

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

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April 12, 2010

Start: 1:30pm

Recess: N/A

HELD AT: Council Chambers
City Hall

B E F O R E:
KAREN KOSLOWITZ
Chairperson

COUNCIL MEMBERS:
Charles Barron
Gale A. Brewer
Leroy G. Comrie, Jr.
Julissa Ferreras
James F. Gennaro
G. Oliver Koppell
Michael C. Nelson

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

Andrew Iler
Director of Legislative Affairs
Department of Consumer Affairs

David Gruber
President
Carmine Street Block Association

Barbara Backer
Member
Our Streets Our Lives

Cormack Flynn
Co-chair
West Eighth Street Block Association

Judith Jazen Walsh
Member
Our Streets Our Lives

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

Lee Gelber
Co-President
Guides Association of New York City

Anna Lynn Dinkelman
Member
Tour Guide Association of New York

Matthew Baker
Member, Editor
Tour Guide Association of New York, Guidelines
Newsletter

Raymond Kline
Resident

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

Annette Zaner
Representative
Village Independent Democrats

Ellen Peterson Lewis
Resident

Maureen Remackle
Resident

Lucy Wilner
Representative
Fulton Ferry Landing Association

Lois Racoff
Former Resident Chairperson
Bleecker Area Merchant Resident Association

Judy Magida
Resident
Washington Square Village

Milton Polski
Resident
Washington Square Village

Doreen Gallo
Executive Director
DUMBO Neighborhood Alliance in Brooklyn

Laurie Moody
Secretary
Eighth Street Block Association

Barbara Duvani
President
LaGuardia Place Block Association

Jerry Marlow
Resident
Bleecker Street

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

Andrew Cedar
Representative
Transport Workers Union, Local 225

Marcos de Jesus
Member
Guides Association of New York City, TW Local 225

Christine Verti
Resident

CHAIRPERSON KOSLOWITZ: Good

morning. My name is Karen Koslowitz and I am the Chair of the Committee on Consumer Affairs. Today we'll be hearing pre-considered intro number 20, a local law to amend the administrative code of the City of New York in relation to sound reproduction devices on sightseeing buses. I'd like to begin by acknowledging the bill's prime sponsor, Council Member Brewer who will join us shortly. I'd also like to recognize the other members of the Committee present today. We have Council Member Julissa Ferreras, Council Member Charles Barron and Council Member Oliver Koppell.

New York City is one of the most tourist destinations in the world. Many industries, hotels, restaurants, theaters, bars, have benefited greatly from the draw of the Big Apple. In 2008 visitors to the city spent over \$32 billion in the city. That year tourism also supported almost 314,000 jobs and contributed over \$17 billion in wages. One obvious beneficiary of New York's status as a world capital is the sightseeing industry. Since the early 1990s, sightseeing buses have become a growing presence

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2 on the streets of New York. Anyone who has ever
3 stepped foot in our city has undoubtedly seen a
4 double decker tour bus driving through the
5 streets. In fact, I'm sure we all saw at least
6 one today driving south on Broadway. I think
7 today's the first time I did not see one but I
8 always do.

9 But while the sight seeing industry
10 and in particular, tour buses, are important to
11 New York City's economy, they are not without
12 their detractors. Currently tour guides on sight
13 seeing buses broadcast their narration via public
14 address system. Many residents, however, have
15 complained about the noise pollution produced by
16 the buses' amplification systems. In some
17 situations they say that the volume can be so high
18 that tour buses can disrupt the tranquility of
19 their streets and even their apartments. When
20 this Committee last heard a bill on this topic,
21 many neighborhood activists expressed genuine
22 support for the tourism industry along with deep
23 concerns about the disruption that these
24 sightseeing buses cause in their daily lives.

25 The bill we're considering today

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2 would seek to remedy this situation. It would
3 require that by April 2022 all sightseeing buses
4 be equipped with headphone limited sound
5 reproduction devices to ensure that the tour
6 guide's voice is only audible to those on the bus.
7 The current amplification system would be phased
8 out beginning on April 1, 2012 at which point any
9 sightseeing bus not previously licensed to operate
10 in New York City would be required to use a
11 headphone limited sound reproduction system as a
12 condition of licensure.

13 By April 2022 all buses would be
14 required to use such a system. In recognition of
15 the high cost of retro fitting a bus with this
16 technology, this legislation would permit tour bus
17 owners and operators to phase in the new
18 technology for future buses. Thereby striking the
19 appropriate balance of continuing to support the
20 tourism industry and paying attention to the
21 concerns of the New York City residents.

22 Today we'll also be voting on
23 proposed Intro 35A, a local law to amend the
24 administrative code of the City of New York in
25 relation to the regulation of horse drawn cabs and

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repealing Section 17-333 of the administrative code. This bill would increase the rate horse carriage drivers may charge customers while improving conditions for the carriage horses.

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Well, Gale Brewer's not here so I can't turn the mic over to her. With that, I would like to call the roll for Intro 35A.

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CLERK: William Martin, Committee

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Clerk, roll call on Committee on Consumer

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Affairs, Introduction 35A, Council Member

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Koslowitz.

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CHAIRPERSON KOSLOWITZ: Aye.

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CLERK: Barron.

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CM BARRON: May I be excused to

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explain my vote? So ordered, because you were

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drinking I was trying to help you.

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CHAIRPERSON KOSLOWITZ: Be my

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guest.

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CM BARRON: This was a very

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challenging vote for me in that I do see a level

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of inhumane treatment for animals, particularly

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the horses whether it's the racing at Aqueduct or

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other kinds of things. I think it's very inhumane

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how animals are treated so that human beings can

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2 profit. However, when I looked with the impact of
3 banning that industry, what it would be mean for
4 the employment of people and looking at this
5 economic crisis that we're in, it was a very
6 challenging, difficult vote. I am going to vote
7 affirmative, supportive of this legislation with
8 great reservations because of the treatment of our
9 animals and how human beings always seem to...

10 To be consistent, there's so many
11 people who don't have any problems owning dogs or
12 having fish in the tank or just so many ways that
13 I think the animal life and I'm sure people
14 wouldn't want to compare owning dogs with the way
15 horses are treated. They say dogs are treated
16 nicely. But I just have a real concern about all
17 of that so in this instance, I with great, great
18 concern voting aye on this matter but that we
19 should really look at how animals are being
20 treated in this life of ours and at the expense of
21 human beings indulgence in tourism or jobs of that
22 nature.

23 So with great concern I vote aye on
24 this matter.

25 CHAIRPERSON KOSLOWITZ: Thank you.

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2 CLERK: Koppell.

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CM KOPPELL: Chair, may I explain my vote? Yes? Okay. I see you're nodding. I think that the bill with respect to the carriage horses, a very positive step. Horses have been pulling various of various sorts for millennia, not just centuries. And if these horses weren't pulling the wagons they probably wouldn't exist and if we stopped them pulling the wagons they would probably, many of them would be euthanized, which as far as I'm concerned wouldn't do them any good.

What the bill does, though, is to advance the welfare of the horses by providing a whole series of new protections. Including, and this is somewhat surprising to me since I didn't work on the details of the bill, a mandatory vacation on a farm for five weeks of the year. I had proposed to the chairperson that we amend the bill to provide the same for members of the Council but she said that wasn't germane so we were not able to include that in the bill.

However, that plus protections during the winter time and coverings and need for proper feeding and

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2 watering of the horses are included. So I think
3 this bill is clearly an advance over the current
4 regulatory scheme and I'm very pleased to vote
5 aye.

6 CLERK: Ferreras.

7 COUNCIL MEMBER FERRERAS: I, too,
8 am a bit concerned with how animals are treated
9 here in New York City. However, I will be voting
10 aye on this amendment. But I also understand and
11 I have a strong feeling that this will be the last
12 conversation or the last time we hear from the
13 rights activists so I definitely want to see how
14 we can improve the situations that we currently
15 have in New York City. But I, too, saw the five
16 week vacation and some of the other things that
17 are added and I think we're moving--it's a step in
18 the right direction. Thank you.

19 CLERK: By a vote of four in the
20 affirmative, zero in the negative and no
21 abstentions, item is adopted. Members please sign
22 the Committee report.

23 CHAIRPERSON KOSLOWITZ: Thank you.
24 I'm going to hold the vote open for the Council
25 Members who are on their way. Traffic was

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2 horrible, I know, coming from Queens and some of
3 the Council Members are coming from Queens. So
4 we're holding the vote open.

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6 Now we've been joined by Council
7 Member Gale Brewer and I'd like her to speak on
8 her bills.

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9 CM BREWER: Thank you very much
10 Madam Chair. I'm sorry. I was at the Cultural
11 Affairs Committee meeting at one of the museums in
12 the district with Council Member Van Bramer. This
13 particular legislation that we're considering,
14 thanks to the Chair and certainly to Lacy Clark
15 who is amazing counsel, discusses the issue of how
16 to improve tourism in our city.

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17 This is a bill that was originally
18 introduced by Council Member Gerson. I think
19 particularly because the area of the village has a
20 great deal of tourism, which is wonderful, and it
21 does involve those who are the great, re-contours
22 in terms of those who give the tours and who are
23 amazingly knowledgeable about our city. Luckily
24 tourists flock to our wonderful New York, all five
25 boroughs but in particular the village and in
particular these buses go on to streets that are

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of great interest to people all over the world.
But some of the buses are ones in which there's a
great deal of noise, particularly for those who
live in buildings that are low rise.

So this particular legislation,
which talks about sound reproductive devices on
sightseeing buses seeks to make sure that we
always, always, always have great tourism. It's a
source of economic development and just great
interest to anybody who comes to our city. At the
same time, we want to make sure that those who are
participating and sharing our city with tourists
do not lose their jobs. We always want to have a
live person, in my opinion, talking to tourists so
they can ask questions back and forth and be part
of the excitement that everybody coming to this
city experiences.

And at the same time, trying to
balance all issues we want to make sure that as
this back and forth discussion is taking place,
it's done in a manner that is not a challenge to
those of us who live in the neighborhood and who
are constantly experiencing tourism. So what this
bill tries to address is within a certain period

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2 of time and taking into account the cost of moving
3 towards newer technology and thinking about ways
4 in which this could be done in an effective manner
5 so it is primarily focused on new buses, primarily
6 focused on not costing a great deal to the
7 companies and making sure that at the same time
8 when buses do go through our communities they
9 include a real person and also include the
10 opportunity to be quiet for those of us who are
11 trying to sleep or do their work in their homes.
12 Well that's the purpose of this legislation.

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As we know, it will involve using
technology, which is always changing and always
improving so that those who are listening to the
wonderful tour guides will do so in a quiet manner
and be able to respond at the same time. I'm
really appreciative of the work that has gone into
this. It's a small bill in terms of its length
but it's a large bill and has great depth in terms
of what it could accomplish. Thank you very much
Madam Chair.

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CHAIRPERSON KOSLOWITZ: Thank you
and I also agree with you about Lacy. She's
great. I'm very fortunate. And also Damien,

1 policy analyst, who is wonderful, thank you.

2 Thank you both. And with that, I would like to
3 call on Andrew Iler to testify from DCA.
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5 ANDREW ILER: Good morning Chair
6 Koslowitz and Consumer Committee members. I'm
7 Andrew Iler, Director of Legislative Affairs for
8 the Department of Consumer Affairs. Commissioner
9 Mintz asked me to thank you for the opportunity to
10 comment on the pre-considered intro on audio
11 equipment for sightseeing buses. The bill before
12 you is aimed at noise concerns associated with
13 audio systems on open air sightseeing buses. The
14 bill requires that no new sightseeing buses may be
15 licensed by the Department unless it is equipped
16 with a headphone limited audio system. I also
17 prohibits the operation of any sightseeing bus
18 without such equipment after April 1, 2022.

19 The use of headphone equipment will
20 ensure that the sounds emitted by the audio
21 equipment of sightseeing buses will be heard only
22 by passengers riding the bus rather than being
23 shared as an annoyance with neighborhood
24 residents. The Department of Consumer Affairs
25 supports the enactment of the bill without any

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2 recommendations for amendments. Thank you for the
3 opportunity to comment. I'd be glad to answer any
4 questions.

5 CHAIRPERSON KOSLOWITZ: Thank you.
6 That's the shortest testimony I've ever heard.
7 Thank you.

8 MR. ILER: Well, I try to keep it
9 within the length of the bill.

10 CHAIRPERSON KOSLOWITZ: It's
11 perfect. How many licensed tour guides are there?

12 MR. ILER: Tour guides? I don't
13 have that number. We're looking at sightseeing
14 buses not tour guides.

15 CHAIRPERSON KOSLOWITZ: Well, this
16 bill is also about tour guides with the devices.

17 MR. ILER: Well, the devices--I'm
18 only looking at the number of buses rather than
19 tour guides.

20 CHAIRPERSON KOSLOWITZ: How many
21 buses are there?

22 MR. ILER: Well, there's 250
23 altogether. And we're in the process of licensing
24 them right now so it's in the air as far as how
25 many will be relicensed.

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CHAIRPERSON KOSLOWITZ: As far as inspecting the buses, how often are the buses inspected with the EPA inspections and...?

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MR. ILER: Well, they're inspected. To be as a condition of licensing they're inspected by DOT, they have the safety inspections. Then there are subsequent inspections of the buses every four months, I think. But that's what the current requirements.

CHAIRPERSON KOSLOWITZ: Who issues the license to the tour buses?

MR. ILER: We do. We issue the plate and they're issued the license for the bus.

CHAIRPERSON KOSLOWITZ: Okay. How come DOT doesn't issue?

MR. ILER: I don't know the background of how that evolved but basically it was a licensing requirement for the sightseeing buses for Consumer Affairs as a business license as opposed to a transportation issue as a transportation license. So that's how come, I believe, it ended up there.

CHAIRPERSON KOSLOWITZ: Okay, okay. Council Member Koppell.

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2 CM KOPPELL: Were you or members of
3 the Department involved in the drafting of the
4 bill?

5 MR. ILER: No.

6 CM KOPPELL: Okay, I'll speak to
7 the staff with my question. Madam Chair I'd like
8 to be added as a sponsor to the bill.

9 CHAIRPERSON KOSLOWITZ: Council
10 Member Barron.

11 CM BARRON: What would the cost be
12 to a company to install that kind of mechanism?

13 MR. ILER: We didn't check in to--
14 that would be a company issue in terms of what it
15 would cost for them to do that. We're just
16 looking at it from the standpoint of would we be
17 able to enforce the requirement if it's adopted
18 and that's something that's now doable and it
19 addresses the issue you're concerned about.

20 CM BARRON: I think the cost--the
21 reason why I'm raising the cost question is
22 probably when you think of tourist bus services
23 you're thinking about the double decker red buses
24 but in smaller communities there may be a smaller
25 tourist bus businesses that go throughout smaller

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2 neighborhoods and have smaller budgets and it may
3 be more challenging to them. So I'm just
4 wondering what would the estimated cost be. But
5 you don't know so we can go beyond that.

6 MR. ILER: We didn't delve into it
7 because--it would depend upon the kind of system
8 that somebody wanted to use. There's all sorts of
9 variable that would be involved. We would have
10 nothing to do with picking the equipment and what-

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12 CM BARRON: [interposing] I know
13 you have nothing to do with picking the equipment
14 but you do have something to do with fairness and
15 justice for an industry so in the event that a
16 measure, not so much that you need to determine
17 equipment and stuff like that. But if a measure
18 is going to put some people out of business, which
19 I don't know, you should be concerned about that,
20 not so much what the equipment is. That's why I
21 think cost should be a concern.

22 Secondly, have you received a lot
23 of complaints about it?

24 MR. ILER: No, well, when I
25 testified on this the last time and the numbers

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2 are the same. We had 19 complaints from five
3 fiscals years from 2006 so we're really not--

4 CM BARRON: [interposing] 19 as in
5 one, nine.

6 MR. ILER: No, no, no, 19. 19
7 complaints over five fiscal years and most of them
8 dealt with--they were resolved. 13 of them, I
9 think, were resolved refund issues and so on and
10 so forth. Consumers, we don't get complaints
11 about the operation from the standpoint of the
12 riders of the buses.

13 CM BARRON: I'm talking about
14 community complaints, from the community around
15 the noise.

16 MR. ILER: Oh, we do not get those
17 complaints. We would not get those complaints
18 because those would be noise complaints and they
19 would not come to us.

20 CM BARRON: Okay. Did you look
21 into that or try to find out?

22 MR. ILER: Those are community
23 noise complaints and they would go, I believe, to
24 DEP. And we have no role to play in dealing with
25 that issue.

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2 CM BARRON: I know you don't have a
3 role in it. See, the only thing I'm concerned
4 about is that you may not have a role in the
5 equipment, you may not have a role in the
6 complaints but when a piece of legislation is
7 coming to something you have to regulate and you
8 have to provide permits for or regulation for that
9 you might be concerned about if we're putting
10 forth a bill saying that this is a problem that it
11 is established as a problem. Perhaps some other
12 agencies will come to bear that out. I just
13 wanted to know whether this was a massive city
14 wide concern or one or two particular communities,
15 just a level of complaints. But you don't--

16 MR. ILER: [interposing] We don't
17 have--unfortunately the last I've heard, it's
18 difficult from the calls to segregate out whether
19 the complaints are about buses or other kinds of
20 noise issues. Because the complaints that would
21 come in on 311 would come in on all kinds of noise
22 issues. Whether they're identified as the source
23 of the noise, not having information I'm not sure
24 it would be easily found out, how many are for
25 what.

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CM BARRON: Got you. Thank you
very much.

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CHAIRPERSON KOSLOWITZ: Council
Member Comrie.

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CM COMRIE: Can I vote now, Madam
Chair?

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CHAIRPERSON KOSLOWITZ: Yes.

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CM COMRIE: I'd like to vote a
resounding yes on Intro 35. I hope my name was
added to the bill as I requested last time. Yes,
it is. And can I ask some questions, too?

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CHAIRPERSON KOSLOWITZ: Absolutely.

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CM COMRIE: Okay. Did they give
you a cost of outfitting these buses with the
equipment? I know I came in late. Was that
already asked?

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MR. ILER: We just went over that.

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We have not checked into what would be the cost of
the various kinds of equipment that would be used
for the buses.

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CM COMRIE: Do you know how many or
are any of the sightseeing companies are minority
owned?

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MR. ILER: No, I do not.

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CM COMRIE: Have you ever done an assessment on who owns or if they're minority or MWBE companies that own any of the...?

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MR. ILER: No. What I can tell you is that the buses, the largest fleet is operated by Greyline Tours, followed by City Sights with 66 buses and Skyliner Travel and Tour Bus Company has 36 buses. Two companies have 15 and 14 and the rest of them operate six buses or less.

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CM COMRIE: Is there right now a set amount of people that have to be on each bus to help the people with discharging or getting on the bus? Does there need to be one tour guide per every ten people?

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MR. ILER: No.

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CM COMRIE: Are there any requirements for that?

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MR. ILER: No.

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CM COMRIE: Are there any requirements that require the people that are on top to maintain a sound volume? Is there a sound volume requirement now?

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MR. ILER: No.

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CM COMRIE: So there's never been

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2 an opportunity to actually test the effect of the
3 sound echoing or allegedly echoing through the
4 city or not?

5 MR. ILER: I should qualify that a
6 little bit. There's no requirement in terms of
7 our regulation sightseeing buses with the sound
8 requirements or operation sound equipment. That
9 is not to say, however, that under DEP with noise
10 requirements and what those laws may require they
11 may impact upon the sound that could be emitted
12 from sightseeing buses. That will be something
13 very separate and it will be whatever measurements
14 are necessary, that would be a whole different
15 ball game. It's not--

16 CM COMRIE: [interposing] Was DEP
17 invited to be here today to talk about the impact
18 of the sound on the communities or have we gotten
19 any studies? Is anyone going to testify to that
20 as opposed to the actual sound impact on the
21 communities?

22 MR. ILER: I think I've been here--

23 CM COMRIE: [interposing] I see a
24 pretty lady nodding yes, but I don't know if she's
25 from DEP.

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2 MR. ILER: I'm the designated
3 hitter here today and basically we're only looking
4 at it from the standpoint of what this legislation
5 would require. That is the installation of only
6 audio equipment that would be limited to earphone-
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8 CM COMRIE: [interposing] I'm just
9 trying to understand the reason why you're asking
10 people to spend more money. Are we giving them
11 any incentive to do this? Is there going to be
12 any tax break, any opportunities to help the
13 businesses that are going to have to spend the
14 money to do this?

15 MR. ILER: Not on the face of the
16 bill.

17 CM COMRIE: Okay, no further
18 questions Madam Chair.

19 CHAIRPERSON KOSLOWITZ: Thank you.
20 Council Member Ferreras.

21 CM FERRERAS: Hi, my question is
22 how often are the buses inspected?

23 MR. ILER: It calls for once every
24 four months, they're supposed to be checked. But
25 they are inspected for safety, the equipment, by

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2 DOT as a condition of licensing.

3 CM FERRERAS: So DOT inspects them
4 but you give them the license?

5 MR. ILER: Yes.

6 CM FERRERAS: Okay. And are there
7 thoughts of a process before 2022 that you kind of
8 give warnings, the time is coming up, you have to
9 have your audio system?

10 MR. ILER: Well, it's a long time
11 in coming. The industry should be aware of it.
12 We'll certainly contemplate making the information
13 available to the companies. Whatever method of
14 warning that I think we'll contemplate some way of
15 ensuring they're aware two years before when the
16 next licensing period comes. It's certainly an
17 insert can be put in there, be aware that the next
18 time around and so forth. I'm sure that something
19 will be in the planning stages.

20 CM FERRERAS: Okay, I'm going to
21 take that as a yes.

22 MR. ILER: Okay.

23 CM FERRERAS: Okay. And my other
24 question was out of the 19 complaints, are there
25 any that kind of stand out? Is it 19 complaints

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2 about the same issues or is it just 19 different
3 complaints?

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MR. ILER: Well, of 14 of them were
5 mediated with the restitution of \$1,085. My guess
6 would be that most of these were requests for
7 refunds for various reasons. I don't have a
8 better breakdown in terms of what the actual
9 complaints were but that's 14 out of 19 so I don't
10 know. The other five, I don't have any specifics.

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CM FERRERAS: I'm trying to see if
12 out of those 14 were any of them because they
13 couldn't hear the tour or...?

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MR. ILER: Sorry, but I don't have
15 that kind of detailed breakdown. It was some
16 basis for a refund. It could have been various.
17 The reason for the refund could have been for many
18 so I don't know what they were.

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CM FERRERAS: Okay. And my final
20 question, actually it's not a question it's more
21 I'd like to thank Council Member Gale Brewer for
22 her leadership on this. And I'm hoping that down
23 the road, coming from a very diverse district like
24 the one that I represent, that this can hopefully
25 also improve the opportunities for translation. A

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2 lot of my non profits use these headsets so that
3 when we go and have town hall meetings, there's
4 multiple languages being translated. So thank you
5 Council Member Brewer and thank you Madam Chair.

6 CHAIRPERSON KOSLOWITZ: Thank you.
7 I think to remember this bill from the last time I
8 was on the Council, whenever this bill was around.
9 So when you say it's been around a long time, I
10 think you're absolutely right. And also what I
11 get from this is that we don't have too many facts
12 and figures that maybe there has to be a little
13 more oversight on the tour buses that there's not
14 enough oversight to have the numbers of what goes
15 on.

16 MR. ILER: Basically what the
17 issue, we've covered them to the extent that we
18 need--yes, we checked for the things that need to
19 be checked for because we have it. So I don't
20 know. There's always oversight that's possible,
21 that's--

22 CHAIRPERSON KOSLOWITZ:
23 [interposing] Right. But once they roll out,
24 once they're on the road, as far as some kind of
25 oversight periodically of whatever because it

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seems to me that there isn't too much after they get their license and they're off the road, on the road rather.

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MR. ILER: The thing about the law

that we have is that it essentially goes to the

sightseeing bus rather than the operation of the

business. And therefore the business practices

aspect of sightseeing operations is really not

part of the statutory scheme. The statutory

scheme really is for the bus to be issued a

license or a plate and then there's also the

sightseeing guide connection. But in terms of the

operations of the business, that's not part of the

structure so it's a little--that's the different.

CHAIRPERSON KOSLOWITZ: Do you

license all the tour buses or just double deckers?

MR. ILER: No, the Department

licenses buses that are used for giving tours that

originate in the city. In other words, charter

buses, sightseeing buses that operate which hop

on/hop off or the charter buses that specifically

take people from one place to another, one site to

another or prearranged trips. Those are also

licensed by us. So as long as the trip originates

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2 in New York City for sightseeing purposes then
3 they're licensable.

4

CHAIRPERSON KOSLOWITZ: When you
5 say New York City, you mean the five boroughs of
6 New York City?

7

MR. ILER: Yes, the five boroughs,
8 correct.

9

CHAIRPERSON KOSLOWITZ: Okay, all
10 right. Thank you very much.

11

MR. ILER: Thank you.

12

CHAIRPERSON KOSLOWITZ: Any other
13 questions. Okay, Council Member Brewer.

14

CM BREWER: Thank you very much,
15 Madam Chair. My question is this, this bill a
16 compromise because obviously the people who are
17 complaining to DEP. I'm sure that if you were to
18 get those numbers they would be very high, the 311
19 to DEP. Particularly, like I said, from areas
20 like the village where very popular for tourism.
21 Those individuals would benefit from obviously
22 having sound that is not in their living room
23 coming from the wonderful tour guides.

24

At the same time I'm wondering,
25 this is a question, this bill is put out into the

1

2 future in terms of implementation date because the
3 hope is that as buses wear out there'll be new
4 buses and they will be much easier to install a
5 system that's less expensive when there's a new
6 bus. So how long do these tour buses last in your
7 opinion? Do you have any sense of that?

8

MR. ILER: No, we don't have. WE
9 haven't tracked how long buses remain in service;
10 that's not something that we considered or looked
11 at.

12

CM BREWER: Do you have any² sense
13 of whether it would be less expensive to install
14 such a system in a new bus as opposed to putting
15 one in to a bus that already exists?

16

MR. ILER: Taking the general
17 principle that retrofitting is always more
18 expensive original equipment--

19

CM BREWER: [interposing] Yeah, I
20 can do that too Andy. I just didn't know if you
21 knew. Okay.

22

MR. ILER: So that's--yes.

23

CM BREWER: All right. Do you
24 think that there will be more buses in the future?
25 Do you have any sense of that? You said 250 now.

1
2 MR. ILER: I think this industry
3 has been fairly steady in terms of the numbers so
4 there's no basis for saying we're going to have a
5 big increase or decrease or anything like that.

6 CM BREWER: Those buses that you
7 mentioned, I know for instance Greyline I think is
8 also very much affiliated with some of the other,
9 next two companies, that you mentioned, a bit of a
10 merger there. Do you have some sense of how many
11 have decks and how many do not have decks in terms
12 of your 250?

13 MR. ILER: No. We don't identify
14 when then bus comes in. it's just a sightseeing
15 bus and it's whether it's a double decker or
16 single or whatever we don't distinguish. It's not
17 something we look at.

18 CM BREWER: This bill would
19 obviously be focused on those giving a tour
20 outdoors because that's where the sound would
21 amplify. Would you agree?

22 MR. ILER: That's probably where
23 the biggest impact would be because it's obviously
24 the sound emanating from the top of uncovered
25 buses that would be most likely to be heard in a

1

2 neighborhood, although the bill is not focused on
3 that question.

4

CM BREWER: Also, when you're doing
5 your regulations if this were to pass, could you
6 mandate that there must be a person giving a tour
7 that it wouldn't just become an amplified sound
8 without a person actually giving the instructions?

9

MR. ILER: Not without looking at
10 the relevant statutory scheme in terms of what our
11 authority would be there. I don't want to off the
12 cuff say anything about that.

13

CM BREWER: Okay, thank you very
14 much. I think what I'm trying to indicate is
15 we're trying to do a balance here between those
16 whose lives are disrupted, who live in the
17 neighborhood and at the same time given enough
18 ample time to implement them so that hopefully new
19 buses would be on the rise and it would be a less
20 expensive system to install. Thank you very much
21 Madam Chair.

22

CHAIRPERSON KOSLOWITZ: Thank you.

23

MR. ILER: Thank you.

24

CHAIRPERSON KOSLOWITZ: Any other
25 questions? Thank you very much. I would like to

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read in to the record some testimony that was submitted and I'm going to call on Lacy to do that.

CLERK: This is testimony from Thomas Lewis, President of Greyline New York Sightseeing on the pre-considered bill that we're hearing today. I'm just going to read the most relevant part of the testimony.

On the subject of the city bill under consideration, we appreciate Speaker Quinn and her Council colleagues understanding that any move to require headsets on buses will entail considerable expense for Twin America and that a phase in approach is the only fair option to address the economic and other hardships that would result by this governmental directive.

At an anticipated cost of over \$3 million to the company, we believe that a phase in as outlined in the bill at hand is economically manageable. We would prefer an April 1, 2013 initial start date in order to address the costs, technology issues, visitor unfamiliarity and/or unwillingness to use headsets, health concerns from possible use of shared headsets, union issues

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2 with increased work required to implement and run
3 the system and other issues certain to arise.

4 Twin America executives will
5 continue our dialogue with Council Members, their
6 staffs and constituents to address particular
7 neighborhood concerns when they arise in the
8 months and years to come. We feel that we have
9 been very responsive and willing to make changes
10 in our routes and services to address our concerns
11 and do not think that government mandates and more
12 red tape such as these are necessary to improve
13 the situation and could only hurt the city's
14 neighborhood tourism economy.

15 Still, all in all, this legislation
16 as drafted is a workable solution if the Council
17 in its wisdom elects it, to require headsets on
18 all sightseeing buses and we stand ready to work
19 with you to implement this program. Thank you.

20 CHAIRPERSON KOSLOWITZ: I'd like to
21 call Barbara Backer, Judith Walsh, Dave Gruber and
22 Cormack Flynn to the table. We've just been
23 joined by Council Member Gennaro. Council Member
24 Gennaro would you like to vote on intro 35A?

25 COUNCIL MEMBER GENNARO: Yes, Madam

1
2 Chair. I vote aye. I won't make any more
3 comments. I'll have more to talk about it at the
4 meeting on Wednesday. I thank you for your
5 leadership, I thank everyone who voted yes on this
6 very good bill. Thank you Madam Chair.

7 CHAIRPERSON KOSLOWITZ: Okay, you
8 may start. Each speaker will have three minutes
9 to testify.

10 DAVID GRUBER: Good morning all. I
11 am David Gruber. I am a member of Community Board
12 2 but I speak today as President of the Carmine
13 Street Block Association in Greenwich Village.
14 First, I want to thank the City council and the
15 Speaker's Office for recognizing this problem and
16 bringing forward this legislation. I was a very
17 active supporter of it but I must say I want to
18 speak against the bill as it's written because of
19 several reasons.

20 One is this is a very low
21 technology that has to be put into these buses.
22 These headsets have been around, these wireless
23 headsets have been around for a very long time.
24 I've used one in my home for TV for ten years. It
25 uses radio technology. I don't understand why we

1
2 have to wait for ten years to address this problem
3 who in the City Council's wisdom it feels is an
4 important problem because they brought forward
5 this legislation. The estimates that they're
6 giving, I don't know.

7 For instance we have a video club
8 in the Village, it's the Rooftop Video Club. We
9 pay \$25 for a headset so nobody gets disturbed
10 when we view a movie over the summer on the
11 rooftop. I don't understand and I question why
12 the industry feels that this is such a financial
13 burden on very old, low technology implementation.

14 I also want to speak about what
15 Council Member Barron spoke about which I thought
16 it was a valid point about some of the smaller
17 neighborhoods who don't get the same influx of
18 tourists and whether the course would be uneven
19 for some of the smaller tour buses. I think that
20 we need to amend this to say that this technology,
21 as Council Member Brewer said, needs to be applied
22 to open air buses, those that are enclosed really
23 it's unnecessary and I think I agree with your
24 analysis there. I don't understand why we don't
25 amend it. I don't think that we need to force the

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2 tour buses that are enclosed or the small ones to
3 be part of this legislation.

4 As quid pro quo, I think we can not
5 really say that we need to wait 12 years to
6 implement this technology. It's a very troubling
7 bill for me. We've worked very, very hard to
8 bring it forward. I'd like the City Council to
9 amend it so that the compliance to retrofit the
10 existing buses but January 1, 2012 and not have to
11 wait so long for these buses to become obsolete
12 and have the problem continue for this many years.
13 Thank you.

14 BARBARA BACKER: Good morning. My
15 name is Barbara Backer. I'm a New York City
16 resident and I'm a member of the citizen's
17 advocacy group, Our Streets Our Lives. I'd like
18 to thank the Council for bringing this bill
19 forward. I've been working on a bill for sound
20 reproduction devices for the past five years. I's
21 also the tour buses have a history of being
22 problematic since 1994 and that is documented in
23 the New York Times.

24 I speak in support of this intro
25 with recommendations for major revisions to the

1
2 stated implementation time of 12 years. This time
3 line is far too long to permit the current
4 violation of the buses, of the noise control code
5 Local Law 193 sub chapter 6 section 24-244. I
6 support tourism and welcome tourists to our
7 neighborhoods. However, as you have heard or will
8 hear from citizens presenting testimony, the
9 pervasive persistent noise emanating from the bus
10 sound systems coupled with the noise from their
11 diesel engines invades our homes. Our quality of
12 life in terms of health, comfort and enjoyment of
13 our homes is compromised.

14 This legislation with a shortened
15 timeline can be a win-win situation that will not
16 cause any loss of jobs, will not hurt tourism and
17 will not cause harm to local businesses. They may
18 not admit it today but the bus operators and tour
19 guides will benefit from the short timeline as
20 well.

21 Some of the bus sound systems need
22 to be upgraded anyway. This I discovered when 10
23 days ago I spent five hours on four different tour
24 buses riding around the city. While we who live
25 near the buses are bombarded from the noise it can

1
2 be harder to hear the tour guide when you're on
3 the top of the double decker bus and this is
4 especially if you're sitting in the back over the
5 engine, very hard to hear. The sound dissipates
6 into the air and often is horrible. Wearing
7 headphones to listen to the guides would have
8 greatly enhanced my passenger experience.

9 The tour guides are essential to
10 this experience, however, to answer our questions
11 and to project their own unique perspective in to
12 what they are describing. We need a timeline that
13 you and my colleagues here today and I will see in
14 our lifetime. The Wicker Street Area Merchants
15 and Residents Association has proposed 2012, two
16 full years for a conversion. That makes sense.

17 Another option may be a phase in
18 over the next few years as licenses are renewed.
19 But whatever the details, and we will pay
20 attention to those, a conversion should take place
21 within a year or two or three, not a decade or
22 two. You will note that Local Law 113, which
23 these buses are in violation of was written and
24 signed in to law in 2005. The bus companies have
25 already had five years to--

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CHAIRPERSON KOSLOWITZ:

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[interposing] Can you please wrap up?

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MS. ZANER: Yes. Have had five years to comply. We hope to work together with the City Council to again build paths that will consider the rights and needs of all people involved. Thank you.

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CHAIRPERSON KOSLOWITZ: Next.

10

CORMACK FLYNN: Sorry, technical

11

difficulties. Hello, my name is Cormack Flynn.

12

I'm a resident of West Eighth Street and I'm also

13

the co-chair of the West Eighth Street Block

14

Association. First I want to thank the Council

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for having this bill and for seeking relief. As

16

Ms. Backer just said, this is not a new issue⁰ for

17

us. We've been trying to get relief from this for

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about five years, at least in our neighborhood.

19

My big concern with this bill as

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currently constructed is it is suggesting that we

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will now wait another 12 years for relief. Relief

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delayed is relief denied. I think that you've

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conceptualize this a bit wrong. You look at this

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as a matter of a nuisance versus jobs. It's not

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just that, it's not just the residents who suffer

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2 from this. It's also the small businesses that
3 generate jobs in our neighborhoods who are
4 suffering from this.

5 I'm sorry. I have to talk about
6 these 12 years. 12 years is an immensity of time.
7 12 years ago Bill Clinton was fighting
8 impeachment. Forget about the real estate bubble,
9 12 years ago the tech bubble hadn't popped. My
10 assistant, who is a fast rising young sharp
11 professional, 12 years ago she was worrying about
12 what she was going to wear to the prom. It's a
13 huge amount of time in the life of the City of New
14 York.

15 For residents, I live on Eighth
16 Street. I lived on Eighth Street my whole life.
17 I say that because I want you to understand, I'm
18 not overly sensitive or new to street noise.
19 Idling trucks, the rumble traffic, people
20 shouting; I'm used to it. There's nothing as
21 intrusive as this except for motorcycles and
22 emergency vehicle sirens. I'll be sitting in my
23 living room watching television with my wife, 25
24 feet in from the front of my apartment five
25 stories up that we have to stop, give up trying to

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2 hear what they're saying on television because
3 there's a tour bus stuck outside of our house.

4

5 With all due respect Council Member
6 Brewer, to your earlier comments, at least half of
7 what they say is not true but that doesn't matter.
8 It's fiction. It's folklore - the tour
9 information. They also go fairly late into the
10 evenings sometimes, which is one thing for an
11 adult like me. On my block we have families with
12 children, those children they're trying to get to
13 bed and to sleep and then there's a tour bus in
14 front of their house. Literally it sounds like
15 they're right in your apartment. Now, I had to
16 get that out of my system because I'm a resident
17 but I want to talk now about something else.

17

18 This delay in implementation is a
19 job killer. This thing is bad for the small
20 businesses when you delay it like this because
21 right now, what you--okay, I'm almost cut off.
22 Can I just finish real quick?

22

23 For the cafes, for the second floor
24 day spas, for the businesses on the block what
25 you're doing is you're choosing to protect the
profits of these tour operators at their expense

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2 by shifting the cost to them and their attempts to
3 build their businesses.

4 CHAIRPERSON KOSLOWITZ: Next.

5 JUDITH JAZEN WALSH: My name is
6 Judith Jazen Walsh and I'm a resident of
7 Washington Square Village facing Bleecker Street
8 on the 14th floor and a member of the concerned
9 citizens group, Our Streets, Our Lives. I thank
10 the Chair and the Committee for allowing us this
11 opportunity to speak and thank Council Member Gale
12 Brewer for introducing this legislation.

13 We believe the legislation
14 mandating the use of sound reproduction devices on
15 sightseeing buses is necessary and appropriate.
16 It's a necessary and appropriate remediation of
17 the problem of noise on our residential streets
18 throughout New York City. In taking this position
19 I took into consideration that this legislation
20 would not be harmful to our local businesses and
21 especially would not cause problems for the tour
22 guides on these sightseeing buses.

23 It is very well understood by the
24 citizens of our city that travel and tourism are
25 vital to the economy of New York. However, it is

1
2 also vital to our residents that they are not
3 bombarded by the microphone sounds of
4 approximately 250 sightseeing buses travelling our
5 streets seven days a week from 8:00 am to 7:00 pm.

6 We do not believe that the cost of
7 passing and implementing such legislation will
8 have a serious financial effect on the sightseeing
9 bus companies. My research indicates a cost of
10 \$2,000 to \$5,000 per bus with the \$5,000 price
11 range being the best suited and most durable for
12 these buses. New buses as replacements in the
13 sightseeing fleets can be bought with the sound
14 reproduction device systems already built in.
15 Some of the testimony you hear today on the cost
16 of such sound reproduction devices may be more
17 detailed as to the cost and cost per passenger.

18 The cost of the ticket on City
19 Sights downtown loop is \$39 for adults and \$29 for
20 children. The all around town trip is \$49 for
21 adults, \$39 for children. The sightseeing buses
22 of City Sights and Greyline are operated by Twin
23 America, owned by Stage Coach Group, a
24 multinational global corporation. "Twin America
25 commenced trading on 31 March 2009. Our share,

1
2 Stage Coach, of Twin America's profit for a one
3 month period ended 30 April 2009 was in line with
4 our expectations at US1.5 million. That comes
5 from Stage Coach Group's regulatory announcement
6 June 2009.

7 We urge that the Committee revise
8 the language of the proposed legislation on
9 mandating sound reproduction devices on
10 sightseeing buses that it becomes effective
11 without delay and certainly well before 2022.
12 This is a fair and equitable solution for both the
13 sightseeing bus corporations and the voters of New
14 York City. Thank you.

15 CM BREWER: Bravo.

16 CHAIRPERSON KOSLOWITZ: Thank you.
17 Council Member Barron.

18 CM BARRON: First of all I'm glad I
19 stayed for your presentation. I got more out of
20 you than I got out of the Consumer Affairs
21 Department. I just want to recommend to the bill
22 sponsor and to our Chair that we support your
23 recommendation. That is a long for a seemingly
24 easy solution. I think we should amend the bill
25 for 2012. I think that would be appropriate and

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2 it should be more specific for those more open air
3 top. I agree with that also. And those who are
4 talking to people on the bus in smaller companies
5 in neighborhoods should be left alone and should
6 not be a part of this. I want to recommend that
7 to the bill sponsor and to this Committee. I want
8 to thank you very much for your presentation.

9 CHAIRPERSON KOSLOWITZ: Matthew
10 Baker, Judy Ridgeheimer, Lee Gelber and Anna Lynn
11 Dinkelman. Before we start I'd like to call on
12 Council Member Nelson to cast a vote on 35-A, the
13 horse carriage bill.

14 COUNCIL MEMBER NELSON: I vote aye.

15 CLERK: Final vote on Intro 35-A is
16 now seven in the affirmative, zero in the negative
17 and no abstentions.

18 JUDY RIDGEHEIMER: Shall I begin?

19 CHAIRPERSON KOSLOWITZ: You may.

20 MS. RIDGEHEIMER: Thank you. My
21 name is Judy Ridgeheimer, Chair of the Government
22 Relations Committee of the Guides Association of
23 New York City Organic, the organization
24 representing New York's licensed sightseeing
25 guides. Thank you for giving us a chance to

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2 testify.

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Currently double decker companies employ well over 300 guides. The work they perform is relatively well paid, offers professional satisfaction and above all, is socially beneficial. As concerned New Yorkers we should make every effort to protect jobs that carry with them such positive pay back. Our Committee sees grave problems arising from the passage of the headset bill, adversely affecting economic security and safety on the job for members of this profession.

Recently one double decker company lowered the starting salary for guides from \$20 to \$17.50 an hour, representing only a slight downturn in tourism. Therefore we are concerned that the expense of the new infrastructure, even phased in over several years, would provide operators with reason to deny raises to their personnel or even to cut salaries. The imposition of headsets would create a dangerous workplace conditions.

In the course of their work day double decker guides are required to run up and

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2 down narrow staircases carrying money and
3 paperwork as they greet incoming passengers and
4 say goodbye to those disembarking. If at the same
5 time they have to distribute and collect headsets,
6 complete with wires and plugs, accidents will
7 surely happen.

8 Above all, we would like you to
9 consider that the headset law carries with it
10 another kind of danger to guides. Once the system
11 is installed, operators may decide to dispense
12 with live guides in favor of taped narration.
13 This would be disastrous both from a labor and a
14 consumer point of view.

15 Tour buses in some other large
16 cities have made this switch. Visitors who take
17 these tours often complain that the experience is
18 neither enjoyable nor sufficiently informative.
19 In a city like New York where the street scene is
20 constantly shifting in a way that's almost
21 kaleidoscopic, we need a live narrator to react on
22 the spot and give sense and meaning to whatever
23 can be seen from the bus. A tape narration can
24 not, for example, point out a passing celebrity, a
25 dog walker handling 11 different breeds at one

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2 time or a large inflatable rat that might be
3 parked in front of a building nor could it explain
4 the significance of these phenomena, at least on
5 the spot.

6 Providing the tourists with the
7 best possible tour experience is particularly
8 crucial when we consider the staggering role
9 tourism plays in New York City's economy. In
10 these cash strapped times, every tourist
11 experience must be as rewarding as possible so
12 that visitors encourage others to spend their
13 vacation dollars here.

14 Therefore we suggest that whether
15 or not the headset bill is enacted into law, the
16 Council should legally require that all
17 sightseeing tourism in New York City be narrated
18 by a live, licensed guide and not by a canned
19 substitute. And to conclude, moreover, we
20 respectfully request that before going forward the
21 Council conduct objective studies to determine
22 whether or not--

23 CHAIRPERSON KOSLOWITZ:

24 [interposing] You're going to have to wrap up.

25 MS. RIDGEHEIMER: --anecdotal

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2 complaints actually warrant the drastic industry
3 change required by this bill. Thank you for
4 taking the time to consider our position.

5 LEE GELBER: My name is Lee Gelber.
6 I am co-president of the Guides Association of New
7 York City. I have been a licensed New York City
8 tour guide for 17 years. I was present, shall we
9 say, at an experiment to provide simultaneous
10 translation to visitors from overseas for hop
11 on/hop off bus service. It did not work.

12 Among other things, some of the
13 people thought that the devices in the backs of
14 seats were souvenirs or a video game because they
15 have push buttons on them. We're very serious
16 about this. And then of course the issue of
17 dangling wires and some people concerned in this
18 day and age where they all spray Purell all over
19 everything whether it's sanitary and so forth. It
20 just didn't work. Also they are open air buses.
21 They are subject to the elements, rain, water,
22 etc., do cause problems. This is one of the
23 reasons why that program did not work.

24 And then the other question, we are
25 regulated by the Department of Consumer Affairs,

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2 it looks out for the well being of consumers. \$3
3 million investment in outfitting buses new and
4 retrofitting, somebody's going to pay for it.
5 It's going to add to the fares. Will this make
6 sightseeing more attractive to visitors? You
7 think about it.

8 And then an objective study of
9 decibel levels up against Harley Davidson
10 motorcycles, sanitation trucks and compactors, in
11 certain neighborhoods because you can't smoke in
12 local saloons, etc, rambunctious crowds are quite
13 voluble to say the least and then of course
14 emergency vehicles, they have their own suit of
15 noises. And the MTA buses, particularly the
16 express buses in low gear, you can barely hear
17 yourself think when they go by. So when I've done
18 walking tours I have to wait for them to pass.
19 Even though I have a very big voice, I'll
20 sometimes use a portable assist, I still have to
21 wait for the MTA express buses to pass by.

22 These are some of the concerns we
23 have and as Judy said, live guides are important.
24 Also for safety; these are open buses. Our
25 traffic lights are about 15 feet above the ground.

1
2 The top of these buses are close to 12 to 13 feet.
3 As I've told people, unless you want to go to your
4 next masquerade party as Ann Bowling [phonetic]
5 and Anne Marie Antoinette, please be seated. But
6 somebody has to do it.

7 Now the Department of Consumer
8 Affairs, they issued a wonderful test providing us
9 with generally well qualified guides but they are,
10 I think, a shortfall in making sure that all buses
11 are covered by licensed tour guides. Thank you
12 for your attention.

13 ANNA LYNN DINKELMAN: My name is
14 Anna Lynn Dinkelman and I'm also a licensed tour
15 guide. I am also member of the Tour Guide
16 Association of New York. I would like to also
17 speak in opposition of this bill. I have several
18 concerns.

19 I used to work at the City Sights
20 company and when they had the phase that they were
21 trying to sell foreign language tours using the
22 head sets. That technology doesn't work because
23 there was a lot of abuse from the passengers on
24 the bus fiddling with that.

25 Then when people boarded the bus

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2 with the headsets, the bus had to wait much longer
3 at the stops because people had to plug them in,
4 make sure that they work. If they don't work,
5 they had to move to a different seat. So we could
6 actually have a lot more traffic congestion
7 because the tour buses would have to linger longer
8 in the stops.

9 If you use wireless technology,
10 there are different problems. You move around
11 areas for example like the Empire State Building.
12 There is so much noise and wireless interference
13 you won't be able to use the wireless headsets.
14 This is not a control situation in your living
15 room where you have a headset plugged to listen to
16 your TV.

17 Another concern I have is about the
18 safety of the passengers. These buses are open so
19 when it rains if you plug in a headset, is there
20 any possibility of electrical shock or anything
21 harmful happening to the passengers. Lots of
22 wires, lots of possibilities to either drop
23 yourself or other things and forcing people to get
24 up, actually, while the bus is moving.

25 And then once the technology of the

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2 headset is installed on the buses, what prevents
3 these companies from replacing the live guides
4 with recorded narration. I used to work at a
5 company in a former corporate job, same as my
6 husband. We both saw our jobs leaving the
7 country and when they outsourcing started it was
8 this was for the benefit of everyone. What
9 prevents us or the tour companies from just
10 replacing the tour guides with narration?

11 This is a time where jobs are
12 really scarce. When I first moved to the City of
13 New York almost 20 years ago the jobs wanted in
14 the New York Times section, that was over 100
15 pages. Have you checked it recently to see how
16 many jobs are available? We need to try and hold
17 on to the jobs that we have. Thank you very much.

18 MATTHEW BAKER: Thank you. My name
19 is Matthew Baker. I am a New York City tour
20 guide, licensed in that profession by the DCA.
21 I'm also the editor of Guidelines, the Guides
22 Association of New York City newsletter. At a
23 City Council hearing last September when this kind
24 of legislation was proposed by now former member,
25 Alan Gerson, much was made of the fact that no

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2 studies or tests of the buses noise levels had
3 been conducted. Most notable was that meeting's
4 Chairman Mr. Comrie's particularly vocal
5 skepticism as he has also echoed today about
6 moving forward before any such tests had been
7 conducted.

8 Now as I understand it, due to
9 budgetary constraints these tests had not been
10 done and are not likely to be done. Yet still,
11 the proposal is being pushed forward. Such
12 studies could definitively prove this legislation
13 unnecessary but we are operating on mere
14 assumption and anecdotal rhetoric.

15 Is it perhaps because tourism is an
16 easy target? While we greatly appreciate the
17 words of goodwill of Council Member Brewer, these
18 issues are always seen as a battle between members
19 of the tourism industry and members of the
20 community. I beg the Council to recognize that we
21 in the tourism are members of the community, we
22 live, work, play and vote in this city. We are
23 members of the community who work in New York's
24 highest profile industry and we are frankly
25 terrified by the prospect of this work being made

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2 harder and more dangerous in a time when economy's
3 suggesting that we should be finding ways to make
4 it easier and safer.

5 If quality of life is really the
6 issue at hand, I urge the Council to consider the
7 full meaning of the fact that the work we do in
8 tourism provides these reputational and economic
9 benefits for every corner of this city and every
10 socio economic demographic. And these are quality
11 of life matters as well for everyone and should
12 not be disregarded in favor of a privileged few
13 who can afford to live in our city's most
14 interesting neighborhoods.

15 I am led into a strange sense of
16 irony when I consider that this city, at least to
17 my knowledge, has never pointed anti-noise
18 legislation at drivers who blast their rap music
19 out of rolled down windows. We tour guides, who
20 seek to pay honor and tribute to historic and
21 artistic neighborhoods, we are seen as a far more
22 appropriate target for such legislation. Why is
23 that?

24 If we were a larger, more all
25 encompassing anti-noise bill and tour guides were

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2 included in this, I could understand that. I
3 would not expect to receive any special favors.
4 As this is not the case, however, I am forced to
5 ask what makes us so special that we have been
6 singled out for this treatment. Thank you.

7 CHAIRPERSON KOSLOWITZ: Council
8 Member Brewer.

9 CM BREWER: Thank you. I do think
10 that people deserve to have quiet no matter what
11 neighborhood you're in so I take some exception to
12 the fact that people are privileged living in the
13 Village. I think everybody's privileged in New
14 York City to live here so I just want to make that
15 clear. The second question, though, is do you
16 know, any of you, how many are open air buses and
17 how many not. Obviously the Department of
18 Consumer Affairs had no idea.

19 MR. GELBER: There are 250 total in
20 the fleet, fine. All of them do not operate at
21 the same time, whether they are back at the yards
22 or appropriate garages preparing for their DOT
23 quarterly inspection or they just have a problem.
24 Vehicles break down.

25 CM BREWER: So it's 250 of the

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2 buses.

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MR. GELBER: That's grand total, I believe.

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CM BREWER: Okay.

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MR. GELBER: Also, the earliest that both companies operate, City Sights and Greyline, if memory serves me correctly is 8:00 starting from Midtown in the heart of a very commercial neighborhood, Times Square. So to say that they're on Bleecker or Eighth Street by 8:00am, that's specious.

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CM BREWER: Yeah, I think people were saying that they're there, they're watching television. You don't know. People have different schedules, a lot of people work at home. It depends on people's schedules.

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If I understood you correctly, all 250 buses licensed by DCA, all have open air decks is what you're saying?

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MR. GELBER: Yes. In the summer time they're open. The double deckers are. In winter and fall, a number of them do have dome tops which will work something as a sound muffler, obviously, because they also keep the elements

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CM BREWER: Thank you very much. I want to say that I want to make it clear, I am very supportive of tourism and supportive of what you do. But I do think there's a balance here that we're trying to achieve. Thank you very much.

CHAIRPERSON KOSLOWITZ: Council Member Comrie.

CM COMRIE: I want to support the tour guides position again, as I did. As Mr. Baker remembered at the last hearing, I think that clearly making sure that there's a local flavor to the tour buses makes it the popular industry that it is. I think that, clearly as also you said Mr. Baker, without these studies I think it's doing a disservice to the industry and putting it under unfair highlight. As you note, there are other noise issues that have not yet been resolved.

You heard me question the DCA representative, one of those things were done and I'm disappointed they were not done. I think they would make the things a lot cleaner for all of this. I hope that we can get those things done so

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that--this could be done fairly. We need to protect tourism. Like it or not, this is a single industry that this city is dependent on. We need to protect all aspects of it. To do this without having those protections and to do this without doing health and safety considerations of the whole headset and how you handle the headsets and how the guides would handle the headsets. I think all of that needs to be a lot more carefully as we move forward. Thank you Madam Chair.

CHAIRPERSON KOSLOWITZ: Thank you.

And thank all of you.

MS. RIDGEHEIMER: Thank you.

CHAIRPERSON KOSLOWITZ: I'd like to call on Raymond, I believe it's Kline, I can't make out to my right, Annette Zaner, Ellen Peterson Lewis and Maureen Remackle.

[pause]

CHAIRPERSON KOSLOWITZ: You may start.

RAYMOND KLINE: Thank you. My name is Raymond Kline. I'd like to thank the City Council for addressing this issue. I think most everyone here agrees that there is a problem. We

1
2 live in a state where we have many habitability
3 laws, landlord tenant court that is often
4 mentioned quite often. And here we are facing
5 many of the same problems that we have laws to
6 protect us if people are living in a building.

7 We sometimes face between eight to
8 ten tour buses along Bleecker Street each hour
9 over the weekend. If you add that up that adds
10 well over 150 for the weekend, just two days
11 between 10 and 8. Now, when you have something to
12 that magnitude in a particular community, that
13 changes things. The Greenwich Village area where
14 I live does not have a problem with many of the
15 tourist industries, the bars, the entertainment
16 that's there. But we learned to balance things
17 out.

18 This is an industry that has no
19 balance. If we do not change the laws and make it
20 at least equitable to the people who live in the
21 community, there is going to be a much stronger
22 backlash to curtail the industry. I don't have to
23 have a study to tell me that there's a lot of
24 noise going on. I'm lucky I live on the 20th
25 floor but I could just about repeat many of the

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2 same stories because they tell the same stories in
3 a particular area every time. And it's very
4 entertaining the first 30 or 40 times. After
5 that, it becomes an annoyance.

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7 I'm just asking that this law be
8 enacted with a change to a more closer date to
9 enactment. If this was the real estate industry
10 there would be ways that people could make these
11 changes and have a tax write off. Maybe that is
12 something that the City Council might want to give
13 really to those marginal companies. The larger
14 ones, I think through having a large number of the
15 buses to be corrected will have a much lower
16 average cost. So please ask for that one change
17 to be made.

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18 CHAIRPERSON KOSLOWITZ: Are you
19 saying that you can hear it on the 20th floor?

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20 MR. KLINE: Oh, yes. Actually the
21 26th floor.

21

22 ANNETTE ZANER: My name is Annette
23 Zaner. I'm here today representing the Village
24 Independent Democrats. Having listened to other
25 people, let me please say that as an audiologist,
I am a former member of the environmental control

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2 board. I was the noise specialist for 12 years.
3 May I also say in New York City--can you hear me
4 now?

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I'd like to also say that as New
6 York City there is no question that the noise is
7 louder the higher up you go. There is something
8 called canyoning that occurs. Now let me return
9 to my testimony.

10

VID members most certainly approve
11 of the intent of this potential amendment of the
12 administrative code. It is clearly in keeping
13 with 24-233 of the city's noise code. And I
14 quote, "unreasonable noise shall include the
15 operation or use of an audio device from or on or
16 inside a motor vehicle so that sound emanating
17 from such device is plainly audible to another
18 individual at a distance of 25 feet or more."

19

May I amend to say that you don't
20 need a sound device, a sound decibel device to
21 determine that you can hear something 25 feet
22 away. Sightseeing buses are of course a welcome
23 presence to the comers of Greenwich Village. The
24 unfortunate constant auditory accompaniment of
25 their presence, however, acts to shatter that

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2 welcome. The unreasonable noise emanating from
3 loud speakers on the buses is not merely
4 unpleasant but it negatively effects residents'
5 cognition and health as well as interfering with
6 children's schooling.

7 May I say all of the before has
8 been very well documented and published. There
9 are studies indicating that children in schools
10 who are facing a noise emitting object do not
11 learn as well as children on the other side of the
12 school. There has been discussion--

13 CHAIRPERSON KOSLOWITZ:

14 [interposing] Can you please wrap it up?

15 MS. ZANER: Okay.

16 CHAIRPERSON KOSLOWITZ: You can
17 finish your sentence.

18 MS. ZANER: Okay. I'm finishing
19 now. I'm finishing. The potential cost could
20 easily be reviewed. We believe the timeframe
21 could indeed be shortened so that buses come in
22 compliance within a year, not within a decade.
23 Thank you very much.

24 CHAIRPERSON KOSLOWITZ: Thank you.
25 And I'm sorry for this noise that we're hearing

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but I understand it's the vents.

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[Off mic]

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CHAIRPERSON KOSLOWITZ: Yeah, it's
the vents. I'm sorry. Okay, next.

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MS. ZANER: Madam Chair, may I ask
one question?

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CHAIRPERSON KOSLOWITZ: Go ahead.

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MS. ZANER: My concern is how, if
this is in effect, how will it be regulated
considering that the Department of Environmental
Protection has its own noise code? How will the
two get together to regulate the effect of the
bill?

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CHAIRPERSON KOSLOWITZ: Okay.

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Along with DEP that enforces it, so will DCA.

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ELLEN PETERSON LEWIS: Good
morning. My name is Ellen Peterson Lewis. I am a
public member of Community Board 2, Environment,
Public Health and Safety Committee and also a
member of Our Streets, Our Lives. But I am
speaking for myself at this time.

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The tour bus industry is a vital
economic engine for New York City. I support the
amending of the code but feel that 2022 is too

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1
2 long of a time for all double decker buses and
3 duck boats to be in compliance. I support all
4 tour bus double decker buses and duck boats to be
5 in compliance by the year 2012. The industry has
6 knowingly flouted local law 113 since amended in
7 2005. Specifically, sub chapter 6 of the noise
8 code Section 24-234 and 24-244, regarding sound
9 reproductions from open top double decker buses
10 and duck boats.

11 The New York City tour industry
12 makes millions of dollars from revenue, from
13 ticket sales and from advertising on their buses.
14 Greyline Tour Company has 110 red double decker
15 buses that are covered with ads. City Sights, a
16 sister company of Gremlins, according to their web
17 site has 60 double decker buses. They are also
18 covered with advertising.

19 And also the tour guides are union
20 members that are paid \$17.70 an hour. Non union
21 guides are paid a lower rate. All guides rely on
22 tips from the tourists. The fleet of 60 of City
23 Sights double decker buses according to their New
24 York State registration stickers are refurbished
25 buses from 1994, 1996 and 2006. These are old

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2 buses that are running.

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The industry flouted local law 41 as amended in 2005 concerning the use of emission control technology on sightseeing buses. Greyline complied in 2008 only because of pressure from citizen's groups who worked on the law and elected officials; a three year gap.

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I took a ride on four of the City Sight buses roughly about 10 days ago. On two of the buses the roar of the engine from these old refurbished buses and the old sound system that kept breaking up made for a very exasperating experience. Not only for myself but for the other tourists on the bus as well as the tour guide who relies on tips.

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In fact, one of the guides told all of us to complain to management as all of his complaints went nowhere. A head phone limited sound reproduction system would enhance the tourist experience by a very knowledgeable tour guides. I support the amending of the code but feel that 2022 is too long of a time for all double decker buses and duck boats to be in compliance.

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2 I ask that the Committee, consider
3 implementing a 2012 compliance time for the ten
4 reasons as stated. Thank you.

5 MAUREEN REMACKLE: Good morning.
6 Thank you Chairperson Koslowitz, Council Member
7 Brewer and Committee members for hearing our
8 testimony. My name is Maureen Remackle and I'm a
9 New York City resident. I'm here today to speak
10 in support of the pre-considered motion.

11 I want to thank the City Council
12 for recognizing that there is a problem with the
13 current sound transmission system used on open
14 tour buses and for proposing this bill to provide
15 relief. However, the 12 year time period proposed
16 seems extreme as this is a constant problem from
17 which we have been asking relief for a number of
18 years. No one should have to tolerate unnecessary
19 noise when there is an obvious solution.

20 Considering the speed at which
21 taxis were mandated to make major changes
22 installing GPS and credit card readers, plus the
23 fact that our President and Congress are changing
24 the health care for all Americans within four
25 years. It is hard to understand why this bill has

1
2 an implementation period of 12 years. The tour
3 bus companies make their money using city streets,
4 which are already over populated with traffic and
5 noise. Why are the residents of New York expected
6 to pay the price for listening to these tours for
7 12 more years when we have already suffered many
8 years?

9 Surely if economics are an issue,
10 the bus company can charge for headsets just as
11 the airlines do for the comfort of the passengers
12 not watching the movie. Plus, a headset system
13 can permit simultaneous translation, enabling the
14 tour buses to have mixed language groups on one
15 bus, therefore cutting the number of buses on our
16 streets and the cost to the bus companies.

17 We will still be subject to the
18 additional pollution and congestion caused by the
19 tour buses even after this law is implemented. If
20 they can not be considerate enough to eliminate
21 the noise of the commentary, perhaps we should
22 look into eliminating open tour buses, altogether.
23 I prepared for two minutes so I'm going to add my
24 extra minute here.

25 At the rate of two buses per hour,

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2 which is not the rate on the weekends frequently
3 there are 12 buses per hour. But at the rate of
4 two buses per hour, for 12 years, 365 days a year,
5 I will hear the tour at my particular spot 87,600
6 times. At the rate of 12 buses per hour, if the
7 buses are not changed for 12 years I will hear it
8 over a half a million times. There is no reason
9 why I should be subjected to that.

10 Plus, one other thought I had
11 sitting here, the plug in headsets would actually
12 make the ride safer for the people on the bus
13 because they'd be less likely to get out of their
14 seats if they were plugged in to something. Thank
15 you for listening to my testimony.

16 MS. ZANER: I have testimony here
17 from Frieda Bradlow, another member of the
18 Environment Public Safety and Health Committee of
19 CB2. She was not able to be here. She is also
20 another noise expert.

21 CHAIRPERSON KOSLOWITZ: Okay, you
22 can submit the testimony. Thank you. Thank you
23 very much. The next panel, Lucy Wilner, Lois
24 Radcoff, Judy Magida, and Milton Polski.

25 [pause]

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CHAIRPERSON KOSLOWITZ: Okay, you
can start.

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LUCY WILNER: Good morning. My
name is Lucy Wilner. I'm a Brooklyn resident and
I represent the Fulton Ferry Landing Association.
Our neighborhood is a prime destination for tour
buses. In nice weather we can count as many as 15
tour buses lined up on Furman Street. When one
leaves; another pulls up in a steady stream.
Buses here usually park illegally and no standing
zones rather than in designated areas. All the
while idling and using their public address
systems.

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When there is overflow they back up
on to Old Fulton Street, illegally discharging
passengers in the median strip. They often block
the intersection of Furman and Fulton and they
park on both the right and left sides of Furman
Street, which has in normal times when it's not
disrupted by the water main work, three lanes.

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Often you can look out your window,
you can see buses on both sides parked illegally.
And one in the middle trying to thrust it's way
through that doesn't have room to stop. Although

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2 residents have frequently called 311 and/or the
3 local precinct about these violations, enforcement
4 has been non-existent. I don't know of a single
5 instance in which action has been taken on a
6 resident's complaint or a tour bus operator has
7 been ticketed.

8 It would be difficult to exaggerate
9 the degradation to the quality of life experienced
10 by the residents of the Fulton Ferry neighborhood
11 has a result of the constant noise of these tour
12 buses. The noise and fumes start early in the
13 afternoon and are persistent until after 11:00pm.
14 The noise created by the public address systems is
15 such that I can not open my windows for the entire
16 time. I am forced to run my air conditioner to
17 get fresh air, even when the weather is not
18 particularly hot. My air conditioner is noisy but
19 it is quieter than the tour bus public address
20 systems. This is a waste of my money and of all
21 of our energy in a city that would like to be
22 green.

23 Tour bus numbers have increased
24 citywide in recent years. Furthermore with the
25 opening of Brooklyn Bridge Park, Brooklyn's

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2 waterfront areas will become even more of a
3 tourist destination so we can expect the tour bus
4 traffic to increase and the noise problem to get
5 worse.

6 Fulton Ferry Landing Association
7 supports the proposed legislation. However, we
8 believe the legislation as written needs major
9 revision to the amount of time allowed for the
10 phase in period. Our problem is urgent and we
11 need amelioration to begin as soon as possible.
12 Fulton Ferry Landing Association believes that bus
13 conversions should take place in a year or two or
14 three but that a decade is too long. We support a
15 phase in over the next few years as licenses are
16 renewed. Thank you for considering this
17 legislation and for the opportunity to testify.

18 LOIS RACOFF: Good morning. I'm
19 Lois Racoff. I am the former resident chairperson
20 for the Bleecker Area Merchant Resident
21 Association. I'm also a Community Board 2 full
22 board member. And right now I am speaking for
23 BAMRA, which is the Bleecker Area Merchant and
24 Resident Association.

25 The Bleecker Area Merchant and

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2 Resident Association at its meeting on April 7,
3 2010 voted unanimously to support the proposed
4 document regarding the sound system on sightseeing
5 buses with one exception. A change is strongly
6 recommended to the compliance date. Be it
7 resolved, the Bleecker Area Merchant and Resident
8 Association supports the proposed local law number
9 T200586, but with an amended compliance date of
10 April 1, 2012 from April 1, 2022 for all buses,
11 regardless of when licensed.

12 We agree that do delay the change
13 in the method of operation prolongs a negative
14 effects on our quality of life. The BAMRA area is
15 the one of the most tourist venues in New York
16 City. We are in the heart of Greenwich Village.
17 On a given summer day, one can count on a tour bus
18 coming through our streets every four to five
19 minutes, polluting our environment, fumes and
20 noise alike.

21 Since I have some time I'd like to
22 speak as a resident of the Bleecker area. I live
23 right off Bleecker Street and sometimes as a
24 community board member and as a former teacher we
25 speak for people that can not speak for

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2 themselves. Most people think that Bleecker area
3 and Bleecker Street are a party area and/or a star
4 place. Well we have elderly who live in low rise,
5 low income housing, students, families with
6 children and babies. We have actually musicians
7 and night life business people that work at night
8 and sleep during the day as well.

9 During warm weather, windows of low
10 rise apartments with many not having air
11 conditioning hear the sounds of the noise and the
12 dictation of the guides. I agree about the guides
13 being in danger going up and down, up and down,
14 they should have two guides; one to assist and one
15 to give out the headsets.

16 I encourage the Council to amend
17 the bill to 2012. I'd like to conclude that the
18 noise coming from the loud--and you hear this now,
19 this is what we hear in our neighborhood and you
20 don't even have to be on Bleecker Street. You can
21 hear it probably from West Third--

22 CHAIRPERSON KOSLOWITZ:

23 [interposing] You're going to have to sum up.

24 MS. RACOFF: It's exploitation,
25 it's an invasion on our neighborhood and plus

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2 everyone, even a ten year old, knows how to plug
3 in a headset. Thank you.

4 JUDY MAGIDA: My name is Judy
5 Magida and I live at Washington Square Village. I
6 just want to thank the Committee for the
7 opportunity to speak in favor of the bus
8 legislation before you regarding equipping the
9 tour buses who travel through our neighborhood and
10 throughout the city with the state of the art
11 headset devices.

12 These headset devices would add
13 comfort to the passengers and enhance our
14 tranquility in the neighborhoods that they pass
15 through. I'm in favor of this bill, however, I
16 believe the date for implementation of 2022 is far
17 too far in the future and hope you will reconsider
18 the date and bring it to 2012. So it be included
19 in buses, new ones as they come on and retrofit
20 the present ones that you have.

21 Museums, airlines and theatres have
22 used headsets for many years and they're still all
23 doing very well in business and I don't believe
24 the tour bus operation is going to do any less
25 well than they do. Thank you.

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2 MILTON POLSKI: Good morning,
3 still. My name is Milton Polski. I'm a resident
4 of Washington Square Village and I have a poem
5 which has the virtue at least of being short.

6 The time is now. I come to plead
7 not to scoff and strive for your attention. My
8 plain, blunt plea is noises off to end this
9 blaring tension. Don't make us wait 12 nerve
10 racked years of decibel contamination, so please
11 City Council, allay our fears. The time is now to
12 pass those regulations. And I'll settle for 2012,
13 which does not rhyme but still.

14 CHAIRPERSON KOSLOWITZ: Thank you.
15 That was very nice. Thank you very much. Corma
16 Flynn, Doreen Gallo, Barbara Duvani, and Jerry
17 Marlow.

18 [pause]

19 CHAIRPERSON KOSLOWITZ: Okay. Are
20 you all here? Who is that?

21 [off mic]

22 CHAIRPERSON KOSLOWITZ: Okay, then
23 let's call Laurie Moody. We meet again.

24 DOREEN GALLO: My name is Doreen
25 Gallo. I'm the Executive Director of the DUMBO

1
2 Neighborhood Alliance in Brooklyn. The DUMBO
3 Neighborhood Alliance supports the proposed
4 legislation in regard to noise amplification on
5 sightseeing tour buses but respectfully disagrees
6 with the timetable for compliance. New licenses
7 should not be issued to any sightseeing bus that
8 is not equipped with a headphone limited sound
9 reproduction system.

10 In addition, the April 1, 2022 date
11 for compliance is completely unreasonable and not
12 acceptable to the communities plagued by the tour
13 bus industry. The Fulton Ferry Landing
14 Neighborhood has been under duress for many years
15 by the piling up of the tour buses. The public
16 benefit of open space along the waterfront has
17 been extremely compromised for both residents and
18 visitors. The competitive sound amplification in
19 addition to the bombardment of buses has been
20 intolerable for a very long time. The proposed
21 amendment is far too little with provisions set in
22 the far distant future to offer any benefit.

23 This fall, tour buses began parking
24 in the DUMBO neighborhood which is situated next
25 to Fulton Ferry Landing, as a site destination.

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2 While the DUMBO Neighborhood Alliance supports,
3 welcomes and benefits from the tourist industry
4 there has to be more careful consideration for
5 what has become the degradation of the quality of
6 life in the very neighborhoods the tour bus
7 industry is visiting and profiting from.

8 Please consider revising the
9 amendment to reflect stronger measures in regard
10 to the noise amplification, effective immediately
11 to reflect the local law 113, an amendment to the
12 administrative code of the City of New York in
13 relation to the noise control code that bus
14 amplification is legal. See sub chapter 6,
15 section 24-244. Although this law went into
16 effect in 2005 we have yet to see enforcement,
17 therefore the current proposal seems out of date.
18 Thank you for your kind consideration.

19 LAURIE MOODY: I'm Laurie Moody and
20 I'm the secretary of the West Eighth Street Block
21 Association and I live at 2 Fifth Avenue. My
22 tenth floor apartment overlooks West Eighth
23 Street, which is a very popular route. In nice
24 weather I have at least 10 buses an hour going by
25 and I know the tour very, very well as other

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people have testified.

I'm delighted that this city has tourists and our block association is very much in favor of the tourism industry and we do not object to the buses, per se. But it's the noise that emanates from the buses. As the proposed law is written, current buses, currently licensed buses can continue to amplify sound as they move through the city until 2022. In essence it's not a law, it's a license to open tour buses to make unreasonable noise that is prohibited by the 2005 noise code, local law 113.

In addition, who knows what sort of technology will be around in 2022. This proposed law requires headphones which may very well be obsolete by that time. As written the proposed law neither limits the unreasonable noise tour buses now make nor encourages the tour bus business to develop alternative ways to eliminate the noise.

Please reconsider this law and provide relief to the residents now. Otherwise, enforcing the existing noise code would encourage tour companies to develop appropriate systems that

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2 can eliminate this clearly unreasonable noise.

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BARBARA DUVANI: Hello. My name is Barbara Duvani, president of the LaGuardia Place Block Association. I live on the second floor on Bleecker Street so you can imagine what I hear.

I'm for the proposal but I think it is totally wrong to allow bus companies 12 long years to comply with the non application ruling. Even the Building Department gives landlords just a year when a new law is passed. As an officer in a co-op I am well aware of that. To have to put up with LaGuardia's birthplace that's around the corner. If you turn left you'll see Washington Square Park. Over and over again blasting in my apartment it's impossible. And to have to put up with that for another 12 years is, I think, unfair to all the neighborhoods in New York City. Thank you.

JERRY MARLOW: Good morning. I'm Jerry Marlow. I've been a resident of Bleecker Street for 37 years. During Alan Gerson's tenure I was a member of the Washington Square Quality of Life Task Force.

A number of people of here have

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2 spoken of noise as a nuisance. Noise is not a
3 nuisance. Noise is violence. Electrically
4 powered amplification systems hyper energize air
5 molecules that attack our nervous systems,
6 according to the noise effects handbook it does
7 reference to health and welfare effects of noise
8 by the Office of the Scientific Assistant, Office
9 of Noise Abatement and Control, U.S. Environmental
10 Protection, I quote, "Loud sounds can cause an
11 arousal response in which a series of reactions
12 occur in the body. Adrenaline is released into
13 the blood stream. Heart rate, blood pressure and
14 respiration tend to increase. Gastrointestinal
15 motility is inhibited. Peripheral blood vessels
16 constrict and muscles tense."

17 Noise is generally viewed as being
18 one of a number of general biological stressors.
19 It is felt that excessive exposure to noise might
20 be considered a health risk and that noise may
21 contribute to the development and aggravation of
22 stress related conditions such as high blood
23 pressure, coronary disease, ulcers, colitis and
24 migraine headaches. Growing evidence suggests a
25 link between noise and cardiovascular problems.

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2 There is also evidence suggesting that noise may
3 be related to birth defects and low birth weight
4 babies.

5 Those of us who live in the Village
6 are under assault by the tour bus companies. This
7 is premeditated assault. We ask the City Council
8 to provide us relief from this pre-meditated
9 assault. Many residents object to being victims,
10 we object to being considered acceptable
11 collateral damage to the profiteering of the tour
12 bus companies. We object to being considered
13 expendable.

14 Though I know that as citizens our
15 first duty is to look to the City Council for
16 relief but I think residents who want to protect
17 themselves against assault need to look beyond
18 what we can do if the City Council does not
19 provide us with that relief. I think we can take
20 a number of actions to generate public support for
21 some measures. I would suggest we introduce a
22 Lift a Finger to Save the Village campaign and I
23 mean our middle fingers every time a tour bus goes
24 by.

25 While we're being assaulted through

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2 our ears I think we can think about assaulting the
3 tour buses through their noses with some
4 appropriate substances.

5 CHAIRPERSON KOSLOWITZ: Okay, thank
6 you. Thank you very much. All right, our last
7 group is Andrew Cedar, Marcos Jesus, and this one,
8 it's B-E-R, it looks like T, Berthet? You may
9 begin.

10 ANDREW CEDAR: My name is Andrew
11 Cedar. I'm here on behalf of the Transport
12 Workers Union, Local 225. We represent the tour
13 guides and ticket sellers of Greyline New York
14 Sightseeing. We have some concerns with the bill
15 as presented. We're not convinced that this bill
16 is actually addressing a real problem. While we
17 have heard some community groups claim this as an
18 issue, no one has ever furnished even a single
19 Environmental Impact Study to back their claim.

20 These groups seem to have as their
21 total elimination of tour buses from all they
22 survey, with no thought as to the consequences.
23 The sound argument seems but a legislative angle
24 to advance toward that goal. Greyline was
25 harassed by these groups off of Bleecker Street

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2 well over a year ago yet they continue to file
3 complaints against us as if we were still there.
4 I would hope that the Council would check that the
5 proposed systems are based on an objective problem
6 and not a mere perception.

7 We're more deeply concerned with
8 unwanted consequences of this legislation. It's a
9 fact that Greyline tested GPS control recorded
10 tours in 2001. Only action by New York
11 legislators stopped them. Greyline also
12 successfully lobbied to block a proposed bill that
13 would guarantee that tour buses must utilize a
14 live licensed guide, copies of that language are
15 enclosed with my statement.

16 Certainly Greyline would use the
17 cost of implementation as an excuse to jettison
18 their guide core. It's long been a dream of
19 theirs and a style used many European countries as
20 well as in Scotland, the country that is home to
21 Stage Coach PLC, the multinational corporation
22 that owns Greyline New York Sightseeing. The
23 systems proposed by the legislation would make
24 this transition much easier, effectively forcing
25 Greyline to make the investment anyway.

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2 Last year Greyline joined with its
3 only competitor, City Sights, in a joint venture
4 that gives them an effective monopoly so there's
5 no competition stopping them from degrading their
6 tours. And we'll all be certain that tour quality
7 is not the highest priority for a multinational.

8 The city has both the right and the
9 duty to impose standards on its tourist industry.
10 The licensing laws first established under
11 LaGuardia were intended to bring legitimacy to an
12 industry that had declined in to hustling and
13 hucksterism. But I'm not sure that these headsets
14 would actually improve the quality of tours. More
15 mechanicals means more opportunity for breakdowns.
16 The industry has not always been diligent in
17 repairing their equipment. Even now, PA systems
18 work poorly, microphones break, buses are not
19 clean, AC breaks down on hot days and heating
20 systems do not work on cold, windows on
21 sightseeing buses are covered with ads. The DCA
22 already has the authority to oversee these issues
23 but does not.

24 There's a simple DCA rule, also
25 included in my statement, stating that all tour

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2 buses must have a sign posted telling a customer
3 how to contact the DCA. I have never in my entire
4 career seen such a sign and I'm in my 12th year as
5 a guide. But perhaps the Council sees this bill
6 as something that can be done. It does have a
7 long phase in and certainly the companies can
8 afford it. But remember please that we can only
9 live with this change if we can continue to make a
10 living.

11 TW225 insists that any such bill
12 include language guaranteeing that a live licensed
13 guide be a part of any bus tour. I was pretty
14 close to the buzzer.

15 MARCOS DE JESUS: Thank you. My
16 name is Marcos de Jesus. I'm a resident of the
17 Bronx and I'm a member of the Guides Association
18 of New York City. But right now I'd like to
19 mainly speak as a member of TW Local 225. The
20 most important thing from our union's perspective
21 and from my perspective which hasn't really
22 received that much discussion today is that
23 without a guarantee that sightseeing tours in New
24 York City be staffed by a life, licensed New York
25 City tour guide, it's quite likely, it's almost

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2 inevitable that the multinational companies that
3 run the sightseeing here would eliminate our jobs.

4 We are a unionized, living wage
5 workforce. We very much appreciate Council person
6 Brewer's promise that she would support such an
7 amendment but we need to see it. Without that,
8 this is a job killer, inevitably I believe. That,
9 I believe, is the main point.

10 The question of noise probably more
11 of the noise comes from engines than comes from
12 the tour guides. But I believe 225's position,
13 TW225's position is that we're willing to support
14 this as a good faith measure to show that we want
15 to be good neighbors. But the job protection is
16 really essential. As Andy mentioned, we would
17 welcome more DCA stewardship of this industry.
18 It's a very hard job to do for the tour guides
19 being out there in the elements and the companies
20 have very poor records of customer service.

21 The gentleman, earlier somebody
22 mentioned riding the buses and mentioned that the
23 tour guide encouraged the passengers to complain
24 to management. That guide was risking his job.
25 He could be fired for that. We can't tell people

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2 to complain to management. We can't acknowledge,
3 according to contract, we can't acknowledge
4 anything negative that the company is doing. We
5 just listen to complaints and we're supposed to
6 grin and bear it.

7 A sign advertising 311, to go to
8 311 with any complaints and a guarantee that those
9 complaints would be heard would be very helpful
10 and we'd like to see that included in this
11 legislation or more enforcement of that included
12 in this legislation also.

13 The last thing I just wanted to say
14 is that even though we're supporting this as a
15 good faith measure, and I will wrap up with this.
16 There is a great New York tradition of hating
17 tourists, all right? We all know that. That
18 hasn't been acknowledged. Everybody knows about
19 this, right? And I think that most of the
20 comments presented, everyone's comments were
21 reasonable for the most part today. We appreciate
22 all the support for the tourism industry--

23 CHAIRPERSON KOSLOWITZ:

24 [interposing] All right, you really have to wrap
25 up.

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2 MR. JESUS: Pardon. But when the
3 gentleman mentioned flipping off tour guides and
4 tourists, that indicated that there might be
5 something dark behind this and we would like to
6 see that held at bay. Thank you.

7 CHAIRPERSON KOSLOWITZ: Next.

8 CHRISTINE VERTI: Hello. My name
9 is Christine Verti, I am the co-chair of
10 Transportation at Community Board 4 and the
11 founder of Check Peds. Today I'm appearing in my
12 own name and not any of those.

13 We are in favor of tourism and bus
14 tourists. Mostly, more important than anything,
15 guides I think are a critical part of the
16 experience of tourism in New York City and I don't
17 think that anything less than live guide would
18 deliver the value that the tourists would expect.
19 So we certainly would support that clause that
20 would require a live guide. That would be good
21 for the quality of the experience and that would
22 be good for the image of New York City and that
23 would be good for safety so all of that is good.

24 But I think we are talking about a
25 totally different issue here. We're talking about

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2 a multinational company. And as this gentleman
3 here said, a nearly monopoly who have equipped
4 their bus with an illegal appliance, which are in
5 conflict with an existing law. This is what we're
6 talking about. We're talking about corporate
7 greed. We need your help to make sure that these
8 people comply with the law.

9 Greyline boasts 150 destinations
10 worldwide, 25 million customers, 25,000 vehicles
11 and \$950 million of revenues annually. This is
12 not your mom and pop store. City Sights is now
13 part of Greyline and so this is a monopoly on the
14 sightseeing experiencing on double decker buses in
15 New York City.

16 The double decker buses use an
17 amplified sound system in the street, which is
18 clearly spelled out as illegal in the current law,
19 24-244 of the New York City code and that law is
20 from 2005. Each tour is sold at an average price
21 of \$60 per passengers. It goes from \$39 to \$99,
22 average \$60. The equipment to replace the loud
23 speakers, I called the company that does provide
24 those equipment all over the United States, it
25 costs about \$110 per seat, nothing installed in

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2 the seat but it's between per passenger and this
3 is the average cost. This is more expensive, low
4 expensive. You don't have to install it on the
5 bus. You can have something which is really per
6 passengers. This is the largest company which is
7 providing that all over the United States. It's
8 not like really rocket science.

9 \$110 per seat, assuming very
10 conservatively that each bus is used for only 100
11 tour person per year and depreciating the
12 equipment over three years they would have to
13 raise the ticket by \$0.37 to cover the cost. This
14 is nothing. The law was voted in 2005 and
15 provided for phase in.

16 In fact the buses already had a
17 five year phase in period so 12 years more would
18 be a 17 years phase in period. That is
19 ridiculous. We need to stop the illegal operation
20 of Greyline. If they had to pay per incident for
21 the penalty, it would \$260,000 a day and then more
22 importantly what will the other businesses
23 controlled by the noise level say. The bars we
24 can keep the window open--

25 CHAIRPERSON KOSLOWITZ:

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2 [interposing] You're going to have to wrap up.

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MS. VERTI: Okay. So I ask you to enforce that existing law and don't let those companies off the hook and include the guides in the law. Thank you.

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CHAIRPERSON KOSLOWITZ: Thank you. Thank you everyone for your patience and thank you. This meeting's adjourned.

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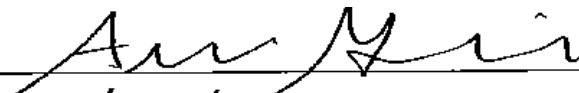
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C E R T I F I C A T E

I, Amber Gibson, 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

A handwritten signature in cursive script, appearing to read "Amber Gibson", written over a horizontal line.

Date April 27, 2010