



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**CHRISTINE BERTHET**  
Chair

**Jesse Bodine**  
District Manager

July 24, 2015

Ms. Margaret Forgione  
Manhattan Borough Commissioner  
NYC Department of Transportation  
59 Maiden Lane, 35th Floor  
New York, NY 10038

**Re: Intercity bus stop – 327 West 42<sup>nd</sup> Street**

Dear Commissioner Forgione:

We appreciate the opportunity to review the application for a bus stop for 53 departures per weekday, at 327 West 42<sup>nd</sup> Street, from Galaxy Towers, Inc., Fuji Express Inc., Fuji Lines, Inc., and Three Aces Transportation Inc., (dba SPHINX) commuter buses. Based off of the application, dated July 7, 2015, and enclosed along with this letter, Manhattan Community Board 4 (MCB4) recommends that the bus stop at this location be denied and proposes that the stop be established on 41<sup>st</sup> Street at the Northwest corner of 41<sup>st</sup> Street and Dyer Avenue, which is better suited for such operation.

The operator opposes the MCB4 proposed location. Should the Department of Transportation (DOT) approve the stop at 327 West 42<sup>nd</sup> Street in spite of our opposition, we ask they do so only if all the stipulations described below are included in writing in the licenses, in order to mitigate the potential negative effects of this decision.

**Background**

MCB4 has long been a supporter of bus travel, which reduces the amount of vehicular traffic in the city. As an example, in 2010 MCB4 advocated and obtained 70 parking spaces to be located in our neighborhood for bus companies.

The four applicants have been operating on both sides of 42<sup>nd</sup> Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues for many years. They all serve the same commuter route in New Jersey, at a slightly lower price point than NJ Transit for that route.

When the Intercity Bus legislation passed, and added a fee for obtaining a stop, the applicants did not take advantage of the grandfathering period to secure their stop for

another three years. They have been operating without a permit at the current location for 24 months.

MCB4 has consistently sought to improve transit - in our district. When the SBS was installed on 34<sup>th</sup> Street, we worked with DOT to free up the bus lanes by relocating intercity bus stops to MCB4 approved locations. Similarly MCB4 has sought to eliminate the obstructions on both bus lanes on 42<sup>nd</sup> street between 8<sup>th</sup> and 9<sup>th</sup> Avenue to improve the performance of the M42 bus – a pokey award winner.

As early as 2007, MCB4 received complaints from seniors and residents who suffered from asthma and deplored the constant idling of buses between 8<sup>th</sup> and 9<sup>th</sup> Avenues. Currently the drivers keep their bus idling while they wait for passengers for 15 minutes at a time. It is common to see driverless buses idling at the curb. The buses are very old; they idle non-stop within 200 ft. from a day care and pre-k center located on this block. Polite requests to the drivers to turn off their engines have elicited rude responses and not resulted in any cooperation.

Finally the sidewalk in front of Holy Cross Church is unusually narrow because of the church stairs enclosure and passengers lined up waiting for the bus leave no space for pedestrians.

In 2014 MCB4 evaluated alternate sites, and DOT vetted two of them as appropriate to relocate the operation. On May 15, 2015 MCB4 approved a new location for a two-bus drop-off for these companies at 300 West 40<sup>th</sup> Street.

The location MCB4 recommends for a pick-up is on 41st Street, just west of Dyer Avenue. From the current stop, it is a 3-minutes walk along the well-lit segment of 42<sup>nd</sup> Street used by tourists, residents of MiMA and Yotel. MTA has just installed pedestrian lighting on the adjacent property. The buses would be only one block away from the Lincoln Tunnel entrance in straight line with no dangerous turns (today the buses have to make a south turn at 42<sup>nd</sup> Street and 9<sup>th</sup> Avenue and then a turn west at 41<sup>st</sup> Street and 9<sup>th</sup> Avenue, two very dangerous and congested intersections).

The companies are opposed to this location. They insist on being located on 42<sup>nd</sup> Street and grouped together. Unfortunately with the growth in traffic and pedestrian volume on the west-side, the installation of residential services like day care a pre-k, and the increased concerns about pedestrian safety, this location is not appropriate any longer for 53 departures per day. We believe that the curbside belongs to the public and we recommend that the stop be established on 41st Street at the North West corner of 41<sup>st</sup> Street and Dyer Avenue, which is better suited for such operation.

**DOT /Applicants' Request:**

- Pick-up only stop for four-buses – 127 feet
- In front of 327 West 42<sup>nd</sup> Street (between 8<sup>th</sup> and 9<sup>th</sup> Avenues, closer to 8<sup>th</sup> Avenue).
- Seven days a week, from 9:26 a.m. to 11:51 p.m.
- Total of 53 departures per weekday, 35 for Galaxy, 18 for the other three companies. 42 on weekends.

- No layover spaces

**Stipulations pre-requisite to DOT approving the 327 West 42<sup>nd</sup> St. location opposed by MCB4**

- The stop should be limited to two (2) buses: this is sufficient to accommodate a departure every half hour in each space. The applicants use various buses including full size buses. This stop should be used only for pickup, not for bus parking or layover.
- The companies agree that they will park their buses in approved layover zones west of 9<sup>th</sup> Avenue, and not east of 9<sup>th</sup> Avenue.
- The stop should start at 327 West 42<sup>nd</sup> street and continue East toward 8<sup>th</sup> Avenue.
- Passengers – At least one employee of the companies will manage the queues of passengers and ensure they are lined up starting at 327 West 42<sup>nd</sup> Street towards the east and never in front of the Holy Cross Church where the sidewalk is exceptionally narrow. An 8 ft. wide free pedestrian path will be maintained throughout.
- Zero tolerance for idling: It is critical that the drivers be directed to turn off their engine as soon as they reach the curb and not turn it on until they depart. A large sticker with “TURN OFF YOUR ENGINE” should be posted within each bus at an appropriate location.
- The Fuji Express and Fuji Lines must provide driving classes to all their drivers in the next three months. According to the Federal Motor Carrier Safety Administration<sup>1</sup> information site their driver fitness indicators rank in the lowest 1 and 18 percentile in the country (35 is the minimum required). We understand that it is not a DOT criterion for the granting of the bus stop. In our opinion, in the age of Vision Zero, it is irresponsible to allow such drivers to operate buses in New York City.
- The companies agree that to reach the Lincoln Tunnel or the layover locations, the drivers will use the Dyer Avenue contra lane during peak hours and 11<sup>th</sup> Avenue all other times. They will not make a south turn at 42<sup>nd</sup> Street and 9<sup>th</sup> Avenue.
- The permit should be issued for one year only, with an opportunity for DOT and MCB4 to review the performance of the stops in 12 months and take appropriate measures.

MCB4 understands that this stop would be established in conjunction with the drop off stop at 300 west 40<sup>th</sup> Street. We expect that at the same time, the stops on the south side of 42<sup>nd</sup> street will be discontinued and all bus stop signs removed.

MCB4 also expects that DOT will proactively assist in obtaining NYPD’s enforcement of the terms and stipulations of the license, including idling.

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<sup>1</sup> <http://www.fmcsa.dot.gov/safety/passenger-safety/search>

MCB4 continues to be available to discuss any alterations to this enclosed July 7<sup>th</sup> application, and requests DOT and the applicants to return to the Transportation Planning Committee if there are any alterations to this application.

A hard copy of this letter is also being sent.

Thank you for your consideration.

Sincerely,



Christine Berthet  
Chair



Ernest Modarelli  
Co-Chair, Transportation  
Planning Committee



Jay Marcus  
Co-Chair, Transportation  
Planning Committee