



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Community Board 3, M Testimony on Proposed DOT rules relating to the Intercity Bus Permit System

June 10, 2013

CB3 reviewed and submitted comments on 8 intercity bus permit applications between November 2012 and April 2013 under a process consistent with the proposed rule amendment that is the subject of this public hearing. We are very appreciative of having been able to review applications before this hearing so that we can have informed testimony. The CB3 Transportation & Public Safety Committee submits the following comments based on our experience with the Intercity Bus Permit System.

CB3 believes there are three serious problems with the proposed permit process. Most importantly, the proposed **“on-street bus stop location assignment criteria”** are not adequate to protect traffic flow and public safety. In a related problem, meaningful **“consultation about proposed on-street bus stop locations”** has not been possible because of inadequate information that has been provided to CB3 with the DOT notification asking for our comment. In order to prevent the worst impacts surrounding on-street bus stop locations, the **“applications”** to be filed with DOT require a business model that incorporates scheduled service.

The remainder of this testimony will detail these three problems with explicit examples from the eight intercity bus operators that have already applied for an on-street bus stop location within the CB3 district.

First, the **“on-street bus stop location assignment criteria”** in the proposed rule amendment is very brief and neglects many negative impacts that DOT should be carefully considering. Section 4, Subdivision (d) (3) (iv) reads:

On-street bus stop location assignment criteria. On-street bus stop assignments will be made based on the following criteria:

- (A) Traffic, pedestrian flow, and safety.*
- (B) Preferences of the Intercity Bus Permit applicant.*
- (C) Location of planned garage or other parking location during periods when the bus is not being used to pick up or discharge passengers.*

In particular, criteria (A) is insufficient. Presumably, it has the narrow meaning that DOT intends to evaluate and prevent oversaturating one area with too many bus stop locations, in order to prevent dangerous street overcrowding and curbside congestion.

That is insufficient to protect traffic flow and public safety. DOT should incorporate some curbside management evaluation of both the individual and cumulative impacts of nearby proposed stops. Curb space must be allocated and used efficiently, especially in areas such as the Lower East Side/Chinatown. The “Chinatown Bus Study” published by NYC DCP in October 2009 states this succinctly, “In New York City curb space is extremely limited and there are not enough spaces for each company to obtain a permit.”

Instead, DOT has proposed a dedicated 40-foot stretch of curb space for the private use of each of the eight intercity bus operators that have already applied for an on-street bus stop location within the CB3

district:

- Some of these intercity bus stops would be used by as few as 4-5 arrivals and 4-5 departures per day (Virginia Seagull Travel at 59 Canal Street, No. 1 Bus Tour at 18 Allen Street, and General Bus at 47 Chrystie). This is not enough usage to warrant dedicated curbside space.
- Some of these intercity bus stops are adjacent to each other or nearly so, but it seems these could have been shared stops, given the relatively low combined numbers of arrivals and departures. For example, DOT has proposed:
 - Adjacent stops at 18 Allen St for two operators (No 1 Bus Tour and Eastern Coach). Each operator would be allowed to have one bus at a time, but combined they had only proposed 20 arrivals and 20 departures per day.
 - Two very close stops along a 150-foot stretch of the short block of Chrystie St between Canal St and Hester St (Lucky River at 55 Chrystie, and General Bus at 47 Chrystie). Combined, these two operators were only proposing 25 arrivals and 25 departures per day.
- Some of these intercity bus stops have replaced (or would replace) existing truck loading zones that are heavily used by other businesses on the block:
 - The short block of Chrystie St between Canal St and Hester St formerly had two truck loading zones, both of which had been shared for many years by a variety of businesses, including but not limited to the intercity bus operators. DOT proposed eliminating the truck loading zones by converting the curb space into separate dedicated intercity bus stops for the two intercity bus operators (Lucky River at 55 Chrystie, and General Bus at 47 Chrystie). Evicting existing business from these loading zones removes any possible legal use of curb space for loading and unloading for businesses currently using this space, including a garment factory (Sun Da Apparel on the 2nd floor of 47-53 Chrystie St), a nail supply business (Hollywood Nail Supplies at 51 Chrystie St), and a restaurant supply business (An Qing Corp at 53 Chrystie St).
 - It is necessary for some intercity bus operators to share on-street bus stop locations with each other and/or with other truck loading/unloading operations.

Second, the “**consultation about proposed on-street bus stop locations**” between DOT and the Community Boards requires more information than currently provided. The text in the proposed rule amendment is very short on detail, too. The relevant text of Section 4, Subdivision (d) (3) (v) reads:

Consultation about proposed on-street bus stop locations.

(A) The Department will notify the local community board for the district encompassing the location of a proposed on-street bus stop at least forty-five calendar days prior to the issuance of an Intercity Bus Permit or the relocation of an assigned on-street bus location, in order to provide the community board the opportunity to comment on the proposed on-street bus stop location.

Community Boards needs a summary of the DOT technical evaluation of each application, not the currently provided minimal facts about the application we have received for each of the eight intercity bus operators that have already applied for an on-street bus stop location. DOT listed the bus operator and the cities served, the hours of operation and the number of pickups and drop-offs, the proposed bus stop

location and its current curbside regulation, and the fact that the stop would be approved for only one bus at a time.

The DOT presentation to CB3 should provide an overview of their technical evaluation for each application, since meaningful consultation and the ability to make recommendations requires an understanding the rationale of the DOT decision. CBs need the following to adequately review and provide a recommendation:

- A copy of the original application from the bus operator. This application should be provided as an electronic copy suitable for posting with the committee agenda on the CB3 website for review by the committee and public.
- The pros and cons of the alternative locations that had been requested. In some cases, such as when an important truck loading zone should not be eliminated, CB3 wants to be able to recommend selection of an alternate location.
- The technical evaluation of all routes that would be used by the buses. DOT has stated that these routes aren't being evaluated, but the cumulative impact of all such routes will be important, especially anticipated traffic conditions during the peak hours, as those coincide with the evening rush hour.
- Any consideration of other measures that would increase pedestrian safety and reduce traffic congestion.
- DOT needs to maintain an online map of locations all interstate bus permits will use, including the locations of curbside operations and parking/storage. This will make locations known to the public, and to NYPD/DEP/DCA and other regulators that need to perform enforcement and safety inspections. It will also allow CBs to make informed recommendations by looking at cumulative impacts.

Third, the “**applications**” to be filed with DOT should require a business model that incorporates scheduled service in order to prevent the worst impacts surrounding on-street bus stop locations. Section 4, Subdivision (d) (2) (i) about “**Applications**”, has two points that seem contradictory, but do make it clear that DOT isn't planning to require or enforce real bus schedules:

(C) Number of bus trips per day that would use the proposed location(s).

(D) Proposed intercity bus schedule for the proposed location.

The DOT application should require bus companies to make commitments about the method of operation. It is particularly important that DOT require bus operators to provide a bus schedule, to agree to keep to the schedule as far as possible, and to apply for any significant changes to the schedule. Historically, many of the independent bus companies had a business model that explicitly rejected scheduled arrivals and departures, a practice that results in many negative impacts on the residents and businesses in the surrounding area. The “Chinatown Bus Study” published by NYC DCP in October 2009 explains that “operators make sure they fill their buses. It is for this reason that they ... will often wait until a bus is full before leaving, even if this means long delays for passengers.”

It has been the experience of CB3 that most applicants are ready to agree to a sensible method of operation. Eight of the CB3 applicants have agreed to some version of the following stipulations. The one

applicant that wouldn't agree had their attorney write that "the bus runs on a first come, first serve, policy, and therefore, passengers may arrive early to 'jockey' for position." That single sentence rather colorfully captured the negative impacts of unscheduled service.

DOT should require all applicants to agree to a method of operation that will control crowds similar to the following CB3 stipulations:

- Tickets will be sold only online, or at a designated ticket agency, not on the street.
- 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.

In addition, CB 3 would like stipulations agreed upon by the bus companies to be enforceable by including them in the City contract. When community boards send agreed up stipulations to the State Liquor Authority, they become part of the SLA license and therefore a contact with the state. We believe agreed upon bus permit stipulations should have the same status with the City.

CB3 appreciates this opportunity to comment on the proposed Department of Transportation rules relating to the Intercity Bus Permit System. We hope that DOT recognizes the need to revise these rules and their procedures and applications to ensure efficient curbside management, to provide community boards with an adequate overview of the DOT technical evaluation for each application, and to require intercity bus operators to provide properly scheduled service to their customers.