

NEW YORK CITY
DEPARTMENT OF CONSUMER AFFAIRS

Virtual Public Hearing
Department of Consumer and Worker Protection on the
proposed rules regarding sightseeing buses

October 5, 2020

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Charles Nolen	4
General Manager	
Big Bus Tours	

1 MR. ALBERTO ROLDAN: Good morning, my name
2 is Alberto Roldan. I have been designated as the
3 hearing officer for the public hearing of the
4 Department of Consumer and Worker Protection on the
5 proposed rules regarding sightseeing buses. This
6 hearing is being held by teleconference call. It is
7 now 10:05 a.m. on Monday, October 5, 2020 and I am
8 hereby convening the public hearing on this proposed
9 rule.

10 The proposed rule was published in the City
11 Record on September 4, 2020. The published notice and
12 rules are available online on the New York City Rules
13 website and the department's website. The department
14 has proposed these rules pursuant to the authority
15 vested in the Commissioner of the Department of
16 Consumer and Worker Protection via Sections 1043,
17 2203-F of the New York City Charter and Section 20-
18 104-B and 2384 of the New York City Administrative
19 Code.

20 This hearing affords the public the
21 opportunity to comment on all aspects of the rules
22 that the department has proposed. The department will
23 carefully review all testimony and written comments
24 received at this hearing and will due weight and
25 consideration to proposals and recommendations that

1 are submitted for the record at this hearing.

2 To ensure that everyone seeking to testify
3 will have an opportunity to do so, I ask that we all
4 follow these ground rules. During the hearing, all
5 participants should give due respect and consideration
6 to the folks offering testimony and to please mute
7 their lines if they're not speaking. Each witness will
8 have a maximum of three minutes to provide oral
9 testimony. If your comments take longer than three
10 minutes, synthesize your oral testimony and leave a
11 written copy for the record.

12 Unlike the limit on the time for oral
13 testimony, there is no limit on the number of pages
14 you can submit as written testimony, or as documents
15 for the record. The written submission will be made
16 part of the public record.

17 Now, before we begin, I'll remind folks to
18 mute their lines until called to provide testimony.
19 Thank you. I will now call the first witness. Anyone
20 here on the line would like to speak?

21 MR. CHARLES NOLEN: Good morning, Charles
22 Nolen from Big Bus Tours.

23 MR. ROLDAN: Good morning.

24 MR. NOLEN: I submitted my comments. I thank
25 you, I thank the Commission for this introduction. I

1 submitted my comments online, so I will briefly just
2 maybe summarize over this, this, this call. There is
3 some items that will need to be adjusted slightly in
4 the writing, some items in regard, with regards to the
5 driving license, all the, the physical condition of
6 the drivers, there is a huge chunk about the, the road
7 worthiness of [unintelligible] [00:02:47], several,
8 several pages really assigned to that section alone.
9 You will see that DOT is not mentioned once in the, in
10 the DCA introduction, while our vehicles are being
11 inspected every six months by, by the state DOT, to
12 include the smoke test, undercarriage inspection,
13 [unintelligible] [00:03:08] the bus must under lease
14 or on the [unintelligible] [00:03:10], it's very
15 technical. But, but I want to reassure the DCA that
16 all vehicles are currently inspected to my knowledge
17 to one of the strongest state inspection schedule, as
18 I compared Big Bus Tours of San Francisco, Los Angeles
19 or other cities like that. New York State is very,
20 very strong on the, on the records and the maintenance
21 of our vehicles.

22 The last item I wanted to mention is while
23 the introduction is proposing to modernize the
24 sightseeing rules, there is some big miss and
25 [unintelligible] [00:03:44] specifically on the refund

1 policy. Operators are still [unintelligible]
2 [00:03:49] to the zero refund policy, which we believe
3 is absolutely [unintelligible] [00:03:53] to the
4 consumer. We also believe that some adjustments as far
5 as the signage and the schedules we operate must be,
6 must be done to reflect the reality of operation. We
7 operate them very similar to what MTA will do on the
8 schedule and not on a departing time.

9 And lastly, the complete absence of, of
10 penalty or schedule of penalty for an activity that's
11 absolutely related to the sightseeing industry, which
12 is the on-street vending licenses regulated by DCA and
13 fully, fully controlled by DCA. Operators are still
14 allowed to sell outside of [unintelligible] [00:04:38]
15 station zone, and we do not believe that this is, we
16 believe that this is actually one of the biggest issue
17 in the sightseeing markets currently. And we would
18 like the city to look into it. Thank you.

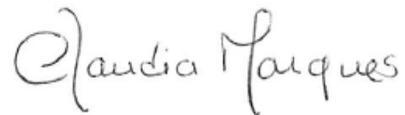
19 MR. ROLDAN: Thank you. Would anyone else
20 like to offer testimony? It is now 11:05 a.m. and that
21 concludes our hearing.

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CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of Public Hearing of the Department of Consumer and Worker Protection on proposed rules regarding sightseeing buses on October 5, 2020 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: October 21, 2020

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