



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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June 6, 2012

Margaret Forgione
Manhattan Borough Commissioner
NYC Department of Transportation
59 Maiden Lane, 37th Floor
New York, New York 10038

RE: Permit Renewal for Megabus Stop on the South Side of West 41st Street between 8th and 9th Avenues

Dear Commissioner Forgione:

Manhattan Community Board 4 (CB4) appreciates that the Department of Transportation has held off on the renewal of a three-month permit for Megabus to use West 41st Street between 8th and 9th Avenues as a bus loading/unloading zone pending receipt of CB4's response. We strongly urge the Department of Transportation to deny permanently the permit renewal.

We request the denial for three simple reasons: Sidewalks are not bus terminals they are scarce and valuable resources and should not to be given gratis to certain private companies. This location is unfit for such use because of safety concerns that the operator has failed to mitigate as was required by the terms of his permit. This operator has demonstrated his unwillingness to work with the community

First, as we have stated in our previous letters on this matter **parking lanes and sidewalks are not bus terminals**. This has been recognized by the city since the consolidation of eight separate smaller bus terminals into one location at the Port Authority in 1950, easily accessible to the Lincoln Tunnel. Sidewalk space is increasingly scarce in CB4 and we are reluctant to set a precedent of it being used by private long distance bus companies.

While the permit indicates curbside spaces for two buses, the stop actually blocks the use of 350 ft. of loading unloading space, 300 ft. of sidewalk and a moving lane on a street, which is a major approach to the Lincoln Tunnel.

We reiterate our long-standing position – that the Port Authority and New York City -DOT utilize one of the already identified potential sites to build a second Port Authority terminal. This request has become urgent since the cancellation of the Access to the Region's Core project will put ever more pressure on commuting by bus. Now with Intercity Bus travel growing 15% annually and NYC tourism increasing 10% by 2015 to 56 million people, expending terminal capacity is critical. The completion of such a bus terminal to accommodate buses was a commitment made as part of the FEIS of the 2005 Hudson Yards rezoning. Rather than spend city, Port Authority and Community Board resources seeking to accommodate what does not make sense (street side and sidewalk bus terminals), we should be working together to site and build a second terminal.

Second, we oppose this location because it is not suitable or safe for bus passengers or other users of West 41st Street. The sidewalk is too narrow to accommodate waiting passengers during peak hours, especially since the number of passengers fluctuates widely because of Megabus policy to accommodate stand-by booking. Several Transportation Committee members and representatives of the Port Authority observed significantly more than the 170 passenger limit the Community Board had requested and makes sense given the available space, which caused waiting and bus loading outside of designated and roped off areas and the blocking of most of the sidewalk. It also causes frequent unsafe jay walking from passengers waiting on the North Side crossing to load on the south side of the street. In addition, both Committee members and Port Authority representatives brought several pictures of Megabus violations of DOT requirements for their use of this site including the blocking of the sidewalk, the blocking of the handicapped ramp access to the southern Port Authority building, passengers waiting in the Bus Terminal Exit Ramp in the path of buses exiting the terminal, buses turning left from 8th Avenue onto West 41st Street (DOT's permit requires that the Megabus' queue from further east on West 41st Street to avoid that turn at a high pedestrian intersection), insufficient signage on buses regarding reporting noncompliance; and more than two buses loading/unloading on the block at any time. Committee members also saw buses idling while waiting to load passengers. In addition, the north side of the street is used for airport and event bus/van loading/unloading creating frequent bottlenecks and overcrowding the streets.

These violations happened during the three-month trial, in the winter months: one can anticipate that the problems will worsen during peak summer travel months, if the permit is permanent. These concerns, combined with the traffic implications of reducing to one travel lane a major access road for the Lincoln Tunnel makes this location ill-suited and unsafe for large scale bus loading and unloading.

While we appreciate that DOT has inspected the site several times a day and finds the operator primarily complies with their requirements and agree, based on frequent Committee members interview with Megabus staff on the street that they understand and seek to meet these requirements, the utilization is just too active (several double decker buses loading every hour), too large and with too many people on a relatively narrow sidewalk to always be in compliance, particularly during peak times. Violations of DOT rules lead to severe safety issues and cannot be tolerated.

Third, we strongly object to Megabus' refusal to acknowledge or meaningfully engage with the Community Board on issues of safety and community impact. Throughout the recent hearing Megabus did not indicate any willingness to discuss issues or stipulations with the Community Board or to address Community Board concerns. They repeatedly indicated that the only requirements they acknowledge are the one's DOT requires. Even minor requests like posting 311 stickers on buses or installing a port a san were dismissed. Answers to reasonable questions such as any efforts to ensure double decker buses do not exceed the legally permitted weight (since, given their size and number of passengers, they are more likely to) were not answered. Questioning the possibility of using non-Double Decker buses during off-peak hours (while the Port authority is at capacity during peak hours, there are some slots available in the Port Authority during off-peak hours, for non-Double Decker buses) were objected to as not meeting their business model.

While Megabus originally indicated that they would comply with all traffic laws and regulations their record is very poor on that front. When their buses have been weighed by various state agencies they were frequently found to be well in excess of the 36,000 pounds maximum legal weight. Megabus Northeast has a very high occurrence of unsafe driving due to numerous speeding violations.¹ As a result it has been flagged for intervention and roadside inspection. We have spent years improving traffic safety on our streets: terminal locations should minimize travel on our streets and risk to our residents.

¹ US Department of Transportation, Federal Motor Carrier Safety Administration. Safety and Fitness Electronic Records – DOT # 1759030

<http://ai.fmcsa.dot.gov/SMS/Data/carrier.aspx?enc=6EzVMRmjrRE0QzCdUiYyehiJAC+H5sB44cqXwzRrNU0=>

Our repeated request that Megabus consider a stop at West 34th and 11th Avenue, which we would likely approve, was once again answered with the non-factually correct response that locations that far west are not safe for their customers. While we object to their lack of acknowledgement of their impact on the community we mostly object to their lack of consideration of the safety concerns that we raise.

We are also concerned that DOT is moving ahead with a policy of permitting long distance bus company use of sidewalks without consideration of a fair share policy. There are likely areas in outer-boroughs which would likely have sufficient demand to enable long-distance bus service and be potentially interested in hosting them.

For all these above reasons we request that the Department of Transportation does not renew the permit (for any length of time) for Megabus on West 41st Street between 8th and 9th Avenues. We also ask to be consulted- as you have done in the past – on any proposed location for a curbside terminal. Thank you for your consideration.

Sincerely,



Corey Johnson
Chair



Christine Berthet
Co-Chair
Transportation Planning Committee



Jay Marcus
Co-Chair
Transportation Planning Committee