

EXECUTIVE ORDER NO. 60

March 26, 2005

PROCLAMATION OF A STATE OF EMERGENCY

Whereas, the operating authority of New York Bus Tours (doing business as New York Bus Service)(hereinafter “New York Bus Service”) to provide subsidized bus service in the City of New York (the “City”) will expire on March 26, 2005; and

Whereas New York Bus Service transports passengers in and around the Bronx and between the Bronx and Manhattan; and

Whereas New York Bus Service operates the bus routes BXM6, BXM7, BXM7A, BXM7B, BXM9, and BXM10; and

Whereas, the operating authority for New York Bus Service is granted by the Department of Transportation with the approval of the Franchise and Concession Review Committee (“FCRC”) pursuant to authorization granted to the FCRC by local law; and

Whereas, the most recent extension of operating authority, pursuant to Local Law Number 3 for the year 2005, provided for such operating authority to expire on March 26, 2005; and

Whereas, the Council passed legislation on March 23, 2005 to authorize the Department of Transportation, with the approval of the FCRC, to grant a further extension of such operating authority until September 15, 2005, and the Mayor intends to sign such legislation on March 29, 2005, the earliest possible time consistent with the notice and hearing requirements of the Municipal Home Rule Law and the Charter of the City of New York, and the FCRC is expected to act on such authorization immediately, consistent with the notice requirements mandated by law; and

Whereas, a private bus company cannot operate lawfully without operating authority; and

Whereas, the absence of service provided by New York Bus Service would leave thousands of people without practical means of transportation and severely impact traffic conditions in the City, causing an increase in the response time of emergency vehicles which

would endanger the lives and health of the City's residents, commuters and visitors, an inability to gain access to routine medical care, the loss of wages for thousands of persons, the loss of revenue, on a daily basis, for businesses in the City, and lost revenues for the City and the City School District; and require significant increased expenditures by the City; and

Whereas, these circumstances constitute an imminent peril to the public health and safety requiring the adoption of emergency measures; and

Whereas, Executive Law § 24 authorizes the Mayor to promulgate local emergency orders upon a finding that the public safety is imperiled by the event of a public emergency or in the event of reasonable apprehension of immediate danger thereof, to protect life and property and to bring an emergency situation under control; and

Whereas, the Mayor's power under Executive Law § 24 includes, but is not limited to, the control of vehicular traffic;

Whereas, Executive Order No. 2, dated January 1, 2002, authorizes the Deputy Mayor for Operations to perform all the functions, powers or duties of the Mayor which the Mayor is authorized to delegate in the event that the Mayor is unable to perform such functions, powers or duties for a reason specified in subdivision a of section 10 of the New York City Charter;

Now, therefore, by the power vested in the Mayor of The City of New York, and the power vested in the Deputy Mayor for Operations pursuant to Executive Order No. 2, it is hereby ordered:

Section 1. State of Emergency. A state of emergency is hereby declared to exist within the City of New York as of March 27, 2005 at 12:01 a.m.

§ 2. During the state of emergency, the New York Bus Service which operates subsidized bus service pursuant to authority granted by the Department of Transportation with the approval of the FCRC pursuant to Local Law 3 of the year 2005 shall be permitted to continue to operate as if such authority had been extended, on the same terms as were in effect prior to the expiration of such authority.

§ 3. This order shall take effect immediately.

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Marc V. Shaw  
Deputy Mayor for Operations