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JUDICIARY

June 24, 2013

Janette Sadik-Khan
Commissioner
NYC Department of Transportation
55 Water Street, 9th Floor
New York, NY 10041

Dear Commissioner Sadik-Khan:

As the representative of New York State's 27th Senate District, which includes Chelsea, Hell's Kitchen, Midtown, and parts of the Lower East Side, I am submitting comments on the New York City Department of Transportation's (DOT) proposed regulations relating to the Intercity Bus Permit System.

As you know, my predecessor, former Senator Thomas K. Duane, was a strong advocate for more stringent regulation of inter-city buses and was integral in getting the State Legislature to adopt Vehicle and Traffic Law § 1642-a, which grants New York City the authority to regulate the fast-growing bus industry. Like my predecessor, I am deeply concerned about the issue, as the adverse effects of bus idling and sidewalk congestion continue to impact residents and business owners in the communities I represent. I appreciate the outreach that DOT conducted to seek public input on these rules and I wish to take this opportunity to echo the concerns raised by Manhattan Community Boards Three (CB3) and Four (CB4), as well as local business owners, who are disproportionately impacted by the growing number of commercial buses on city streets.

I share the concern expressed by CB4 that the provision allowing bus companies with existing designated on-street locations to be "grandfathered" for up to three years would prolong a longstanding pedestrian safety risk, as well as other adverse impacts of inappropriately sited stops. Furthermore, in Community District 4, such grandfathering would mean that Bolt Bus would continue to operate from its existing stop on the northwest corner of 34th Street and Eighth Avenue, which is slated to be converted to a Select Bus Service (SBS) station. This is one of several sites that if grandfathered would prove problematic.

As recommended by CB4, bus companies should receive a permit for a specified length of curbside marked on the ground for easy recognition and enforcement. The designated length of

curbside should be based upon the number of buses that might occupy a site during peak hours. Each designated site should have signage indicating which companies are to occupy that on-street location, as well as clearly stating the anti-idling laws and accompanying penalties.

Additionally, I share CB3's concern regarding the lack of specificity in "on-street bus stop location assignment criteria" (Section 4, Subdivision (d) (3) (iv)). Part A of the criteria refers simply to "traffic, pedestrian flow, and safety" as a measure to determine whether on-street bus stop assignments will be granted. Without a requirement for curbside management evaluations of both the individual and cumulative impacts of nearby proposed stops, I am concerned that these regulations will not effectively mitigate adverse impacts such as insufficient curb space. In reevaluating these criteria, I ask that you reference, in particular, the points CB3 makes in its testimony, including how existing designated space may have been allocated more efficiently given the volume of arrivals/departures of particular bus operators. I also recommend adoption of the following guidelines suggested by CB4 in its June 6, 2013 letter to DOT Borough Commissioner Margaret Forgione, which would significantly strengthen the criteria governing bus permit assignment:

- Stops should not be located in a marked bus lane, on residential or school streets;
- Stops should not be located in front of a sidewalk café;
- Stops should not block commercial loading or unloading zones;
- Stops should not be permitted to occupy any block where school buses congregate;
- Stops should be located in proximity of subway stations and SBS stations;
- Stops should be permitted only where the sidewalk width is at least 14 feet to allow sufficient room for passenger queuing.

Further, concerning the requirements for applicants seeking to obtain permits, I agree with CB3 that DOT should require operators to adhere to strict time schedules. In the absence of such a provision, certain bus operators will intentionally delay departure to ensure that buses are filled to capacity, as we learned from the 2009 Chinatown bus study. These delays inconvenience passengers and the sustained presence of the buses negatively impact local residents and businesses. Including such a provision in operators' contracts with the City will facilitate enforcement. I urge, too, that the following stipulations put forth by CB3 and CB4, and relating to curbside management, also be written into the contracts, unless otherwise directed by the local community board on individual sites:

- Tickets will only be sold online or at a designated ticket agency;
- Tickets will be sold only for specific boarding times and will not be oversold;
- Tickets will be sold in assigned boarding order system so that customers will not need to arrive early to jockey for positions;
- Sidewalk lines will be single file and only for the next assigned bus;
- There will be a staff person on duty for every arrival and departure to guide loading/unloading, to have direct contact to dispatch to inform passengers of delays and to engage in crowd and noise control;
- Passenger queues, delimited by stanchions, will be no longer than four feet wide, or one passenger width, along the length of the curb;

- Either end of passenger queues will maintain a distance of 100 feet from park entrances, subway entrances, storefronts, residential entrances and other bus stops;
- Signs, indicating destinations, will be placed along the length of a queue.

Finally, while DOT's inclusion of the provision (Section 4, Subdivision (d) (3) (v)) that would mandate consultation with Community Boards is a welcome step, I support CB3's position that the provision, as proposed, lacks the critical detail required to make it robust. Consistent with the Board's request, I urge DOT to conduct a technical evaluation of each permit application and provide a summary thereof to community boards before the agency solicits comments on any proposed on-street bus stop location. Having this information will enable community boards to issue informed judgments on the applications.

Thank you for your consideration of my comments.

Sincerely,



Brad Hoylman
New York State Senator
27th District

cc: Manhattan Community Board 3
Manhattan Community Board 4