that perhaps we could work out a compromise
22 with the bus companies. We have tried that. It
23 works for a month or two. And unless there is
24 rigid absolute observation and regulation of that,
25 it doesn't work. The buses are once again using

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2 the microphones and there has to be constant
3 supervision of that and monitoring. I don't know
4 if that would be more costly to the bus companies
5 or not, to have someone positioned on the street
6 to monitor the use of microphones.

7 COUNCIL MEMBER GERSON: Well I'm
8 sure that we could work it out in a way that would
9 not impose cost. But Ms. Stetzer, has anyone
10 informed you, anyone from the administration,
11 about serious consideration of Pier 40 prior to
12 the email you just cited?

13 SUSAN STETZER: 42.

14 COUNCIL MEMBER GERSON: 42 rather,
15 excuse me.

16 SUSAN STETZER: Not only were we
17 not aware of this, we at one time did a resolution
18 regarding Pier 42. We had no idea we should be
19 concerned about underneath 42. No, we had no
20 idea. I'm shocked, as you can tell.

21 CHAIRPERSON COMRIE: Didn't I
22 recall that you didn't want Pier 42 used for
23 something you thought was environmentally
24 hazardous? Was that the original place for the
25 recycling?

1
2 SUSAN STETZER: No, you're thinking
3 of the west size.

4 COUNCIL MEMBER GERSON: You're
5 thinking on the west side.

6 CHAIRPERSON COMRIE: Oh, okay.

7 SUSAN STETZER: This is the Lower
8 East Side. You're thinking of the west side.

9 CHAIRPERSON COMRIE: Oh, I'm sorry.
10 I got my sides confused.

11 COUNCIL MEMBER GERSON: But Mr.
12 Chair, I just want to comment, you're right on
13 target about the need for comprehensive planning.
14 I appreciate your reiterating that. The
15 information about the number of long distance bus
16 passengers being greater than the midtown Port
17 Authority comes from the NYPD, specifically from
18 the 5th Precinct. And this information, which I
19 find very distressing, because Pier 42 is supposed
20 to be a centerpiece for reopening the waterfront
21 to the Chinatown and the Lower East Side
22 communities, and it's directly opposite a
23 residential complex. So it would be precisely the
24 wrong place to put a bus terminal, which is why we
25 need a comprehensive, rather than a piecemeal look

1
2 at the whole range of buses and not just one
3 category of buses, which is what is now happening.
4 So I hope we will move to that feeling. Thank
5 you.

6 CHAIRPERSON COMRIE: Can I ask Ms.
7 Stetzer, what was it that you voted against the
8 usage of Pier 42?

9 SUSAN STETZER: To use to use it
10 for--at one time it was being considered for a
11 parking franchise. We wanted it to be used for
12 activities that would be consistent with the
13 waterfront use.

14 CHAIRPERSON COMRIE: So that was
15 just a general car parking, vehicular parking.

16 SUSAN STETZER: Right. It would
17 have been for revenue. And we agree with it being
18 used for revenue, but in relation to the
19 waterfront.

20 CHAIRPERSON COMRIE: Okay.

21 SUSAN STETZER: And we also
22 recognize that it might need to be used for
23 temporary staging for waterfront reconstruction.

24 CHAIRPERSON COMRIE: And can I just
25 ask one question of the entire panel? The

gentleman says he's been here 50 years. Have you lived in the same home that you're in now for the entire 50 years?

[Pause]

CHAIRPERSON COMRIE: Pass the mic to him please?

LLOYD BURLINGHAM: My present home is 11 years and the one before that was 34 years.

CHAIRPERSON COMRIE: Both in Manhattan?

LLOYD BURLINGHAM: Oh yes.

CHAIRPERSON COMRIE: Okay.

LLOYD BURLINGHAM: One on 10th Street, one on 9th Street.

CHAIRPERSON COMRIE: Right. And you live in Manhattan as opposed to living in the country why?

LLOYD BURLINGHAM: Why? Because, principally because the services for people who have disabilities are very, very good in New York City.

CHAIRPERSON COMRIE: Okay. Next person? How long have you lived here?

SHIRLEY SECUNDA: I've lived in the

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same neighborhood for, golly, over 40 years--

CHAIRPERSON COMRIE: [Interposing]

40 years?

SHIRLEY SECUNDA: 45.

CHAIRPERSON COMRIE: Okay.

SHIRLEY SECUNDA: In two different places.

CHAIRPERSON COMRIE: And you don't want to move to Queens? I represent Southeast Queens.

SHIRLEY SECUNDA: I do want to live in Queens. It's nice too. And the reason why I like Manhattan, you really have a sense of community. You've got a great pedestrian environment, which is what we want to keep.

CHAIRPERSON COMRIE: Okay.

SHIRLEY SECUNDA: And that allows for a lot of interaction on the street with neighbors. So that would be the major reason.

CHAIRPERSON COMRIE: I've got interaction. I've got interaction in Southeast Queens.

SHIRLEY SECUNDA: What?

CHAIRPERSON COMRIE: I have

1
2 interaction also, in Southeast Queens. I'm just
3 teasing. Next person?

4 SUSAN STETZER: I've lived in my
5 apartment, my same apartment on the Lower East
6 Side since October 1970, because it's the greatest
7 place on earth.

8 CHAIRPERSON COMRIE: All right.
9 Don't go there.

10 BARBARA BACKER: And I've lived in
11 my apartment, same apartment for 41 years. And I
12 love it until the early 90s, until the buses
13 started to come in with the noise.

14 CHAIRPERSON COMRIE: All right.
15 You're staying on message. I want to thank you
16 all for coming today. And I really appreciate
17 your testimony and I look forward to working with
18 you as we look at this problem further. Thank
19 you.

20 COUNCIL MEMBER GERSON: And Mr.
21 Chair, you should know that Shirley Secunda has
22 been a longtime outstanding member of Community
23 Board 2 and chairs that traffic and transportation
24 committee and really contributes to the pedestrian
25 atmosphere of which she spoke.

2 CHAIRPERSON COMRIE: And she's
3 leaving her bag under the table. Somebody's bag
4 is under the table. But I want to thank you for
5 your service. The next panel will be Judy
6 Richeimer [phonetic], from the Guide Association
7 of New York City; Martin Treat [phonetic] from
8 Hell's Kitchen Neighborhood; Mark Mermelstein
9 [phonetic] from TW America; and Matthew Baker from
10 The Guides Association of New York City.

11 [Pause]

12 CHAIRPERSON COMRIE: Whoever would
13 like to--ma'am, you're going to start first?
14 You've got to turn on the mic.

15 JUDY RICHEIMER: Thank you. Good
16 morning, Council Members and thank you for the
17 opportunity to testify regarding Intros 742 and
18 836. I am the Chair of the Government Relations
19 Committee of the Guides Association of New York,
20 or GANYC, a 273-member organization dedicated to
21 maintaining the highest professional standards in
22 our profession. I want to preface my remarks by
23 saying that my hobby is New York City politics,
24 and I've often marveled at the high quality of
25 local representation. I do not say this to

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2 flatter you but to point out that when it comes to
3 crafting legislation directed towards a particular
4 industry, even the best legislatures often fail to
5 consult with the folks who actually work in the
6 industry and might be most affected by the
7 legislation. So in addition to commenting on the
8 bills before us today, I want to ask the Council
9 whenever you address matters pertaining to New
10 York City Tourism, please invite tour guides in
11 addition to tour operators, who have been
12 mentioned earlier, to participate in those
13 conversations. As for Intro 742, I foresee
14 several difficulties if this legislation were
15 passed. The considerable cost associated with
16 this endeavor would probably cut into the wages of
17 the guides who work for these double-decker
18 companies. The companies could afford it, but it
19 would be an excuse for them to hold back or even
20 cut wages. But at the same time, these guides
21 would be saddled with additional and difficult
22 work. Institutions such as museums that
23 distribute individual listening devices do so only
24 after collecting some kind of deposit or ID from
25 the customer. The guide would be expected to keep

1 track of these deposits and collect the headsets
2 as tourists depart buses. Now the way double-
3 decker tours proceed, customers not only depart at
4 various points, they can begin their tours in the
5 middle of the route. The guide is expected to
6 walk down stairs, give directions to the departing
7 guests, sell tickets to new arrivals, check
8 wristbands of tourists re-entering the tour while
9 staying on schedule and making sure the bus moves
10 out of the bus stop in the allotted time. The
11 mechanics of the headset ID exchange added to
12 these other tasks would be so cumbersome the guide
13 would hardly have energy left to give a tour. And
14 to these considerations I would like to add that
15 or worker safety. It's hard enough to constantly
16 run up and down a narrow staircase. Having to do
17 so while schlepping a handful of headsets would
18 very likely increase the likelihood of trip and
19 fall accidents. As for 836, which is much more
20 open ended, my concerns are much more profound.
21 This proposed legislation, although it does not
22 spell out specific changes to the standard route,
23 would probably cut out a very important stretch
24 that is currently on our route, namely Bleecker
25

2 Street, which we've heard about, from 7th Avenue
3 South to LaGuardia Place, blocks rich in history
4 and tourist attractions. To substitute Houston
5 Street would not tell the story, would not do
6 honor to the story of Greenwich Village. In terms
7 of social history this stretch tells us about
8 Italian immigrant history through Our Lady of
9 Pompeii, the work of Father Demo, and we can also
10 point to the activism of our village neighbors by
11 pointing out that Father Demo Square for so many
12 years had been an open air flophouse and is now an
13 open air square that would rival any one in
14 Europe; the Little Red School House, anybody who
15 has seen Auntie Mame knows about it from the
16 satire, and I like to point out to the tourists
17 that, no, classes are not given in the nude.

18 However, Little Red virtually invented the
19 fieldtrip for students. The first Mills House
20 that gave decent housing in the 19th Century to--

21 CHAIRPERSON COMRIE: [Interposing]

22 Ms. Richeimer, I hate to cut you off.

23 JUDY RICHEIMER: Okay.

24 CHAIRPERSON COMRIE: But you've got
25 to--I think we're understanding your point.

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2 JUDY RICHEIMER: There is another
3 thought on this. In addition to providing social
4 history, we area also consumer advisors. And
5 there are so many small businesses that are unique
6 on Bleecker Street that would sorely lack our--
7 that depend very heavily on our advising tourists
8 to visit them, such as Matt Umanov, which is a
9 virtual guitar museum where you can run into
10 Richie Havens on a regular basis or the assistant
11 to the assistant of Bob Dylan; Fico's, where you
12 can get a rice ball that's better than anything
13 called Risotto; Café Espanol, where you can get a
14 \$12 four course lunch including a glass of wine
15 and coffee and so forth.

16 CHAIRPERSON COMRIE: Okay, we got
17 you.

18 JUDY RICHEIMER: If--

19 CHAIRPERSON COMRIE: [Interposing]
20 I'm sorry. We're just pressed for time. Now I
21 actually want to get the name of that restaurant
22 from you later.

23 JUDY RICHEIMER: It's Café Espanol.

24 CHAIRPERSON COMRIE: Do you allow--

25 COUNCIL MEMBER GERSON:

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[Interposing] Mr. Chair, I'll take you there.

CHAIRPERSON COMRIE: All right.

COUNCIL MEMBER GERSON: We'll go together.

CHAIRPERSON COMRIE: Okay. I'm sorry. We get your point. Just one quick question.

JUDY RICHEIMER: Sure.

CHAIRPERSON COMRIE: Do you allow pickup and drop off along Bleecker where you're describing these locations?

JUDY RICHEIMER: I in fact do not do step on step off guiding any longer. I in fact work primarily as a, these days, as a walking tour guide and I would like my fellow neighbors to know that on the soul of Pontillio [phonetic], when I give my walking tours, I do not start talking until my tourists are bunched together, so that you folks can walk down the street. And I'm very similar to other guides in that respect.

CHAIRPERSON COMRIE: Okay.

JUDY RICHEIMER: Most of us live in New York City. We care about quality of life every bit as much as the people who just

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testified.

CHAIRPERSON COMRIE: Thank you.
Thank you for coming. Next person?

MATTHEW BAKER: Hi. I'm Matthew Baker. I'm a freelance tour guide in New York City. I'm a licensed tour guide. I used to work on the double-decker buses. Now I bring in mainly out of town buses that I step on to when a student group comes in to learn about our City. And I'm a member of the Guides Association of New York City. I want to thank the Council for giving us this opportunity. The chairman mentioned at the beginning, he thanked both the people in the sightseeing industry and the members of the community. I would like to call to the Council's attention that members of the sightseeing industry are also members of the community, and our work is our life, and our work and life is New York City. It is crucial to understand the potential unintended consequences of inhospitability that bills like the ones prepared here can present. We want outsiders and visitors to come and honor and pay tribute to our City and to our most fascinating neighborhoods and our most fascinating

1 streets, like Bleecker Street, and we want that to
2 be easier for them, not harder. No one wants to
3 see a highway. Trust me, there's a lot of
4 highways in other cities. You know, you go to
5 Houston Street and you see a highway--gee, it
6 looks just like the highways I know. That's not
7 what New York is about. We all pay a price for
8 the things we love in this City, whether we are
9 natives or transplants, we choose to live in New
10 York. And we choose to live in a place that is
11 the art capital and the theatre capital and the
12 cuisine capital and whatnot. And the price we pay
13 for that is tour buses. For a city that is also
14 founded on business, you know, we don't expect to
15 get something for nothing, and so we do pay these
16 prices and it is crucially important that we be
17 allowed to continue to do so and to share what is
18 great about our city with the people who come and
19 ride these tour buses. I want to address most
20 particularly that question that was discussed of
21 the assigning stops to the private routes, because
22 the Police Department has always been very
23 specific with us about the fact that we are
24 permitted--that any tour bus, whether it is based
25

2 in the City or otherwise, is permitted to legally
3 load and unload passengers at any bus top. There
4 are currently bus stops in the City that are
5 public bus stops that also have certain bus
6 companies names on them. And I have encountered
7 bus dispatchers who tried to assume the authority
8 to tell me that I could not unload passengers at
9 his stop. To have actual assigned bus stops to
10 private companies would be further disastrous.
11 Speaking of disasters, I do want to point out very
12 quickly, my apologies, that we are--once again--we
13 are paying honor and tribute to a neighborhood and
14 talking about what is grand and glorious about
15 out. This is a tribute that Mr. Gerson has called
16 noise and that Mr. Burlingham referred to as
17 blathering.

18 CHAIRPERSON COMRIE: Thank you.

19 Next person? Yeah, let's leave that on.

20 MARTIN TREAT: Hello. I'm Martin
21 Treat. I'm a member of the Hell's Kitchen
22 Community. I'm representing the Hell's Kitchen
23 Neighborhood Association, the Clinton Hell's
24 Kitchen Coalition for Pedestrian Safety. I'm on
25 Community Board 4 on its Transportation Committee.

1
2 So I'm here today to add my voice to this. And I
3 also get employment in New York City, I'm an
4 actor, so I need this town. I need the tourists.
5 I need everybody to participate for me to make a
6 living. So my comments begin there, but actually
7 in representing my group, we have some cautionary
8 issues. We are generally four 742 and 846 as a
9 reasonable way to forward the sightseeing bus
10 operation issues, while preserving the quality of
11 life of our local business. We have received
12 many, many complaints, however, from residents who
13 suffer from noise from these buses and congestion
14 caused by sightseeing bus operators and the
15 crowding of our sidewalks. However, regarding
16 1066, we vehemently oppose sightseeing buses using
17 MTA bus stops. MTA's spending is significant, to
18 speed up trips and reduce the time each spends at
19 any given bus stops. But 1066 suggests that
20 sightseeing buses, which typically discards 50
21 people at a stop and stands there until their
22 passengers return, would use New York City bus
23 stops. And we're tremendously opposed to that,
24 both for getting to work and for other kinds of
25 residents taking those bus stops. I hope that's

1
2 not a part of 1066. I know in the form it says
3 we're asking MTA to participate in this, and
4 that's okay. But just don't take away the bus
5 stops. For intro 742 and 836, we respectfully ask
6 that you consider the following suggestions. Give
7 mandated response time and appropriate weight to
8 the community boards. Remember, you have 45 days
9 for public review and comment. Less than 45 days
10 is equivalent to excluding community input. In an
11 environment where mass transit and pedestrian
12 safety are critical, the City Council and not the
13 DCA should be the ultimate arbiter of the
14 disagreement between the community and the
15 operation, much like the same process for sidewalk
16 café licensing process. It's the operation that's
17 the focus. Put real teeth on enforcement. Who
18 will be responsible? Can citizens send
19 photographs to illustrate violations? What
20 constitutes a violation? Significant penalties
21 then should be defined for misuse of amplified
22 sound, and for illegal use of bus stops. To make
23 penalties meaningful, apply a scale to them based
24 on cumulative offensive with license termination
25 or no renewal after a number of violations,

2 similar to the system of points on the drivers
3 license. In the case of Intro 742 then we
4 recommend that license not be renewed if there is
5 current use of sound reproduction devices. It
6 could be that simple. On 836 the operating plan
7 should include the capacity of each bus, frequency
8 of trips and proposed locations and duration of
9 stops including loading and unloading passengers.
10 Thus the commissioner, with input from the
11 Department of Transportation, can evaluate the
12 impact of the proposed operation on pedestrian
13 safety, sidewalk crowding, as well as conflicts
14 with sidewalk cafés and other sidewalk objects.
15 Thank you.

16 CHAIRPERSON COMRIE: Next person.

17 MARK MERMELSTEIN: Good afternoon.

18 My name is Mark Mermelstein and I'm with Twin
19 America. I'd like to thank Chairman Comrie and
20 Chairman Liu. Twin America operates in New York
21 City principally through the Gray Line New York
22 Sightseeing and City Sights tour buses, which
23 would be negatively affected by this legislation.
24 Our operating companies log over 200,000 trips and
25 carry over 7 million passengers annually in and

2 out of New York City via these different service
3 lines. Daily commuters, domestic and
4 international tourists, residents from surrounding
5 boroughs and the traveling public from the five
6 bordering states utilize their service for
7 shopping, theatre, dining and other tourism
8 related purposes. This ill-conceived proposal
9 would be a seriously negative impact on the
10 private tour bus operator business in the City.
11 It exacerbates the already struggling local
12 tourism industry and contrary to the local efforts
13 by the administration and the City Council to
14 encourage tourism throughout New York's
15 neighborhoods and boroughs. Despite a record
16 number of people visiting New York City in recent
17 years, the once rapid growth of the City tourism
18 industry has slowed and the world wide economic
19 downturn--and the City and State officials are
20 bracing for continued bad news for the remainder
21 of this year, and next, until the economy
22 recovers. Already in 2009 hotel occupancies are
23 down and, on the average, room rates. And
24 restaurants are struggling as are Broadway
25 theatres, our cultural institutions and many other

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2 local attractions. One in nine workers in New
3 York City is employed in the hospitality industry,
4 over 350,000 jobs in total, which is one of the
5 City's chief economic engines. Overall 47 million
6 people visited the City in 2008, a record high,
7 and those tourists generated 30 billion in
8 spending, setting another record. There is a wide
9 conception that New York City and State need to
10 wean themselves off from their historic reliance
11 on the financial services industry, and the
12 tourism should be nurtured and encouraged at every
13 level. Both the Governor and the Mayor have over
14 the years been strong advocates for the tourism
15 industry. These proposals, however, would impose
16 overly burdensome, unnecessary and financially
17 impossible to achieve requirements on the
18 industry. Complying with Intro 742 could cost
19 upwards of 40,000 per bus, for a total cost to
20 Twin America in excess of \$5 million, a staggering
21 sum not possible in the current tourism
22 environment and not economically feasible without
23 raising ticket prices to unreasonable levels,
24 which would hurt the consumers, especially in this
25 price sensitive environment. Additionally, with

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2 the current concerns over H1-N1 and related
3 viruses, we suggest the Council check with the
4 City Health Commissioner to ensure that the reuse
5 of headsets by riders would not impose a health
6 hazard during any health emergencies in the City.
7 Obviously replacing headsets after each use would
8 impose an inordinate and financially impossible
9 burden on tour bus companies. Excuse me. Intro
10 836 is unnecessary and would place an enormous
11 administrative burden on the City Department of--

12 CHAIRPERSON COMRIE: [Interposing]
13 Sir, do you want to wrap up? We have your written
14 testimony. I hate to push you through, but can
15 you just summarize it? Quickly?

16 MARK MERMELSTEIN: I just want to--
17 one last thing. Twin America executives have been
18 open, willing and periodically meet with Council
19 Members and staff and constituents to address the
20 neighborhood concerns when they arise. We feel
21 that we have been very responsive and willing to
22 make changes in our routes and services to address
23 the concerns that we think are a big concern for
24 the community. Thank you.

25 CHAIRPERSON COMRIE: Thank you.

1 All right. I want to thank you all for coming.
2 Due to the lateness of time, I don't have any
3 questions for the panel, but I want to tell you I
4 appreciate all of your points of view and I look
5 forward to talking with the industry more in
6 detail about that. I think you've heard my--

8 COUNCIL MEMBER GERSON: [Off mic]

9 CHAIRPERSON COMRIE: One question?
10 Okay.

11 COUNCIL MEMBER GERSON: In the
12 interest of time, and I want to make sure all the
13 witnesses get to testify, but Mr. Mermelstein, and
14 first of all I do want to acknowledge that your
15 personal and your company's responsiveness in
16 meeting with our office and with the community and
17 we know that will be ongoing--the estimate you
18 cited, is that for a hardwiring of the bus or is
19 that for a wireless system and what is the base--

20 MARK MERMELSTEIN: [Interposing]
21 Hardwiring.

22 COUNCIL MEMBER GERSON: Hardwiring.
23 Not for a wireless system.

24 MARK MERMELSTEIN: No. I haven't
25 seen the wireless.

2 COUNCIL MEMBER GERSON: Okay. All
3 right. And to be--and just I want to make it
4 clear, I don't view the content as noise, I view
5 the imposition ever three minutes within a
6 residence where someone lives. And I want to come
7 up with a win-win. That's what we want. Thank
8 you, Mr. Chair.

9 CHAIRPERSON COMRIE: Thank you.
10 And I think at some point we do need to talk about
11 the cost of these things. But if we talk about
12 cost, then we also need to talk about some kind of
13 abatement, givebacks, to people that would have to
14 incur costs. Our next panel is Isabelle Silverman
15 from the Environmental Defense Fund, Milton
16 Paulski [phonetic] from Washington Square Village,
17 Alan Horlan [phonetic] from the Washington Square
18 Village Tenants Association and Serena Nada
19 [phonetic] from Our Streets are Our Lives. She
20 left? Serena had to leave? Then we'll have Gerry
21 Marlowe [phonetic].

22 [Pause]

23 CHAIRPERSON COMRIE: All right.
24 Ms. Silverman, do you want to start?

25 ISABELLE SILVERMAN: Okay, now it's

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2 on. Thank you, Mr. Chair. Thanks for letting me
3 testify. I don't have a written testimony and I
4 just have a few words. First I wanted to--there
5 were some questions about the clean fuel and the
6 retrofits. That was Local Law 41 that was passed
7 in 2005. And actually, they're not in full
8 compliance. Environmental Defense Fund believes
9 these tour bus companies are not in compliance
10 with Local Law 41 because they only installed
11 diesel oxidation catalysts instead of filters and
12 clearly under the law filters have to be
13 installed. We have reached out to the DEP that
14 these companies within three years of installing
15 that DOC will install the filters. Just as a side
16 remark that the--I was, just the other day, I was
17 behind a City Sight bus and black smoke was
18 spewing out and I saw the green sticker from the
19 DEP saying this is a Local Law 41 compliant
20 vehicle, and it's a low emission vehicle. So
21 clearly the DOCs are not sufficient. They're not
22 filters, they don't capture the soot. They just--
23 it's just a chemical reaction. So that has to be
24 rectified. And I heard back from Acting
25 Commissioner Lawitts, that we will sit down to

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2 talk about that. And then about the two laws that
3 are at issue today. I was just thinking, you
4 know, about a solution. And obviously we need a
5 comprehensive plan, maybe stationary headsets that
6 is at the seat that people can put on--yeah, there
7 be probably some alcohol wipes that could, you
8 know, wipe it off. I'm sure we can find a
9 solution here. And also, these buses are all hop
10 on, hop off buses, which means that if they want,
11 the tour guide wants them to go explore a
12 neighborhood and go to have the four-course
13 dinner, meal, let them hop off. You know, why
14 don't you go now and explore Bleecker Street?
15 And, you know, in 15 minutes there is another bus
16 that you can hop on and go up. The buses don't
17 actually have to drive through the streets to show
18 them to the tourists. Maybe the tourists could
19 also explore them on foot. I'm sure there really
20 are--where there's a will there's a way and there
21 are solutions. And, yeah. So as many people have
22 pointed out, we just have to look at the technical
23 solutions and get the cost estimates. Usually the
24 industry gives too high of a cost estimate than it
25 actually is. That always happens, so I just want

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2 to encourage the City Council to keep working
3 together with the industry and the Bloomberg
4 Administration to find a solution. Thank you very
5 much.

6 CHAIRPERSON COMRIE: Thank you.

7 Next person?

8 MILTON PAULSKI: Milton Paulski.

9 [Off mic]

10 MILTON PAULSKI: --resident of
11 Washington Square Village, which abuts Bleecker
12 Street. My testimony is in the form of a poem.
13 Would that be okay with the august body here?

14 CHAIRPERSON COMRIE: It depends on
15 how good you are.

16 MILTON PAULSKI: It's entitled,
17 Rumbling Down Bleecker. While West Side Story
18 starts with a rumble that's followed by theatrical
19 poise, our Bleecker Street Story's unending
20 rumbles present only aggravating unending noise.
21 Here they come, zoom, one after another, whizzing
22 by with lightning speed down the street, giant
23 four and eight-wheelers thundering away, one right
24 after another, never missing a beat. Zoom, boom,
25 clatter and pound every day. We just can't have

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2 it this way with that roaring unnerving sound, and
3 the same kind of thing all over town. So, good
4 Council Members, we appeal for your help in this
5 sad situation. Please, we need regulation. We
6 can't just do nothing. The time's passed just to
7 wait until they caused a real accident and it's
8 too late.

9 CHAIRPERSON COMRIE: Okay. I'll
10 give you that one. Next person?

11 ALAN HORLAN: Okay. Thank you very
12 much, Mr. Chairman. My name is Alan Horlan, and
13 I'm the co-executive of Washington Square Village
14 Tenants Association. We represent the tenants of
15 Washington Square Village, a complex of over 1,100
16 apartments, and we're located directly along
17 Bleecker Street, a major sightseeing route
18 traversed, as was mentioned, by up to 20 buses an
19 hour. The pollution, danger and general nuisance
20 caused by these dirty, noisy contraptions on our
21 narrow residential streets, has long been a source
22 of great consternation and annoyance to all of us.
23 And we've been laboring for many years to rid
24 ourselves of it. Our safety and quality of life
25 is obviously and demonstrably eroded and lessened

2 by their presence. These large buses have
3 difficulty negotiating the sharp angles of the
4 irregular street grid of our neighborhood. And
5 this creates a danger, not only for our children
6 and the elderly, but also for cyclists, whose
7 number have greatly increased with the dedicated
8 bicycle lanes. The voice amplifiers used by the
9 tour guides causes a racket so loud and so
10 intrusive that it can be heard in the apartments
11 of our complex up to the highest floors, which are
12 17 stories. We fully support the tourist industry
13 as vital to the economic health of the City and we
14 are not and do not wish to appear to be opposed to
15 it, but we surely think that routes can be devised
16 which will afford tourists ample sightseeing
17 opportunities and do not jeopardize the economic
18 fortunes of the tour bus operators. We strongly
19 support and urge passage both of Intro 742 and 836
20 proposed by Council Member Alan J. Gerson, and we
21 emphasize that under this legislation we would
22 expect there would be no job losses, either of
23 drivers or of tour guides. Thank you.

24 CHAIRPERSON COMRIE: Thank you,
25 next person?

2 GERRY MARLOWE: Gerry Marlowe.

3 I've lived on Bleecker Street for 36 years. And
4 perhaps you've heard of the charm of Greenwich
5 Village. Well what is that charm? What makes it
6 up? And it's a lot of things; it's the variety of
7 the buildings, the varieties of the shops, the
8 restaurants, the people interacting. But also a
9 lot of the charm of Greenwich Village is simply
10 one of scale. The thing I like most about our
11 neighborhood is the short buildings. We are not
12 overwhelmed by enormous buildings. But now we are
13 overwhelmed by convoys of enormous buses. This
14 morning on my way here I was trying to think, well
15 what is the other largest vehicle that comes down
16 Bleecker Street, and I said, well maybe that's a
17 sanitation truck. And there was a sanitation
18 truck and I stopped and I asked the driver, I
19 said, which is bigger, which is taller, your
20 sanitation truck or a tour bus? He said, oh, a
21 tour bus. In fact, you can see for yourself,
22 here's one now. And yes, the tour buses are even
23 taller than sanitation trucks, and they're about
24 twice as--I don't know--maybe about twice as long.
25 And you put a convoy of them together and they

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2 just overwhelm the neighborhood. And these are
3 not only overwhelming in size they're also
4 motorized billboards. So not only do they produce
5 the pollution of the fumes and the noise
6 pollution, it's also this enormous visual
7 pollution. And it's not just a tour bus every now
8 and then. I've looked up on Bleecker Street and
9 it's tour buses almost bumper to bumper for as far
10 as you can see. And certainly the zoning laws in
11 the City restrict the height of buildings; I think
12 it would be very fitting if there was some way to
13 restrict the height of vehicles that come down
14 through our historic neighborhoods to preserve
15 that charm. And I think when you ask yourselves,
16 well who creates the charm of Greenwich Village,
17 it's the people who live there, the workers, the
18 performers, the people who own shops. It is not
19 the tour bus companies. The tour bus companies
20 are basically strip-mining the charm of Greenwich
21 Village for their private gain. The tour bus
22 companies do not make people want to come to
23 Greenwich Village; they simply transport them
24 there and put the money in their pockets. The
25 tourists will come to see Greenwich Village unless

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2 we let the tour buses continue to destroy our
3 neighborhood. Thank you.

4 CHAIRPERSON COMRIE: Thank you.

5 One question from Councilman Gerson.

6 COUNCIL MEMBER GERSON: Just real
7 quick. I'll address it to Dr. Horlan, as he's the
8 president of the Association. A and B, how long
9 have you lived in Washington Square Village?

10 ALAN HORLAN: Next year will be 40
11 years.

12 COUNCIL MEMBER GERSON: And the
13 phenomenon of the frequent double-decker buses
14 with the amplification, was that there 40 years
15 ago when you moved in?

16 ALAN HORLAN: No.

17 COUNCIL MEMBER GERSON: Was that
18 relatively recent?

19 ALAN HORLAN: Well relative is a
20 relative term. They've been there, I would say,
21 maybe 20 years, maybe 15.

22 COUNCIL MEMBER GERSON: Is the
23 frequency greater?

24 ALAN HORLAN: The frequency has
25 always been increasing, and now it's, you know,

reached the point of intolerability.

COUNCIL MEMBER GERSON: Thank you very much.

CHAIRPERSON COMRIE: And I'm going to behave myself. Thank you, panel, for coming. Okay. Is Judith Walsh still here? Ashrita Lyres [phonetic], Joan Gregg [phonetic]. Joan Gregg, you still here? Thank you. Sylvia Rakow [phonetic]? David Gruber [phonetic]. David Gruber? Okay. And Carol LaVerne [phonetic]? All right. That's the last panel. It's five people. Mr. Sergeant-of-Arms? Thank you.

[Pause]

CHAIRPERSON COMRIE: You can pull up a chair, Mr. Gruber. You'll wait? Okay. That's very gentlemanly of you.

[Pause]

CHAIRPERSON COMRIE: Okay. Whoever would like to start first.

[Pause]

JOAN GREGG: Hello? Is that good? Yes? Hello, my name is Joan Gregg, and I have lived in Chinatown for 40 years. I am also speaking on behalf of my daughter, son-in-law and

2 four-year-old grandson, who live in Chelsea, on
3 24th Street and have the tranquility of their
4 apartment on the 12th floor disturbed during the
5 day and evening by the tour buses with the
6 amplified megaphones. Having lived in Chinatown
7 for 40 years, I've encountered the bus problem not
8 only on my way to shopping and recreational
9 activities and normal errands, but these also take
10 me to Centre Street and Broadway from Canal down
11 to the Battery. This area has been heavily
12 touristic and traffic congested for decades, but
13 the recent addition of on/off tour buses has
14 significantly increased the congestion, vehicle
15 pollution and risks to pedestrians crossing these
16 streets. We do not oppose tourism downtown.
17 Obviously we want our businesses and living wage
18 employment to benefit from a vibrant tourist
19 trade. But the City administration cannot turn a
20 blind eye to the negative impact and dangers to
21 these tourist vehicles, which sometimes seems to
22 be the case. As witness, this summer's tragic
23 tourist helicopter accident. On a typical
24 weekday, I see many of the on/off tour buses
25 plying their routes on Centre Street and Broadway.

1
2 The traffic is already dangerously congested below
3 Canal, and it worsens in the narrower streets
4 further downtown. Taxis, trucks, government
5 vehicles and City and Express buses must stop and
6 go in the course of their necessary service to our
7 residents. Our local buses can hardly gain their
8 needed access to their designated stops to pick up
9 and let off passengers, never mind the competition
10 of the on/off tour buses, whose main attraction is
11 their on/off convenience. As these buses jockey
12 for curb space with other vehicles they wind up
13 inevitably, if not intentionally, stuck between
14 traffic lights and blocking crosswalks, increasing
15 the danger to pedestrians with the light in their
16 favor, who must weave in and around a mess of
17 stalled traffic. Finally, we downtowners already
18 have a bad vehicle pollution situation. This is
19 worsened by the exhaust of the on/off buses,
20 especially on such steamy summer days as we have
21 had this year. The City must maintain a
22 reasonable balance between the legitimate concerns
23 of its residents and the activities of the tourist
24 industry. Reasonable regulations will hardly
25 diminish the on/off tour business, but it will

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2 improve the quality of life of our city's
3 residents. And in my closing, I would like to see
4 and know how many of the representatives of the
5 bus companies here--they're no longer here, but
6 they were--how many of them live on streets that
7 have loudspeakers on and off buses? Very few, I
8 would imagine. Thank you.

9 CHAIRPERSON COMRIE: Thank you.

10 Next person?

11 JUDITH CHASEN WALSH: My name is
12 Judith Chasen [phonetic] Walsh, and I am a
13 resident of Washington Square Village, facing
14 Bleecker Street. I've lived in the Village for 50
15 years and in my apartment for 40, and I moved in
16 before the buses came, so I did not choose to live
17 on a block with buses. I would also like, with
18 respect, to correct something that Mr. Felder
19 said. We didn't force the bus companies into a
20 quiet zone. We met and we agreed to have one,
21 although it is not working. And we have been
22 working with Council Member Gerson with regard to
23 the noise pollution and safety of bikers and
24 pedestrians, caused by the large number of tour
25 buses on our residential streets throughout the

1
2 Cities. I'm here with my neighbors and colleagues
3 in support of Intro 742 and Intro 836. Headsets
4 would alleviate the noise of the buses and DOT
5 authorization of their routes would bring some
6 order to our overcrowded streets. Our estimates
7 of the cost of the headsets run to the thousands--
8 several thousand, and they would not be as high as
9 was said by the bus companies. Passage of this
10 legislation will not cause any loss of jobs; it
11 will not hurt tourism and local businesses will
12 not be hurt in any way. This is not negative, but
13 rather positive legislation to make our streets
14 safer and quieter. On Bleecker Street, a narrow
15 residential street, we have parking on both sides,
16 sometimes double and triple parking, and we have a
17 bike lane leaving a ten-foot lane for an eight-
18 foot two-inch bus. This causes traffic slow downs
19 all the way from Broadway to 6th Avenue. Many of
20 the other narrow residential streets in the City
21 have this same configuration and experience
22 exactly the same problems. The joy of New York
23 City is not only its well-known sights, but its
24 streets, its people, its local and diverse
25 businesses. Tourists come to see, smell, hear and

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2 taste and feel our City. The very things they
3 delight in are being overshadowed, literally by
4 large, double-decker sightseeing buses. New York
5 City streets and traffic are chaotic enough. Some
6 rules to manage them as contained in 742 and 836
7 would go a long way to dealing with community
8 concerns and adding to the pleasure of visiting
9 tourists. We thank the Committee and their chairs
10 for the opportunity to share our concerns and urge
11 you to support passage of this legislation.

12 CHAIRPERSON COMRIE: Thank you.

13 Next person?

14 CAROL LAVERNE: My name is Carol
15 LaVerne. I represent 315 Condo Corp, 200
16 residents.

17 CHAIRPERSON COMRIE: Carol, one
18 question before you start. Are these all the
19 same? Because you have different--

20 CAROL LAVERNE: [Interposing] Yes,
21 sir.

22 CHAIRPERSON COMRIE: They're all
23 the same exact one?

24 CAROL LAVERNE: Unlike others, I
25 brought very clear audio-visual evidence of

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everything that I'm saying for everyone.

CHAIRPERSON COMRIE: Just, some says mega-bus, some say MTA--

CAROL LAVERNE: I labeled them in a hurry.

CHAIRPERSON COMRIE: Okay.

CAROL LAVERNE: I finished it late this morning.

CHAIRPERSON COMRIE: I understand.

CAROL LAVERNE: But they're all the exact same thing and they'll all be available on YouTube this evening and they'll be uploaded.

CHAIRPERSON COMRIE: Okay. I'm sorry. You can restart.

CAROL LAVERNE: I just wanted to be very clear by bringing it, so everyone can see what I'm talking about.

CHAIRPERSON COMRIE: I know, I got you. I just wanted to make sure it wasn't two-- because you had so many.

CAROL LAVERNE: No, sir. They're all the same. I'm sorry for that. I oppose 1066 on the grounds that it's nowhere near enough and this videotape will give you all the evidence you

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2 need about the noise, the traffic and the danger
3 to MTA riders, because in January of 2009 the DOT
4 literally gave the MTA a bus stop, across from my
5 home of 35 years and the Fashion Institute of
6 Technology, to a Scottish bus corporation to use
7 as their official bus terminal, not a stop or a
8 holdover parking, a full holdover terminal
9 advertised on their website. Stagecoach as
10 Megabus, Coach USA, Coach Canada, Dadco [phonetic]
11 and others, who say they are affiliated with Coach
12 can all use the MTA stop. There is no employee
13 present to enforce any laws that they believe that
14 they are trying to regulate voluntarily. I
15 appreciate Coach USA, Don Carmichael [phonetic],
16 for his efforts to enforce the no idling policy
17 until 2009, when it became law and to give us
18 relief from fumes and noise pollution while my
19 Community Board 5 was not in the least interested
20 in hearing our complaint. Christine Quinn, as
21 usual, never replies at all, and only one senator,
22 Dwayne, and John Liu's office, have ever been
23 sympathetic in nine months. Colleen Chattergoon
24 at the DOT told us to call the police, as if that
25 would work or be fair to the police. And every

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2 lawmaker including Mr. Raine [phonetic] in Albany
3 at the MTA advised us that the MTA stops are the
4 province of the DOT and the Mayor, so the Councils
5 and Boards have no authority over the DOT and
6 cannot stop this for us. In July of 2009, Coach
7 introduced an ever-growing fleet of new, huge,
8 Belgian double-decker buses that are diesel,
9 hydraulic and unconscionably loud when shutting
10 down and starting up, making a squeaking,
11 screeching whoosh noise that is ear-piercingly
12 louder than four garbage trucks. And they do it
13 until 3:00 and 5:00 in the morning. After denying
14 the problem from July to August, Coach has
15 admitted that the noise exists, but believe it can
16 be fixed with a retrofitted kit to muffle the
17 sound that Belgian company is working on. And if
18 it works, all these new, double-decker, moving
19 billboard eyesores should be required to have them
20 fixed and hopefully kept in the business district.
21 I provided videotape of noise, bottleneck traffic,
22 old ladies trying to get on the MTA bus in the
23 middle of the street because there are two mega-
24 buses parked in the stop. MTA drivers cannot even
25 see the bus stops and do not even stop. Why can

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2 they not be regulated by noise laws? There is no
3 enforceable regulation of noise in New York City
4 and I can tell you that for 35 years. But I'll
5 leave that for another time. So we are at the
6 mercy of the kindness of strangers. And the
7 Scottish have been more responsive than the City
8 has ever been in 35 years. Why are they even
9 allowed, unsupervised, to bring these one-story
10 monstrosities into the City at all, let alone
11 given free reign to occupy MTA stops and clog
12 traffic and pollute and shock the ears of
13 pedestrians all over town? That is what the Port
14 Authority is for.

15 CHAIRPERSON COMRIE: Thank you.

16 CAROL LAVERNE: Quality of life is
17 diminished in our neighborhoods to unlivable--

18 CHAIRPERSON COMRIE: [Interposing]
19 Thank you.

20 CAROL LAVERNE: --and FIT students
21 lie behind a two block wall of parked double-
22 decker buses, fuming and we never sleep. Coach
23 owns the City and the residents do not.

24 CHAIRPERSON COMRIE: Thank you.

25 Next person?

2 SYLVIA RAKOW: Thank you, Council
3 Members, for permitting me to speak. And I wish
4 you L'Shana Tova and happy New Year, and hope the
5 New Year will see all three bills passed by the
6 Council. I was sorely disappointed by the
7 testimony of the administration, who seemed to be
8 more concerned about business than about the
9 residents of this City. I've lived there, I hate
10 to tell you, it's over 70 years in this city. I
11 have seen such changes take place in Greenwich
12 Village that it is absolutely incredible. We used
13 to have just signs that said, no honking. Now all
14 we have are buses and buses and buses. In most
15 countries, the buses are one level. These buses
16 are two-level and sometimes there are only two
17 people up there on that second level as they go
18 through. Bleecker Street is one lane, with a
19 bicycle lane, and right now they are doing some
20 repairs, so they are sort of pushing into that one
21 lane, so it's really gotten very hard for any
22 traffic to get through there. And if you go down
23 Broadway, in its infinite wisdom, the traffic
24 department built out areas for the buses to stop.
25 So it reduces it from not only from four lanes to

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2 three lanes, but then you have parking on the
3 other side. And one of the lanes is only a bus
4 lane for a certain period of time. And so coming
5 down here you could see, for example, on Canal
6 Street there were four tour buses. Four. One,
7 two, three, four. One after the other.

8 CHAIRPERSON COMRIE: Thank you.
9 You didn't state your name for the record, please.

10 SYLVIA RAKOW: My name is Sylvia
11 Rakow. I'm here on behalf of residents of 505
12 LaGuardia Place, a landmarked building in
13 Greenwich Village.

14 CHAIRPERSON COMRIE: Thank you.
15 Sir?

16 DAVID GRUBER: I like the distinct
17 honor of being the last speaker. I am David
18 Gruber. I am president of the Carmine Street
19 Block Association and I am one of the Committee
20 Chairs of Community Board 2. I come to you as
21 representing Carmine Street. First I want to
22 thank Council Member Alan Gerson for your tireless
23 work on this issue, and I want to thank you for
24 the hearing. First, let me state we are not anti-
25 tourism. This is not a NIMBY issue. This is a

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2 serious issue. And when Council Member Felder
3 said he's philosophically against regulations, I
4 didn't quite understand what he was talking about,
5 because this is something--if the bus companies
6 were voluntarily coming to help solve this
7 question as they said that they would and not, as
8 someone had testified, just keep it going for a
9 month or two, we wouldn't be here today. This
10 would be solved; we wouldn't have to have these
11 hearings and we wouldn't have to have this
12 legislation. So, this is an easy one. I wish
13 that you could see how these tour buses are on
14 these narrow streets; they're like circus
15 elephants, nose to tail, one after another, one
16 after another. And then the inter-city buses, by
17 the way these are the hop-on, hop-off buses. They
18 are not ICC buses. Those are intra-city buses and
19 they are not ICC. The ICC buses come, they
20 discharge their passengers and then they stay
21 there so they can have a coffee, they can shop.
22 And what they do is they block off the parking
23 spaces so now the hop-off, hop-on guys--it's
24 constant. Those spaces are taken by these inter-
25 city buses that are not just temporarily there.

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2 And so what happens is the hop-on, hop-off guys
3 like City Sights and Big Apple have to double-
4 park, causing chaos on our narrow streets. I wish
5 I could take you on a fieldtrip, Council Member
6 Comrie, and show you what I'm talking about,
7 because it's so much more graphic when you see the
8 chaos that's done. This is an easy solution.

9 What are we really asking for? We're asking for
10 buses to park on wider streets. We're asking for
11 them to let their passengers off, let them walk
12 around the village. It's not going to affect the
13 businesses. In fact, quite the opposite. So it's
14 the attitude we just heard from these tour guides,
15 no, we really don't want to change anything,
16 tourism is important, we can't compromise on
17 anything, we have to go down these streets. And
18 we're saying, we welcome you. What are we asking
19 for? A little bit of parking easement so they can
20 go somewhere else. And I don't really understand
21 what this is. And what are we asking for, that
22 they use some very old technology that other
23 cities do to keep the voices down instead of
24 having loudspeakers as they come through our small
25 neighborhoods? So, yes, we do need some

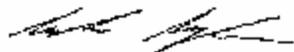
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2 regulations. Yes, they can't do it voluntarily,
3 and no, this is not a NIMBY issue for us; it's
4 just simply a win-win. And if not everybody is
5 happy about it, if all the stakeholders are not
6 perfectly happy, then we have a good solution.
7 Thank you very much.

8 CHAIRPERSON COMRIE: Thank you.
9 Again, thank the panel for coming. We're just
10 past our allotted time. I want to thank Council
11 Member Gerson for pushing to bring this, the
12 secondary noise issue to us. I want to thank all
13 of the Committee's staff from both the
14 Transportation and Consumer Affairs Committee.
15 And with that, I will declare the hearing closed.
16 I won't make a closing comment. I think that we
17 have a lot of discussion and a lot of noise to
18 make about this issue before we resolve it. Thank
19 you very much. Committee hearing is closed.

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C E R T I F I C A T E

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



Signature _____

Date October 1, 2009