



Comments Received by the Department of
Consumer and Worker Protection on
Proposed Rules related to Sightseeing Buses

IMPORTANT: The information in this document is made available solely to inform the public about comments submitted to the agency during a rulemaking proceeding and is not intended to be used for any other purpose

First allow me to thank the Council Committee for the opportunity to comment on these proposed double decker regulations.

I have been a NYC licensed Sightseeing guide for over 30 years. I say without qualification, it is the greatest job in the world. I am also speaking on behalf of the membership of the Guides Association of New York City, the only organization advocating for Tour guides in New York City.

We strongly support the Department's effort to update and modernize its sightseeing bus rules. In our post Covid 19 environment, tourism is finally seeing appreciation as a vital part of the New York City economy. Strong and robust tourism will be a vital lynchpin in the City's economic engine.

The Department's proposed amendments are commendable but do not go far enough, They ignore an important, ready to roll safety measure that is right under the Committee's nose.

Since DD came back into service, they have been operating without guides. Guides were not rehired when DD service resumed. A recorded narrative is now used. This narrative is manually operated by driver.

Drivers are now dealing with passenger questions, technical issues and potentially rambunctious passengers, while driving through heavily trafficked streets. This a an awful, distracted driver scenario. Passenger interaction was

previously handled by a guide on the upper deck of the bus. Today, there is no one with eyes on the guests, insuring passengers remain seated while the bus is in operation, no one giving the drivers the “all clear” to proceed when all departing passengers have left the bus. The City’s new Open Streets program has sightseeing buses traveling on heavily trafficked streets, more difficult than before the pandemic. Automobile traffic is at record levels. Pedestrian fatalities are on the rise. Accident rates are on the rise

Safety is the goal of these proposed rules. NYC Licensed guides had been informing, welcoming, and protecting visitors on sightseeing buses going back to 1932. Requiring the return of guide on double-decker buses would remove the potential for driver distractions, greatly enhance bus, pedestrian, and traffic safety, and improve the passenger experience. Consumer satisfaction is part of DCWP mission. Guests cannot interact with an out of sync recording.

The Council has had legislation that would solve this issue in Int 289-A. This Initiative had 30 sponsors, and was ready for a vote before being bumped of the calendar at the end of the legislative term. Reintroduce that initiative, 289-A, pass it to secure Consumer Protection and satisfaction.

Thank you

Patrick Casey
Guides Association of New York City
governmentrelations@ganyc.org
917-992-0644
License# 1057504-DCA



June 22 Hearing Statement

My name is Lionelle Hamanaka, residing in District 6. As a censed New York City sightseeing guide, member of the Guides Association of New York City, I strongly support the Department's effort to update Local Law 176's regulation of its sightseeing bus rules. Post-COVID, updating the rules on sightseeing buses will significantly enhance tourists' safety, and promote economic recovery.

Owners now operate double-decker buses with only a driver, and without the benefit of a guide/monitor on these buses. Drivers are forced into distracted driving, with passenger questions and risky passenger behaviors such as bending over guiderails, standing on bridges, talking to drivers in heavy traffic. These buses operate on heavily trafficked and narrowed streets more difficult than before.

At risk of lawsuits, such as the Devon Cifer lawsuit awarding 85 Million dollars to One injured passenger, Department must develop regulations that prevent driver distraction. Drivers and guides have partnered since 1896. Traffic jams, which cost NYC 14 million an hour will increase as drivers must answer questions from passengers without a guide. Five minutes per stop times

225 buses, going out Every ten or minutes on heavy days. Returning guides will Decrease traffic jams, stop distracted driving, greatly increase bus, pedestrian, and traffic safety, improving passenger experience.

Legislation reintroduced at the City Council (Int. No. 289-A (2018)), would mandate this return, but the Department's administrative mandate for safety on sightseeing buses should include regulations guaranteeing the same end.

Respectfully,

Lionelle Hamanaka

NEW YORK CITY DEPARTMENT OF CONSUMER AND WORKER PROTECTION

COMMENTS ON PROPOSED RULE IMPLEMENTING AMENDMENTS TO EXISTING
SIGHTSEEING BUS RULES

JUNE 22, 2022

As a licensed New York City sightseeing guide and member of the Guides Association of New York City, I strongly support the Department's effort to update and modernize its sightseeing bus rules. Post-COVID, updating and modernizing the rules governing the operation and safety of sightseeing buses in the City of New York will significantly benefit the tourist experience and enhance tourist confidence in the use of this sightseeing option, and, by doing so, further promote the recovery of a vital facet of the City's economic engine.

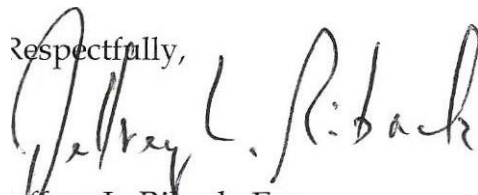
But the Department's proposed amendments do not go far enough, because they fail to recognize critical changes in the present operation of these sightseeing buses during COVID — particularly, the decision by bus company owners to operate double-decker buses now, and going forward, with only a driver, and without the benefit of an guide/monitor presence on the upper deck of these buses.

Because of this change in operation, drivers, today, are greatly susceptible to distracted driving during vehicle operation, forced to deal with passenger questions and potentially injurious passenger behaviors, previously handled by a guide/ monitor on the upper deck of the bus. And the City's new Open Streets initiative, in furtherance of post-COVID economic recovery, has made sightseeing bus transit on heavily trafficked and narrowed streets even more difficult than before the pandemic.

Consequently, consistent with the its emphasis on driving safety in the proposed rules, the Department must also develop further regulations that limit the potential for driver distraction and serve to focus driver responsibility solely on safe driving. Before COVID, trained guides had been a presence on sightseeing buses going back to 1896. Requiring the return of guide/monitors on double-decker buses would remove the potential for driver distractions, greatly enhance bus, pedestrian, and traffic safety, and improve the passenger experience. Pending legislation before the City Council (Int. No. 289-A (2018)), would mandate this return, but the Department's administrative mandate to assure the safe operation of sightseeing buses also allows for the promulgation now of regulations directed to that same end.

These comments are being sent to both the Department's website and via email to the designated address.

Respectfully,



Jeffrey L. Riback, Esq.

DCWP License No. 2044064-DCA

As a former double decker sightseeing bus tour guide I welcome all the proposed changes for Local Law 176 in regards to safety and consumer protection. In addition I thank you for soliciting comments on these changes. Drawing on my personal experience in the industry I offer the following feedback.

The proposed change for the number of hours worked by bus operators is long overdue and a significant step forward in terms of safety. To further improve safety conditions for bus operators and passengers, however, it would also be prudent to restrict the type of tasks bus operators can be required to perform while also driving double-decker buses.

In addition to driving sightseeing buses filled with large numbers of passengers, bus operators are also currently being tasked with manually operating the pre-recorded audio commentary for entertainment purposes. All this in addition to being responsible for monitoring passengers on both the upper and lower decks using video monitors. Imagine being in an Uber and seeing your driver playing a game of Tetris and watching a baseball game at the same time? This is essentially what is happening in almost every single sightseeing bus on the street today.

The ideal solution would be to require another employee on top of the bus as was the practice when these companies employed live guides. The removal of live guides has greatly diminished the safety of these buses and has resulted in the overworking of the drivers. Already one passenger has been severely injured due to a distracted driver pulling out before she was seated. As a result she was propelled down the bus stairs, suffered multiple blackouts, and currently is dealing with severe mobility issues months after the incident. She believes (as do I) that had a guide been on the top of the bus communicating to the driver when passengers were seated her accident could have been avoided.

Regardless of the number of the employees on the bus it is my opinion that it should be made clear that drivers operating the bus should have their focus solely on safely maneuvering their vehicle. If operating a cellphone or other portable electronic devices is illegal for commercial drivers EVEN at red lights why are they being allowed to operate the manually controlled audio commentary while in traffic?

To this end I would ask that you specifically ban this practice in NYC and if possible also ban the installation of any device that controls audio commentary within reach of the bus operator.

Respectfully,
James Hoffman