



Legislation Text

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Int. No. 723-A

By the Speaker (Council Member Johnson) and Council Members Menchaca, Koslowitz, Chin, Yeger and Levin

A Local Law to amend the administrative code of the city of New York, in relation to requiring sight-seeing bus operators to submit operating plans to the department of transportation

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of Chapter 1 of Title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.6, to read as follows:

§ 19-175.6 On-street bus stops for sight-seeing buses. a. The commissioner shall provide written authorization for on-street bus stops for sight-seeing bus companies pursuant to subdivision d of section 20-374 of this code on the basis of the following criteria: (i) traffic, bicycle and pedestrian flow, and public safety; (ii) preferences of the sight-seeing bus permit applicant; (iii) consultation with the local community board for the district encompassing the location to be authorized, including but not limited to a notice and comment period of 45 days prior to the authorization or permanent amendment thereto; (iv) the number of stops proposed and the viability of a proposed bus stop schedule as determined by the commissioner; (v) the availability and location of planned garage or other parking space for periods when buses picking up or discharging passengers at the authorized stops are not in use; and (vi) any other criteria deemed appropriate by the commissioner. The commissioner shall approve or deny such authorizations no later than 180 days from the date of the application.

b. When authorizing one or more on-street bus stops for sight-seeing buses, the commissioner shall specify the conditions on which such authorization is based. Any violation of such conditions shall be grounds

for revocation of such bus stop authorization. The commissioner shall notify the commissioner of consumer affairs of any such revocations as soon as practicable.

c. As a condition for authorizing one or more on-street bus stops for sightseeing buses, the commissioner may require an owner of a sight-seeing bus company to collect and transmit to the commissioner bus location data in the form and frequency determined by the commissioner, including real time electronic location tracking data. Such data may be used by the commissioner in determining whether on-street bus stop authorizations should be granted, renewed or revoked.

d. The commissioner shall by rule establish criteria under which sight-seeing bus companies that possess on-street bus stop authorizations prior to the effective date of this section may be issued an authorization to use such bus stops for a period of up to three years from the effective date of this section.

§2. Section 20-374 of the administrative code of the city of New York is amended by adding a new subdivision d, to read as follows:

d. An owner of a sight-seeing bus company applying for or renewing a license issued pursuant to subdivision a of this section shall first obtain written authorization from the commissioner of transportation for all designated on-street bus stops for the pickup and discharge of passengers in order to be eligible for the issuance or renewal of such license. Sight-seeing bus owners shall, in the event that a written authorization required by this subdivision is modified or revoked by the commissioner of transportation, notify the commissioner within five days of receiving notice of such modification or revocation.

e. An owner of a sight-seeing bus company that does not have a written authorization from the commissioner of transportation because such sight-seeing bus company does not require on-street bus stops for its operations, shall provide the department with information on whether (i) such sight-seeing bus company engages in the pickup or discharge of passengers at various locations in the city, and if so, then (ii) such owner

of a sight-seeing bus company shall provide to the department a list of all such passenger pick up and discharge locations.

§3. Subdivision a of section 20-383 of the administrative code of the city of New York, as amended by local law number 41 for the year 2005, is amended to read as follows:

a. After notice and opportunity to be heard, the commissioner may suspend or revoke any sight-seeing bus license where the holder has failed to comply with any provisions of this subchapter or of the rules promulgated thereunder, or with any other laws or rules governing sight-seeing buses, or which sight-seeing bus is otherwise found to be unfit for operation. Such suspension shall remain in effect until compliance and fitness have been established by the licensee and accepted by the department. Grounds for suspension or revocation shall include, but not be limited to, revocation of one or more bus stop authorizations by the commissioner of transportation pursuant to section 19-175.6 of this code, three or more violations of paragraph 2 of subdivision e of section 20-374 of this subchapter within a two year period, installation of an engine which does not meet the requirements of subdivision b of section 20-376 of this subchapter, being found to have violated the requirements for diesel fuel-powered sight-seeing buses contained in section 24-163.6 of the administrative code, failure to submit a bus for inspection, installation of an engine not covered by a certificate of conformity in a vehicle which was originally manufactured with such an engine and installation of an engine of any model year preceding the year of manufacture in a vehicle which was originally manufactured with an engine covered by a certificate of conformity. The commissioner shall, as soon as practicable, notify the commissioner of transportation of each sight-seeing bus license that is suspended or revoked.

§4. This local law takes effect 180 days after it becomes law, except that the commissioner of transportation and the commissioner of consumer affairs shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.