



Legislation Details (With Text)

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Int. No. 812

By Council Members Freed, Leffler, Marshall, Miller, DiBrienza and Carrion.

A Local Law to amend the administrative code of the city of New York, in relation to requiring sight-seeing buses to operate on alternative fuel.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Findings and Intent. The Council finds that the City of New York’s landmark Alternative Fuel Law, enacted by the Council as Local Law No. 6 of 1991 (“Local Law 6”), is a clear demonstration of the Council’s commitment to encouraging city-owned and operated vehicles and vehicles driven in New York City to reduce air pollution. Since the enactment of Local Law 6, the Council has aggressively encouraged various City agencies to purchase more alternative fuel vehicles and to try and create a market for the purchase and use of alternative fuel vehicles. At a time when environmental concerns are becoming paramount in society, the Council believes it is incumbent to do whatever possible to promote cleaner air and reduce pollution.

With a growing tourism industry, New York City is inundated with sight-seeing buses exploring the City with visitors from all over the world. According to a survey released by NYC & Company, formerly the City’s Convention and Visitors Bureau, 36.7 million international and domestic travelers came to New York City last year - an increase of 11 percent over 1998. Since 1995,

visitors to the City have increased by more than 28 percent. According to NYC & Company, New York City remains the most popular United States destination for overseas travelers, surpassing Las Vegas as the country's number two domestic tourist destination, second only to Orlando, Florida.

There are twenty-three sight-seeing bus companies currently licensed to operate in New York City and with the expansion of tourism, it is reasonable to expect more sight-seeing buses will be placed in use and the current fleets will make more trips.

Many, if not most, of the sight-seeing buses are older double-decker buses that do not meet current federal standards for air emissions. These older sight-seeing buses have had a detrimental effect on the New York City environment and there has been criticism over the years of these sight-seeing buses due to their exhaust emissions. According to a May 25, 2000 Daily News article, New York Apple Tours, one of the largest sight-seeing bus companies in the City, operates 65 diesel buses which emit an average 17.7 grams of diesel particulate matter per mile. This vastly exceeds the federal emissions guidelines of 0.7 grams of particulate per mile for new vehicles. Local Law 6 requires that when a person who operates a fleet of buses purchases buses or places buses in operation for the first time, 20% of those buses must operate using an alternative fuel. However, to the extent that buses currently in service are used for more trips, rather than new buses being added to fleets, the provisions of Local Law 6 are not applicable and the City's policy of encouraging the use of alternative fuels is not advanced. Accordingly, the Council believes that requiring a retrofitting program of these older sight-seeing buses is a critical element of the City's efforts to improve air quality.

§2. The preface to subdivision a of section 24-163.1 of this subchapter is amended to read as follows:

a. Definitions. When used in this section and/or in [section] sections 24-163.2 and 24-163.3, of this code:

§3. Subdivision a of section 24-163.1 of this subchapter is amended by adding thereto a new paragraph nine to read as follows:

9. "Sight-seeing bus" shall mean a motor vehicle, licensed by the city, designed to comfortably seat and carry eight or more passengers operating for hire from a fixed point in the city of New York to a place or places of interest or amusements, and shall also include a vehicle, designed as aforesaid which by oral or written contract is let and hired or otherwise engaged for its exclusive use for a specific or special trip or excursion from a starting point within the city of New York.

§4. Subchapter seven of chapter one of title twenty-four of the administrative code of the city of New York, is amended by adding a new section 24-163.3 to read as follows:

§24-163.3 Alternative fuel sight-seeing buses. a. When any person who owns or operates a fleet of sight-seeing buses, as defined in paragraph nine of section 24-163.1 of this subchapter, purchases buses for such fleets or places any bus in operation for the first time such person shall purchase or place in operation buses that operate exclusively on an alternative fuel in at least the following percentages: during the period ending June 30, 2001, ten percent of the buses purchased or newly operated in the city; during the

twelve-month period ending June 30, 2002, fifteen percent of the buses purchased or newly operated in the city; during the twelve-month period ending June 30, 2003 and during each twelve-month period thereafter, twenty percent of the buses purchased or newly operated in the city. Owners of fleets of sight-seeing buses may modify or retrofit gasoline-fueled or diesel-fueled sight-seeing buses in order to meet the requirements of this subdivision if a sufficient quantity of acceptable new alternative fuel sight-seeing buses is not available, or if the cost of modification of a gasoline-fueled or diesel-fueled sight-seeing bus is less than the difference between the cost of a newly purchased alternative fuel sight-seeing bus and the cost of a new gasoline- fueled or diesel- fueled sight-seeing bus.

b. In addition to the requirements of subdivision a of this section, any person who owns or operates a fleet of sight-seeing buses shall modify such sight-seeing buses so that by June 30, 2001, at least twenty percent of such sight-seeing buses are operated exclusively on an alternative fuel and during each twelve-month period thereafter, at least an additional twenty percent of such fleet shall be modified so that by June 30, 2005, every sight-seeing bus in such fleet shall be operated exclusively on an alternative fuel.

§5. The schedule of civil penalties set forth in section 24-178 of this chapter is amended by adding thereto after the line that begins “24-163.2” and prior to the line that begins “24-164” a new line to read as follows:

Violations related to section, subdivision and paragraph	Civil Penalties	
	Maximum	Minimum
<u>24-163.3</u>	<u>10,000</u>	<u>2,500</u>

§6. This local law shall take effect immediately upon its enactment into law.

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