



MANHATTAN COMMUNITY BOARD 4

MANHATTAN COMMUNITY BOARD 5

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# REVIEW OF INTERCITY CURBSIDE BUS PRACTICES

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## INTRODUCTION

The Review of Intercity Curbside Bus Practices was undertaken by Manhattan Community Boards Four and Five, who have been inundated by intercity curbside terminals installed in midtown, in spite of high traffic and sidewalk congestion. The current State and City legislative and enforcement frameworks are inadequate to manage the proliferation of such curbside terminals.

Intercity bus operating methods made long-distance bus travel accessible and appealing to passengers seeking affordable connectivity. Deregulation coupled with increasing demand for inexpensive bus travel between major cities led to an expansion of the intercity bus industry, which in places exceeded off-street bus capacity and led to more curbside operations. Federal deregulation then opened the door to new operators seeking curbside space and facilitated the rapid growth and expansion of the industry. This expansion placed additional pressures on the limited, competing spatial demands of streets and sidewalks of major Northeastern US cities. This in turn is leading to demands for an expanded set of tools for cities to employ in order to minimize adverse impacts of on-street bus loading, unloading, and staging.

This document is a summary of curbside intercity bus practices in four major northeastern U.S. cities: New York City, Washington, D.C., Philadelphia, and Boston. Atlantic City, notable because of its particularly unique regulations, is also included. The four major cities discussed make up the largest urban centers within the Northeast Corridor (NEC), which is the most heavily trafficked bus and rail route in the United States.

Studying practices and successes in other cities is a necessary first step to inform a possible rule change as the Port Authority is planning a new Intercity Bus Terminal. We'd like to thank Wally Rubin, former District Manager of Manhattan Community Board 5 for his contribution to this initiative and the Port Authority of New York and New Jersey for helping us obtain the necessary information.

# OVERVIEW OF THE INTERCITY BUS INDUSTRY

## History of Regulation

From the 1920s through the 1970s, the intercity bus industry underwent many regulatory reforms evolving from little to no regulations, to extensive control, and then back to almost complete deregulation. The comprehensive regulations of the Motor Carrier Act of 1935 governed the industry for 47 years, during which time the Interstate Commerce Commission (ICC) tightly controlled intercity buses including ticket prices, routes, and competition.

The period of ICC governance produced bus monopolies, inadvertently limiting the ability of small, independent operators to break into the industry because they lacked the means to adhere to the strict permit requirements the ICC imposed on operators. The ICC's firm control remained in place until the 1970s, when political sentiment toward government regulations began to change. The ICC then began to encourage more independent operators to enter the market by reducing regulations and moving away from strict route management (Schwieterman & Antolin, 2018).

Next came the Bus Regulatory Reform Act of 1982. This Act allowed bus lines, for the first time since 1935, the freedom to add and cut routes, as well as raise or lower fares without permission from any government authority and prohibited state and local governments from regulating the schedule or rates of interstate buses. (Klein, 2009) These legislative changes meant the bus industry was no longer bound by schedule or fare restrictions, while it would continue to be required to follow motor vehicle laws, federal and state operating permit mandates, and safety requirements. The impact of intercity bus deregulation would in time lead to the low-cost intercity providers operating drop-off and pick-up on city streets (Klein, 2009).

## Emergence of Curbside Industry

The 2008 report *The Emergent Curbside Intercity Bus Industry: Chinatown and Beyond* by Nicholas J. Klein tells the story of the Fung Wah Transportation Company, which was generally recognized as the first curbside carrier in the northeast. Fung Wah began offering inexpensive bus trips between Chinatown in New York City and Chinatown in Boston in 1998. Originally catering to the local Chinese community, college students soon discovered the service and demand grew. This service was the origin of what has become the curbside intercity bus industry. (Klein, 2009)

In 1999, as Fung Wah expanded and offered more destinations and more frequent service, other companies also entered the market. The proximity and latent demand for travel between cities in the Northeast corridor made this a highly popular service. This expansion placed additional pressure on the crowded streets of Chinatown communities in New York City and Boston as all operations, from ticket purchases to passenger queuing, were transpiring on city streets (Klein, 2009). Some of the bus companies began to supplement their curbside operations with rented storefronts for use as ticket offices and waiting rooms. Despite the operators' efforts to mitigate the pedestrian congestion, residents increasingly objected to the growing bus presence, and the controversy over the operating method began to take shape.

According to Klein, in less than a decade, the success of the Chinatown buses, as well as the advent of internet-based reservations and ticketing, led to large corporate carriers following with a similar operational method as Fung Wah (Klein, 2009). Today, the largest carriers in the intercity bus industry operate services at curbside spaces on city streets in addition to traditional bus terminals.

By 2016, approximately 5,000 intercity bus trips carrying an estimated 62 million passengers annually, were scheduled each weekday in the United States—an increase of about 35 percent since 2006. This total represents approximately twice the annual passengers carried by Amtrak, but only 10 percent of commercial airlines. (Schwieterman & Antolin, 2018) After a couple of decades of growth, the curbside intercity bus industry has become a challenge for cities struggling with their curbside management practices.

## Definitions

<b>Intercity Bus</b>	A bus that provides regularly scheduled bus service for the general public with limited stops between cities and other areas not in close proximity to each other
<b>Shuttle Bus</b>	A van or bus used to transport passengers between worksites, or between residential buildings and transit hubs
<b>Sightseeing Bus</b>	A private vehicle with more than 15 seats used for public sightseeing or touring within a Municipality. Typically includes a guided tour of attractions seen while on route from one point to another.
<b>Tour Bus</b>	A privately-operated bus usually hired for short period of time by a particular group for use as transport to and from one or more locations, principally from one destination to another and back to the original destination.
<b>Commuter Bus</b>	A public/private vehicle with more than 15 seats that transports commuters to and from locations within the municipality or between neighboring states within short distances of less than an hour in travel time.

## Regulatory Tools

With the federal government no longer regulating the intercity bus routes, local governments stepped in to address neighborhood concerns. Each of the cities discussed in this review regulates the curbside intercity bus industry through their authority to protect public safety and govern the use of curbside space. All cities that were evaluated in this review use some type of system to manage intercity buses, but no two cities have implemented the exact same governance model, nor do any of the cities utilize all the identified regulatory tools. Two of the tools – providing off-street terminal capacity; and fees and charges – are used by all the cities, although the degree to which each is used as a regulatory tool varies greatly. All the cities also have at least one bus terminal, but in most cases the terminals are at or near capacity and only house a portion of the intercity bus industry, leaving many carriers to operate curbside. Atlantic City is the only city that utilizes a dedicated enforcement team, and the only one to require an access permit to the municipality. The details of each city are discussed further in this review.

Each of the cities reviewed has fees or charges for use of an authorized operating location. The fees charged to each company vary depending on the size of its operation. In New York City, for example, carriers apply for a bus stop permit for each curbside bus stop and pay an administrative fee, which is capped by state law, for each permit. The regulatory cost for the bus carriers varies by city. The following sections take a city by city look at how these regulatory tools are implemented.

## Regulatory Tools & Strategies

<b>Municipality Access Permit</b>	Authorization for a bus to enter and operate within a specific municipality.
<b>Corralling</b>	A regulatory tool in which a municipality requires, or inversely prohibits, curbside intercity buses to operate in a specific area, often around a major transit hub or landmark.
<b>Curb Permits</b>	Authorization for an intercity bus operator to use specific curb space.
<b>Fees and Charges</b>	Any financial obligation placed on an intercity bus company by a municipality, private operator, or state agency for use of space or general access. These are typically a cost-recovery measure and may include administrative costs or lost revenue from metered parking.
<b>Public Committee Review</b>	The participation by an authorized body in the decision process for the issuance of an intercity bus permit.
<b>Route Restrictions</b>	Limitations of where buses can travel; e.g. buses only allowed on designated streets.
<b>Activity Limit</b>	Limitations placed on the number of arrivals and departures allowed by an intercity bus operator at a specific location, based on the operator's application for a permit.
<b>Terminal</b>	A structure in which passengers board and alight from a bus; where a trip or segment starts or ends.

Use of Regulatory Tools & Strategies by City

	Boston	Philadelphia	Atlantic City	Washington	New York City
<b>Municipality Access Permit</b>			+		
<b>Corralling</b>		+		+	
<b>Curb Permits</b>		+		+	+
<b>Fees and Charges</b>		+	+	+	+
<b>Public Committee Review</b>				+	+
<b>Route Restrictions</b>	+		+	+	+
<b>Activity Limit</b>		+		+	+
<b>Terminal</b>	+	+	+	+	+

## BOSTON, MASSACHUSETTS

### ***Intercity Bus Management Strategy***

*Boston has primarily used its general traffic regulations to manage curbside operations, enforcement which is handled by the Boston Police Department. Most intercity bus trips operate out of South Station Bus Terminal or from private off-street locations; however, limited exceptions allow some small curbside bus operations.*

### ***Facility Operations: South Station & Alewife***

Hundreds of intercity buses operate out of Boston's South Station 24 hours a day, seven days a week. According to the Massachusetts Regional Bus Study conducted in 2013, about 634 buses operate out of the Bus Terminal at South Station daily. (Central Transportation Planning Staff, 2013)

South Station Bus Terminal is owned by the Massachusetts Bay Transportation Authority (MBTA) and is contracted to Newmark and Company for regular management and day-to-day operation. According to the Boston Regional Metropolitan Planning Organization's Report, bus carriers negotiate the right to use a specific gate with Newmark Knight Frank, who issues them a license. The MBTA or Newmark can terminate this license with 60-days' notice. Each company is required to pay fees to lease their gate and ticket counters as well as a departure fee for each scheduled trip, which in 2017 was \$14.00 per bus departure. The bus carriers must comply with a detailed set of policies within the terminal, which include guidelines on boarding and discharging passengers and other safety related policies. Carriers may be fined for violating the station's policies (Central Transportation Planning Staff, 2013).

There is also a smaller station in Alewife which is used for both intercity and commuter services. Similar small-scale facilities also exist in other outlying communities around Boston, such as Quincy and Riverside, which have direct connections to inner-city rail rapid transit.

## *Curbside Intercity Bus Regulations*

Boston first started to experience an expansion of curbside intercity bus activity when Fung Wah first began operating multiple daily trips between New York City and Boston in the late 1990's. With no specific bus stop regulations in place, these buses began to board and discharge passengers along curbsides in Boston's Chinatown near South Station. This led to the need for Boston to reevaluate its management approach. According to Jim Mansfield, the Boston Transportation Department's Director of Community Affairs, "there was a constant problem with the idling of engines, the blocking of traffic, the illegal selling of tickets, [and] the signs" (Wong, 2013).

The curbside bus operators found Boston unwilling to authorize curb space to accommodate their innovative operating methods. Officials familiar with the issue in the Boston Department of Transportation informed staff at the Port Authority of New York and New Jersey (PANYNJ) that Boston held an informal policy on intercity curbside buses and refused to grant curbside use of their public streets for these operations, wanting the carriers to use South Station. When bus carriers continued to operate from curbside locations, without designated bus stops, the Boston Police Department issued frequent violations. News sources at the time reported that a sustained enforcement effort to protect public safety and regulate curbside parking resulted in the issuance of violations that equaled nearly \$11,000 in fines for Fung Wah from March through September of 2004 (Bailey, 2004). The focused enforcement effort became a high liability for the curbside operators, and soon Fung Wah and others decided to move into South Station. As of 2019, these practices were still in place and Boston does not issue authorization for the use of curbside space, except in limited circumstances for small operations.

### *Looking Forward*

Due to South Station's limited capacity, bus carriers have recently found other off-street locations for their operations. These operations are on private lots instead of public curbside space. On account of continued growth in demand, there are ongoing plans to expand South Station's bus capacity. The plans were last updated in 2016 (South Station Phase I Owner LLC, 2016).

## PHILADELPHIA, PENNSYLVANIA

### *Intercity Bus Management Strategy*

*Philadelphia does not have enough capacity to move its bus operation inside a terminal. It manages its curbside operation by issuing permits within corralling zones around the train station and the Greyhound terminal, where pedestrian activity is limited. Philadelphia American Bus Association estimates 880,000<sup>1</sup> bus trip take place in the Philadelphia area every year (2016); a majority of these trips utilize curbside operations.*

### *Facility Operations: Greyhound Terminal*

The Greyhound Terminal, located in the Center City neighborhood of Philadelphia, is home to Greyhound, Fullington Trailways, Martz Trailways, Peter Pan Bus Lines, and NJ Transit. Curbside intercity operations also occur in the streets adjacent to the terminal. Recently, Greyhound sold a portion of their terminal property which contained some bus storage and staging space.

### *Curbside Operations and Regulations:*

Intercity bus service in Philadelphia is split between a curbside location next to the 30th Street Station and the Greyhound Terminal in Center City (which also has an independent curbside service operating adjacent to the Greyhound terminal). Megabus, Bolt Bus, and Martz Trailways operate at the 30<sup>th</sup> Street location next to the commuter and intercity rail station used by the Southeastern Pennsylvania Transportation Authority (SEPTA) and Amtrak.

Philadelphia has been unable to move curbside intercity bus operations inside a terminal due to a lack of available capacity. The city instead manages intercity bus operations through a permit system for street space adjacent to the 30<sup>th</sup> Street Station curbside hub. In the permitted locations, the city created specialized bus parking zones and began collecting the metered rate for the spaces from the bus operators. In addition to the regulations, the city has placed an emphasis on the use of corralling around central

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<sup>1</sup> Number reported is combination of two reporting districts based on congressional district from the ABA report. The separate reported ABA numbers are 858,201 for PA 3 and 20,831 for PA 2 both of which make up the Philadelphia area.

transportation hubs as a strategy to manage curbside operations. One hub is close to the 30<sup>th</sup> Street Station and the other is close to the Greyhound Terminal. Using the municipality's authority to regulate its curb space for the purpose of protecting public safety and regulating parking, the Philadelphia Department of Streets (PDS), with enforcement from the Philadelphia Police Department, issues intercity bus permits to allow for curbside operation.

PDS regulations governing the Bus Loading Zones are found under Section 12-907 of the Philadelphia Code, which enables the department to designate a stop "when it determines such stands are necessary and justified by traffic conditions".

The permits provide 60-foot bus stop zones that must be renewed annually. Applications must include proposed schedules and the city's annual fee of \$5,000 for an exclusive loading zone (\$2,500 for a shared loading zone). Bus zone permit applications are evaluated internally based on the standards set forth in the adopted regulations pursuant to the city code.

The following are considered when deciding whether to issue or renew a permit:

1. Direct effect on vehicular and pedestrian traffic
2. The intercity bus service schedule, peak hour concentration, and anticipated traffic conditions
3. The character and use of the block on which the proposed zone is to be situated
4. The number of passengers expected to board or disembark at any given time and their anticipated effect on the neighborhood
5. The anticipated effect on nearby public transit systems
6. The existing parking regulations and ordinances pertaining to the block
7. The policies contained in the Complete Streets Design Handbook
8. Any other effect of the proposed operations in public space on public health and safety and the efficient and safe operation of the existing transportation network, including pedestrian, vehicle, and all other modes of transportation.

A renewal permit, which is issued for a one-year period, is granted after a review of a submitted written safety report, which must include "all vehicular accidents involving the operator's buses within the bus loading zone". Officials with the PDS informed PANYNJ staff that renewals are rarely denied. In cases where there have been issues, the department has worked with the operator to find a suitable alternative. No initial application or renewal application has ever been fully denied as of September 2019.

In addition to city-wide curbside regulation, the city has made a focused effort on centralizing the intercity bus activity utilizing corralling. One of the two major corrals for

intercity buses is located on JFK Boulevard west of 30<sup>th</sup> Street and the Amtrak station. The other corral zone is located near the Greyhound Terminal. The designation of these locations is the result of efforts by the city to corral the intercity buses to a centralized location with low sidewalk activity—Mega Bus and Bolt Bus share departure space and arrival spots for which they must reimburse the city for the lost parking meter revenue. The scheduled arrivals and departures for these operations have been limited by the city to three per hour (Scott, Wicks III , & Colli, 2013).

The other corral zone is located near the Greyhound Terminal. Focus Travel, a discount intercity bus operator, maintains a space for ticket sales and passenger waiting in a street-level storefront on 11<sup>th</sup> Street.

Philadelphia responded to the proliferation of curbside operating buses with the implementation of a permit system for Bus Loading Zones and efforts to corral the buses to a centralized location with light pedestrian traffic.

### *Looking Forward*

The 30<sup>th</sup> Street Station District Plan, published in June 2016, recognizes an opportunity to reconfigure the current intercity bus operation. The scope of the district plan focuses on covering the rail yards with private development and finding a new space for buses (Skidmore, Owings & Merrill LLP, 2016). This new space may provide a more comfortable experience for passengers and provide better connectivity to rail transit.

## ATLANTIC CITY

### *Intercity Bus Management Strategy*

Atlantic City provides a unique regulatory scheme for intercity buses. In response to a forecasted high demand for intercity buses, the South Jersey Transportation Authority (SJTA) developed its Bus Management Program. The plan led to the implementation of permits, mandated parking areas, restricted travel routes, a series of fees, and a dedicated enforcement team. Generally, curbside activity is not permitted unless required for traffic management.

### *Facility Operations: Atlantic City Bus Terminal & Casino Owned Bus Infrastructure*

The Bus Management Plan mandates that buses traveling into the municipal limits of Atlantic City are required to have a permit. A permit can be purchased per trip at \$2.80, or an annual “medallion” is available for \$675. For larger fleets of buses, a \$40,500 medallion is available (AMJM Harris & AECOM, 2008).

Once a bus is granted permission to enter the city, designated routes are identified on which buses are required to travel to an authorized bus activity center. On-street stops are only allowed for traffic management purposes, with permission from the SJTA. The designated travel routes for buses include all acceptable paths to and from Atlantic City’s bus activity centers and authorized bus parking facilities. The casinos have bus activity centers, which are regulated by the SJTA. Applications for activity centers must include an operating plan, traffic circulation and mitigation plans; and details about the facility’s capacity. Additionally, applicants must also provide an Impact Statement (AMJM Harris & AECOM, 2008). Greyhound and New Jersey Transit also have operations from the municipal bus terminal.

A team of bus management inspectors provides enforcement. As of 2011, Atlantic City employed three inspectors. These inspectors are given the authority to issue citations for infractions of the intercity bus regulations, such as a \$200 fine for illegal curbside parking for the first offense. Fines would double for each subsequent occurrence of a violation. (District Department of Transportation, 2011)

On top of the fee associated with fines and permits, a licensing fee is charged to the attractions, namely casinos, that generate the motor coach activity. Based on the

number of buses an attraction could accommodate, a fee ranging from \$300 to \$800 is levied annually. (District Department of Transportation, 2011)

## WASHINGTON, D.C.

### *Intercity Bus Management Strategy*

Current regulations in Washington, D.C., adopted in 2011, require that bus carriers apply for a permit to operate at curbside locations. The permit process offers spatial guidelines on the selection of an appropriate location, including criteria such as minimum sidewalk width, stop length, and existing land use. Additionally, the permit process requires the identification of specific routes and placement of signs. A public space committee conducts the review and determines whether it is ultimately approved. Once a permit is issued, an appropriate fee is charged to the operator. (Sugiura, Beaton, Edulakanti, & Ricks, 2014)

### *Facility Operations: Union Station*

The idea of using Union Station as a bus terminal was first adopted in 1981 when buses were included in plans for the station's redevelopment. Greyhound operated a separate terminal near Union Station, but development pressure would eventually cause the carrier to sell off the property and move into the Union Station bus facilities. It wasn't until 2015 that buses were incorporated into a section of the parking deck when the deck was retrofitted to allow for intercity buses

This facility manages a substantial portion of the city's intercity bus industry. The mixed utilization of curbside and terminal operations has allowed the city to take an incremental approach toward addressing the growth of the intercity bus industry.

### *Curbside Operations and Regulations:*

Starting in 1998, the intercity bus industry in Washington D.C. experienced significant growth resulting in a need to revise the city's approach to managing the bus operations. The District's government began attempts to address the influx of operations in 2008 when the District Department of Transportation (DDOT) proposed rules that would force the curbside operations to local corrals. As part of this effort, there was an unsuccessful attempt to ban the sale of tickets on public streets. These unimplemented efforts would in time lead to the development of the current regulations implemented in 2011. (Alpert, 2008)

Since 2011, Washington D.C. requires all intercity bus operators to obtain a permit for curbside operations, and levies fees for the exclusive use of public curbside space for private operation. To obtain a permit, “Operators apply for preferred locations, which are allotted based on criteria such as minimum sidewalk width, stop length, land use, and other curb regulations. The bus operators are subject to anti-idling, motor coach, and interstate commerce regulations.” (National Association of City Transportation Officials, 2011)

While there is still curbside bus service in Washington D. C., a substantial portion of intercity operations fit into the terminal. The new availability of this facility, in combination with the 2011 curbside regulations, caused many bus carriers to move away from curbside operations and into the Union Station bus terminal. (Federal Transportation Administration, 2017) (Marshall, 2015)

### *Looking Forward*

Washington D.C. has plans for the redevelopment of Union Station, which includes reuse of the existing bus terminal site and construction of a new bus terminal. The plans envision better integration of the new bus terminal into a modern intermodal hub. The Washington Union Station Expansion Project includes an off-street bus terminal with 20 – 25 bus slips. The new bus terminal would provide passengers direct access to the Union Station concourse, which houses cafes, shops, and restaurants; and will improve access to other modes of transportation (Federal Transportation Administration, 2017).

## NEW YORK CITY

### *Intercity Bus Management Strategy*

New York State (NYS) passed legislation in 2011 allowing New York City Department of Transportation (NYC DOT) to develop rules that require intercity bus operators to apply for a permit requesting permission to operate at a curbside location. Today, the number of intercity departures from curbside stops has surpassed the terminal-based intercity bus activity (Port Authority of New York and New Jersey, 2016).

### *Facility Operations: Port Authority Bus Terminal & George Washington Bridge Bus Station*

The Port Authority Bus Terminal (PABT) was the central home of the intercity bus industry in New York City until it reached capacity as overall bus traffic grew and demand for new neighborhood-based pick-up and drop-off services emerged. Within New York City, there are two terminals that have intercity bus activity; both of which are owned by the PANYNJ. Multiple bus carriers use the terminals. These facilities primarily focus on commuter operations which constitute the bulk of bus use in the region, but include dedicated gates for intercity bus carriers. The PABT on 42<sup>nd</sup> Street and 8<sup>th</sup> Avenue is the world's busiest bus terminal. The facility has direct connections to the Lincoln Tunnel, which minimizes bus circulation on city streets, and allows for its high passenger volumes. The second facility, the George Washington Bridge Bus Station, is smaller and located on 178th Street and Broadway with direct access to the George Washington Bridge. Citywide, the PANYNJ provides 55 gates of off-street space for intercity bus operations: 50 gates at the PABT, two bus stops on PANYNJ property at 30<sup>th</sup> Street, and three gates at the George Washington Bridge Bus Station. (Port Authority of New York and New Jersey Planning Department, 2019) The PABT is at capacity and cannot accommodate additional intercity buses at this time.

### *Curbside Operations and Regulations:*

New York City is a hub of intercity bus activity, and its central location within the Northeastern Corridor and large population support the intercity bus industry. The

curbside intercity bus market in New York City has grown rapidly from virtual non-existence since the late 1990s (Port Authority of New York and New Jersey, 2016). Today, the number of intercity departures from curbside stops has surpassed the terminal-based intercity bus activity (Port Authority of New York and New Jersey, 2016). Several curbside intercity operators rent storefronts for ticket sale windows and passenger waiting rooms; however, many utilize online ticketing systems and do not have physical ticket booths or facilities.

NYC DOT's traffic rules prohibit most buses from picking up and dropping off passengers at curbside locations without written authorization from the Commissioner. Prior to 2012, that authorization was granted for 150 bus stops in the form of "permission letters". (Sugiura, Beaton, Edulakanti, & Ricks, 2014) However, many buses were stopping without authorization. Enforcement, which was generally limited to a \$100 parking ticket, did not significantly deter unauthorized curbside operators. The adverse effects of concentrated bus activity in densely populated neighborhoods led local community boards and elected officials to focus new attention on how the city might better regulate curbside intercity buses. (Sugiura, Beaton, Edulakanti, & Ricks, 2014)

Within the NYC DOT, it was widely recognized that there was a need for a more comprehensive system for regulating and monitoring on-street operations of intercity bus companies and higher penalties for violators, which state legislation, described above, gave the agency an opportunity to implement. The call for stronger regulations began to be made by activists, community groups, and public officials. In response to community concerns, the NYC DOT implemented a formal permit program, established by state law and NYC DOT Traffic Rules in 2012. The formal permitting program allows NYC DOT to collect more information and better understand and control curbside intercity bus operations. (Sugiura, Beaton, Edulakanti, & Ricks, 2014)

In response to the challenge of managing the large numbers of vehicles on the street, New York State (NYS) passed legislation in 2011 allowing New York City Department of Transportation (NYC DOT) to develop rules that require intercity bus operators to apply for a permit requesting permission to operate at a curbside location. As part of the permit application, operators are required to submit operating information and pay an administrative fee, capped by state law, for the permit based on the number of scheduled weekly departures and arrivals. The permit approval process includes an evaluation by the NYC DOT based on public health and safety criteria, input from local community boards, and, in certain circumstances, other agencies. The New York City Police Department (NYPD) is authorized to enforce the permit system. State law authorizes parking fines of

up to \$1000 for a first violation of the permit rules, whereas other parking violations are generally limited to \$100.<sup>22</sup> (Sugiura, Beaton, Edulakanti, & Ricks, 2014)

A NYC DOT list of approved intercity bus stops has 137 locations. Many permits are issued for shared bus stops. (See Appendix)

### *Looking Forward*

Despite the successes of the permitting program, there are still ongoing discussions about the role of intercity buses' use of the curbside. Determining the correct balance between intercity buses, private vehicle parking, bike lanes, and commercial loading space is very much a negotiation between various stakeholders who all have competing interests. The scale of New York's vast urban environment and large population makes enforcement challenging; especially when there are competing priorities and limited resources. As discussed at the Port Authority's July 10<sup>th</sup>, 2019 and September 5<sup>th</sup>, 2019 Bus Terminal Replacement public meetings, the curbside intercity bus market in New York City has become an increasing concern to the community over the last two decades.

As a result , the Port Authority Bus Terminal Replacement project now includes the creation of a long-distance bus terminal adjacent to its commuter terminal in order to accommodate all intercity curbside operations that are currently active in the vicinity of the terminal.

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<sup>2</sup> New York Vehicle and Traffic Law (VTL) §§ 1642-a, 237.

Appendix A : ON line Presentation including additional financial analysis  
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## Appendix B : Works Cited

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## Appendix C: Approved Intercity bus stops in New York City

The 330 approved bus stops ( as of September 27, 2021, are listed on the NYC Department of Transportation website.

<https://www1.nyc.gov/html/dot/html/ferrybus/intercity-bus.sht>



**CITY OF PHILADELPHIA  
DEPARTMENT OF STREETS**

**Regulations Governing Bus Loading Zones Under  
Section 12-907 of The Philadelphia Code**

**Section 1. General**

A. The Philadelphia Code, Chapter 12-907 states that "The Department may designate bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles when it determines such stands are necessary and justified by traffic conditions."

B. The City of Philadelphia finds that Intercity and Charter Buses parking and loading passengers on the streets of the City frequently interfere with traffic and create health and safety concerns that this Regulation is intended to address.

C. An Intercity or Charter Bus Operator shall not occupy any portion of the public right-of-way for loading or unloading passengers from an Intercity or Charter Bus unless the Operator holds an Intercity or Charter Bus Loading Zone permit issued by the Department.

**Section 2. Definitions**

A. In these regulations, the following definitions shall apply:

1. **Bus Loading Zone.** A fixed area in the roadway parallel and adjacent to the curb, not to exceed 65 feet in length and designated by appropriate signs, set aside for parking and loading of Intercity or Charter Buses.

2. **Bus Operator.** Any person or company which operates an Intercity or Charter Bus on the streets of the City.

3. **Charter Bus.** A motor bus engaged or hired by a particular organization or group of persons for their exclusive use for a specific purpose or journey, or during a specific period of time. Tour Buses, as defined by Section 9-407 of the Philadelphia Code, and Shuttle Buses owned by private entities for the transportation of members, are not Charter Buses for the purposes of these Regulations.

4. **Department.** The Department of Streets.

3. The character and use of the block on which the proposed zone is to be situated;

4. The number of passengers expected to board or disembark at any given time and their anticipated effect on the neighborhood;

5. The anticipated effect on nearby public transit systems;

6. The existing parking regulations and ordinances pertaining to the block;

7. The policies contained in the Complete Streets Design Handbook; and

8. Any other effect of the proposed operations in public space on public health and safety and the efficient and safe operation of the existing transportation network, including pedestrian, vehicle, and all other modes of transportation.

B. An approved Bus Loading Zone permit shall be valid for a period of one year and shall not be transferable. Temporary Bus Loading Zone permits shall be valid for the dates listed on the permit.

#### **Section 5. Renewals**

A. An application for the renewal of the permit shall be submitted 60 days prior to the expiration of the current permit, together with payment of required fee.

B. For renewal applications, the Bus Operator must submit a written safety report that includes all vehicular accidents involving the Operator's buses within the Bus Loading Zone. For the first year of renewal, the report should be for the nine (9) month period prior to the renewal application.

C. For each subsequent renewal year, the report should be for the one year period prior to the renewal application. These reports shall be submitted with the permit renewal application.

#### **Section 6. Revocation**

A. Nothing in this Regulation shall be construed as conveying any right, title or interest in the right-of-way. The Department may, at any time, revoke the Bus Loading Zone permit. Upon notification, the Bus Operator must cease operations at the Bus Loading Zone within thirty (30) days.

## Appendix E: Washington regulations

District of Columbia Municipal Regulations PUBLIC SPACE AND SAFETY  
Title 24

Section 24-3500. OCCUPANCY OF THE PUBLIC RIGHT-OF-WAY BY INTERCITY BUS

Latest version.

3500 OCCUPANCY OF THE PUBLIC RIGHT-OF-WAY BY INTERCITY BUSES

3500.1 An intercity bus service operator shall not occupy any portion of the public right-of-way for loading or unloading passengers from an intercity bus unless the operator holds a public space permit issued by the Director.

3500.2 The minimum size for each intercity bus service passenger loading zone shall be one hundred feet (100 ft.) in length.

3500.3 No permit shall be issued to occupy the public right-of-way to load or unload passengers, or arrive or depart the public space, during a time when standing or parking on the roadway is prohibited, such as during rush hour.

3501 APPLICATION FOR PUBLIC SPACE PERMIT BY INTERCITY BUS SERVICE OPERATORS

3501.1 An intercity bus service operator seeking to occupy the public right-of-way shall submit to the Department a public space permit application and application fee, as specified in section 225 of this Title. The application shall be submitted on a form provided by the Director.

3501.2 An intercity bus operator already operating at the time these regulations become effective shall have sixty (60) days from the effective date of the final rulemaking to apply for use of public space for intercity bus loading and unloading.

3501.3 If an intercity bus service operator seeks to use more than one (1) location for loading and unloading passengers from the public right-of-way, a separate application shall be filed for each location requested by the operator. A separate application fees shall also be required for each location. If approved, a separate permit shall be issued for each location.

3501.4 Each completed public space permit application shall include the following information:

- (a) The corporate name, mailing address, email address, web site, and telephone number of the intercity bus service operator;
- (b) The name, mailing address, email address, web site, and telephone number of the intercity bus service operator's contact person, who shall be located within thirty (30) miles from the U.S. Capitol Building;
- (c) The name, mailing address, email address, web site, and telephone number of the operator's agent for service of process, who shall be located in the District of Columbia;
- (d) A valid U.S. Department of Transportation number and interstate operating authority;
- (e) A copy of the intercity bus service operator's liability insurance certificate that meets the requirements listed in § 3509.2;

(f) Six (6) photographic-quality color copies each of three (3) eight inch by ten-inch (8" x 10") color photographs of the public space, including the sidewalk, curb space, and the roadway, of and adjacent to the proposed passenger loading zone. The three (3) photographs shall show the following views:

- (1) Frontal view from roadway;
- (2) Sharp angle right side view along sidewalk or curb; and
- (3) Sharp angle left side view along sidewalk or curb;

(g) Six (6) photographic-quality color copies of eight inches by ten-inch (8" x 10") color photographs of any signs designating parking, standing, or stopping prohibitions in or within ten feet (10 ft.) of the proposed passenger loading zone;

(h) Six (6) copies of a schematic drawing of the proposed passenger loading zone, to scale and with dimensions. The schematic drawing shall show the proposed intercity bus passenger loading zone, the roadway and sidewalk between the nearest intersections on either side of the proposed intercity bus passenger loading zone, and the proposed public space required for passenger assembly, including any fixtures and signage proposed to be installed by the intercity bus service operator. In addition, the schematic drawing shall show all existing fixtures in the public space between the nearest intersections on either side of the proposed intercity bus passenger loading zone including Metro bus and Circulator bus stops and bus stop zones, Metrorail station entrances and Metrorail elevators, vault covers and manholes, fire hydrants, trees and tree boxes, signs (including their content) and sign posts, street lights and traffic signals, sidewalk and roadway vendors, driveways, alleys, and other curb cuts, marked loading zones and building entrances, bike racks, parking meters, designated bike lanes in the roadway, and existing curb ramps, roadway, and crosswalk markings or any other similar public safety or accessibility designation;

(i) A proposal for orderly queuing of waiting passengers so that pedestrian movement along the sidewalk will not be obstructed and so that pedestrian movement from the sidewalk into adjacent buildings will not be impeded;

(j) A proposed trash management plan for the removal of trash created by waiting or arriving passengers;

(k) The proposed intercity bus service schedule, including all regularly scheduled departure and arrival times;

(l) The hours of the day and the days of the week for which the applicant seeks to occupy the intercity bus passenger loading zone (fractions of an hour are not permitted); and

(m) Any other information that the Director requires to evaluate the application.

3501.5 The Department will provide the intercity bus service operator with contact information of a Department representative who will accept comments on the application. The contact information shall be included by the applicant in all notices to the public.

#### 3502 PUBLIC NOTICE OF APPLICATION

3502.1 Within five (5) calendar days after filing an application, the applicant shall give notice of the application to the adjacent property owner(s) and to the property owners on either side of the adjacent property owner(s). Notice shall be provided by certified mail or other similar method that ensures date of delivery. The notice shall include a full copy of the submitted public space permit application, provided, that only one (1) copy of each photographic that is part of the application need be provided, and the contact information provided by the Department for acceptance of comments on the application.

3502.2 Within five (5) calendar days after filing an application, the applicant shall deliver notice of the application by hand to the operator of each business in a building that is located on property that is immediately adjacent to the proposed passenger loading zone, if the business can be accessed directly from the sidewalk without entry into a common area of the building. The notice shall include a full copy of the submitted public space permit application, provided, that only one (1) copy of each photograph that is part of the application need be provided, and the contact information provided by the Department for acceptance of comments on the application. Notice need not be provided to any business that cannot be accessed directly from the sidewalk.

3502.3 Within five (5) calendar days after filing an application, the operator shall post signs provided by the Department on at least one (1) sign pole or streetlight that is immediately adjacent to the curb where the intercity bus service passenger loading zone will be located. If no sign pole or streetlight is directly adjacent to the curb where the intercity bus service passenger loading zone will be located, the intercity bus operator may post the sign on the nearest sign pole or streetlight. The operator shall laminate the signs or protect the signs in another manner from the weather. The operator shall take all reasonable steps necessary to ensure the signs are posted for thirty (30) consecutive calendar days.

3502.4 Within five (5) calendar days after providing the required notice as specified in this section, the applicant shall file with the Department an affidavit verifying that the applicant provided each notice required in this section.

### 3503 PUBLIC SPACE FEES FOR INTERCITY BUS OPERATORS

3503.1 The intercity bus service operator shall be required to pay the annual permit fee listed in 24 DCMR § 225.1(q).

3503.2 In addition to the fee referenced in § 3503.1, the applicant shall pay any other applicable public space fee listed in 24 DCMR § 225.1 to the Department, including lost parking meter revenue caused by the use of the public right-of-way for the intercity bus service passenger loading zone.

### 3504 REVIEW OF APPLICATION; APPROVAL OR DENIAL

3504.1 The Public Space Committee or its designee shall review all public space permit applications of intercity bus service operators to occupy the public right-of-way for loading or unloading passengers.

3504.2 In determining whether an intercity bus service public space permit shall be granted, the Public Space Committee shall consider the following factors:

- (a) Direct impact on vehicular and pedestrian traffic;
- (b) The intercity bus service schedule, peak hour concentration, and anticipated traffic conditions;
- (c) The proposed size of the passenger loading zone;
- (d) The number of passengers expected to board or disembark at any given time;
- (e) The anticipated impact on nearby public transit systems; and
- (f) Any other effect of the proposed operations in public space on public health and safety and the efficient and safe operation of the existing transportation network, including pedestrian, vehicle, and all other modes of transportation.

3504.3 Notwithstanding § 3504.2, the Public Space Committee shall not grant a public space permit to conduct intercity bus operations at the following locations:

- (a) On a block containing a predominately residential building on either side of the block; or

(b) The same side of a block that contains an area designated as a Metro bus or Circulator bus zone.

3504.4 If two (2) or more applicants apply for the same location, the Public Space Committee shall encourage the applicants to enter into a written agreement to share the space. If the applicants cannot reach an agreement, the Department shall decide which applicant shall have exclusive use of the location based on the following criteria:

(a) Historic usage of the location; and

(b) The order the applications were received by the Public Space Committee.

3504.5 The Public Space Committee shall notify the intercity bus service operator and the Department in writing whether the application for a public space permit is approved, including any conditions imposed on the intercity bus service operator by the Public Space Committee, or denied.

3504.6 If the public space permit is approved, the intercity bus service operator shall provide payment of all associated fees, and file proof of the required insurance and indemnification with the Department.

3504.7 If the public space permit is denied, the Public Space Committee shall provide an explanation for the denial.

3504.8 If the public space permit is denied, and the intercity bus company had been operating at the location while the application was being reviewed, the intercity bus company must cease operation at the location immediately.

3504.9 After the intercity bus service operator meets the requirements of § 3504.6, the Department shall:

- (a) Issue a permit to the intercity bus service operator; and
- (b) Post signs delineating the curb space and designating the hour(s) of operation and day(s) of the week for each approved intercity bus service passenger loading zone. The signs shall prohibit parking during the hour(s) and day(s) approved for intercity bus service passenger loading and unloading.

3504.10 The permit issued by the Department shall be valid for one (1) year after the date of issuance, unless earlier cancelled, suspended, or revoked, and may be renewed pursuant to § 3507.

#### 3505 USE OF LOADING ZONE; DISPLAY OF PERMIT

3505.1 An intercity bus service operator shall use a permitted passenger loading zone for the drop-off and pick-up of passengers for intercity bus service.

3505.2 No intercity bus service operator shall occupy a passenger loading zone except during the approved hours as posted on the sign.

3505.3 No intercity bus service operator shall occupy an intercity bus service passenger loading zone other than a loading zone it has been permitted to use.

3505.4 In occupying and making use of a passenger loading zone, the intercity bus service operator shall:

- (a) Conduct intercity bus service passenger loading and unloading operations in public space only within its authorized passenger loading zone;
- (b) Conduct active loading and unloading in a safe and expedient manner;
- (c) Refrain from ticket vending or any other direct commercial activity on public space other than the loading and unloading of passengers; and
- (d) Queue assembled passengers awaiting intercity bus service in an orderly manner that maintains a ten foot (10 ft.) clear and unobstructed pedestrian pathway on the sidewalk in the Central Business District and a six foot (6 ft.) clear and unobstructed pedestrian pathway on the sidewalk in all other parts of the city, and that does not interfere with ingress or egress to adjacent buildings or businesses.

3505.5 The intercity bus operator shall display a copy of the loading zone permit in a conspicuous location visible from the public space on the curb side of each authorized intercity motor carrier operating in the approved passenger loading zone.

#### 3506 CHANGES IN INFORMATION

3506.1 An intercity bus service public space permit holder shall inform the Department in writing at least fifteen (15) days before any of the following changes:

- (a) A change in the intercity bus owner if different from the intercity bus service operator; or

(b) A modification in the intercity bus service operator's liability insurance; provided the modified insurance still meets requirements specified in § 3509.2.

3506.2 Upon receiving information described in § 3506.1, the Director, without review by the Public Space Committee, may approve and issue a new public space permit, and the prior permit shall be void. Within five (5) days after issuance of a new public space permit, the bus service operator shall ensure that copies of the new permit are displayed as required by § 3505.5.

3506.3 Prior to the occurrence of any of the following changes, an intercity bus service public space permit holder shall submit a new application to the Department requesting a new public space permit:

- (a) A proposed change in the location of the approved passenger loading zone;
- (b) A proposed increase in the size of the approved passenger loading zone; or
- (c) A proposed increase in the hours of operation beyond the approved schedule.

3506.4 An application received under § 3506.3 shall be reviewed and approved by the Public Space Committee in accordance with the process outlined in this chapter for a new intercity bus passenger loading zone application.

3506.5 Upon approval by the Public Space Committee of any changes outlined in § 3506.3 of this section, the Department shall issue a new permit reflecting the approved change(s), and the prior permit shall be void. Within five (5) days after issuance of a new permit, the bus service operator shall ensure that copies of the new permit are displayed as required by § 3505.5.

#### 3507 RENEWAL OF PERMIT

3507.1 An intercity bus service operator may apply to renew an annual permit within thirty (30) calendar days before the expiration of a current, valid permit issued under this chapter. An application that does not change information, requirements, or conditions from the current approved permit and an application that changes only information listed in § 3506.1 may be approved by the Department without review by the Public Space Committee. All other renewal applications shall be sent to the Public Space Committee for review and shall follow the procedures outlined in this chapter.

3507.2 No permit shall be renewed unless the intercity bus service operator has paid all fees and costs outlined in this section applicable to the new period for which the renewal application is filed.

#### 3508 CANCELLATION OF PERMIT

3508.1 The Director may cancel all or part of a public space permit issued pursuant to this chapter at any time and require the intercity bus service operator to vacate all or part of the public space it is occupying if the Director determines the public space is required to meet District transportation or public space needs.

3508.2 The Director shall provide written notice to the intercity bus service operator at the operator's last address of record at least thirty (30) days before the cancellation of a permit under this section.

3508.3 If the Director requires the intercity bus service operator to vacate all or part of any public space occupied pursuant to a public space permit, the Director shall refund the percentage of the annual public space permit fee proportional to the amount of space so vacated and the length of time remaining in the year for which the permit fee was paid.

#### 3509 REQUIRED INDEMNIFICATION AND INSURANCE

3509.1 Each intercity bus service operator shall defend, indemnify, and hold harmless the District of Columbia government, and its elected and appointed officials and officers, employees, agents and representatives, from and against any and all injuries, claims, demands, judgments, suits in law and equity (including without limitation, habeas corpus actions), actions before administrative tribunals, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, that actually or allegedly, in whole or in part, arise out of, or result from:

- (a) The operations of the intercity bus service operator;
- (b) The performance or failure of performance of duties required by or reasonably related to the intercity bus service; or
- (c) The injury to any person or damage to any property, including the property of the District, by the intercity bus service operator, its employees, agents, or patrons.

3509.2 Each intercity bus service operator shall obtain a public liability insurance policy made out in the name of, and for the sole benefit of the District of Columbia, a municipal corporation, and its officers and employees, covering all use of public space. The insurance policy shall contain coverage in the following amounts:

- (a) For each individual, five hundred thousand dollars (\$500,000);
- (b) For each accident, one million dollars (\$1,000,000)
- (c) For property damage, five hundred thousand dollars (\$500,000).

#### 3510 FINES

3510.1 An intercity bus service operator shall be subject to the following fines:

- (a) Failure to obtain a permit for an intercity bus passenger loading zone: five hundred dollars (\$500) for the first offense, one thousand dollars (\$1,000) for the second offense, and one thousand five hundred dollars (\$1,500) for the third and all subsequent offenses. Each bus loading or unloading passengers without a permit shall constitute a separate offense.
- (b) Failure to display a permit for the use of an intercity bus passenger loading zone: one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense, and three hundred dollars (\$300) for the third and each subsequent offense. Each bus failing to display a permit while loading or unloading passengers shall constitute a separate offense.
- (c) Providing intercity bus passenger loading or unloading service outside of the hour(s) and day(s) of the week permitted: one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense, and three hundred dollars (\$300) for the third and each subsequent offense. Each bus loading or unloading passengers outside of the approved hour(s) or day(s) of the week permitted shall constitute a separate offense.
- (d) Failure to abide by a condition of the permit: two hundred dollars (\$200) for the first offense and three hundred dollars (\$300) for the second and each subsequent offense.
- (e) Knowingly falsifying material information provided on the permit application: one thousand dollars (\$1,000).

3510.2 The District Department of Transportation and the Metropolitan Police Department may issue the fines specified in this section.

## 3511 SUSPENSION AND REVOCATION OF LICENSES

3511.1 The Department may suspend or revoke a public space permit issued to an intercity bus service operator for any of the following reasons:

- (a) Failure to comply with any condition of the public space permit, including failure to pay a fee;
- (b) Failure to cure any violation cited under § 3510.1 or failure to pay the associated fine;
- (c) Failure to satisfy any outstanding traffic or parking citation for which the intercity bus service operator was deemed to have admitted or that was sustained after a hearing;
- (d) Falsification of any material information provided on the permit application;
- (e) Failure to respond to any written request by the Department;
- (f) Negative impact on vehicular and pedestrian flow or congestion caused in whole or in part by the intercity bus service operations;
- (g) Causing a public safety hazard; or
- (h) Causing a negative impact on rail or bus transit operations.

3511.2 Prior to suspending or revoking a public space permit under this section, the Department shall provide fifteen (15) days written notice to the intercity bus service operator committing any of the violations listed in § 3510.1.

3511.3 Notwithstanding § 3510.2, the Department may immediately suspend or revoke the permit issued to the intercity bus service operator if the intercity bus operations cause or contribute to a public safety hazard.

3512.1 Notices of infractions for violations of this section shall be issued, answered, and adjudicated pursuant to the Department of Consumer and Regulatory Affairs Civil Infraction Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01, et seq.(2007 Repl.)) and the provisions of Chapter 31 of Title 16 of the District of Columbia Municipal Regulations.

## 3599 DEFINITION

3599.1 For the purposes of this chapter, the following words and phrases shall have the meanings ascribed, except in those instances where the context clearly indicates a different meaning:

Adjacent property owner – a person who owns the private property nearest the curb where the intercity bus operator plans to establish an intercity bus passenger loading zone. The adjacent property owner is on the same side of the street as the intercity bus passenger loading zone.

Bus – a motor vehicle with a seating capacity of more than twenty-five (25) passengers, exclusive of the driver, that is used for the transportation of passengers;

Department - District Department of Transportation

Director - Director of the District Department of Transportation. Intercity bus – a bus used for intercity bus service.

Intercity bus service operator – a company that operates intercity buses.

Intercity bus service – regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two (2) or more areas not in close proximity, and which has the capacity for transporting baggage carried by passengers.

Intercity bus service passenger loading zone or intercity bus passenger loading zone – a segment of a curb lane designated by signs prohibiting general purpose parking or standing to facilitate loading and unloading of passengers for intercity bus service.

Occupy – the parking, as that term is defined in 18 DCMR § 9901, of an intercity bus in a public right-of-way under the jurisdiction of the District of Columbia Government for any purpose.

Person - a person, utility, firm, partnership, association, corporation, company or organization of any kind.

Public right-of-way – all the publicly owned property between the property lines on a street as such property lines are shown on the records of the District of Columbia, including the roadways, tree spaces, sidewalks, and alleys.

#### Authority

The Director of the District Department of Transportation (Department), pursuant to the authority set forth in sections 4(a)(5)(A) (assigning authority to coordinate and manage public space permits and records to the Department Director), 5(4)(A) (assigning duty to review and approve public space permit requests to the Department Director), and 6(b) (transferring the public right-of-way maintenance function previously delegated to the Department of Public Works under section III (F) of Reorganization Plan No. 4 of 1983 to the Department) of the Department of Transportation Establishment Act of 2002 (DDOT Establishment Act), effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.03(5)(A), 50-921.04(4)(A), and 50-921.05(b)(2009 Repl.)), and section 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.04(2008 Repl.)), which was delegated to the Director of DPW pursuant to Mayor's Order 96-175, dated December 9, 1996, and subsequently transferred to the Director of the Department in section 7 of the DDOT Establishment Act (transferring to the Director of the Department all transportation-related authority previously delegated to the Director of the Department of Public Works) (D.C. Official Code § 50-921.06(2009 Repl.)).

## Appendix F: New York regulations

### NEW YORK STATE : **Vehicle and Traffic**

§ 1642-a. Bus permit system in cities having a population of one million or more. 1. For the purposes of this section, the following terms shall have the following meanings:

a. "Charter bus" shall mean a bus transporting passengers for compensation in chartered party.

b. "Chartered party" shall mean a group of persons who, pursuant to a common purpose and under a single contract and at a fixed charge, have acquired exclusive use of a bus to travel together as a group to a specific destination or for a particular itinerary either agreed upon in advance or modified after having left the place of origin by such group.

c. "Community board" shall mean a community board as defined in section twenty-eight hundred of the New York city charter.

d. "Intercity bus" shall mean a bus that transports the general public between a city having a population of one million or more and any location outside of such city in scheduled bus service. Provided, however, that such term shall not include a school bus; or a bus providing public transportation; or a charter bus.

e. "Metropolitan transportation authority" shall mean the corporation created by section twelve hundred sixty-three of the public authorities law.

f. "Public transportation" shall mean:

(i) mass transportation services provided to the general public by any public benefit corporation constituting a transportation authority, or a subsidiary thereof, or any public transportation corporation constituted as an instrumentality of a state, or a subsidiary thereof, directly or through a contract with another entity, or

(ii) mass transportation services provided to the general public by any county, city, town or village directly or through a contract with another entity pursuant to section one hundred nineteen-r of the general municipal law, or provided to the general public by another state or any county, city, town or village in a state other than New York directly or through a contract with another entity pursuant to a similar law of such other state.

2. Notwithstanding any provision of law to the contrary, any city having a population of one million or more may prohibit intercity buses from loading or unloading passengers on streets within such city except on designated streets and at designated locations on such streets pursuant to a permit in accordance with the provisions of this section.

3. The mayor of such city which acts pursuant to subdivision two of this section shall designate an agency to promulgate rules to implement this section. Such city agency shall promulgate such rules which shall comply with chapter forty-five of the New York city charter including a public hearing. Such rules shall:

a. Establish a system of permits for allocating locations on designated streets where intercity buses may load and unload passengers, and prohibit loading and unloading of passengers other than at such designated locations on such designated streets pursuant to a permit;

b. Require the owner or operator of an intercity bus to submit an application for a permit for each proposed location for loading and unloading of passengers. Such application shall include the following information:

(i) The name, address, telephone number, e-mail address and motor carrier number of the intercity bus owner or operator, the United States department of transportation number and/or New York state department of

transportation number for each bus that would use such proposed location;

(ii) A proposed location or locations to be used by the specified intercity buses for loading or unloading passengers, and two or more alternative proposed locations;

(iii) The number of intercity buses that would use the proposed location or locations;

(iv) The number of passengers anticipated for each such intercity bus;

(v) The proposed intercity bus schedule;

(vi) The planned garage or parking location of the intercity buses during periods when such buses are not being used; and

(vii) Any other information deemed necessary by the commissioner of the city agency designated pursuant to this subdivision.

c. Establish criteria for assigning locations to permit applicants, which shall include traffic and safety considerations, the preferences of the applicant, consultation with the local community board as provided in paragraph b of subdivision four of this section and other criteria deemed appropriate by the commissioner of such city agency;

d. Provide that such permit shall be issued for a term of up to three years, except that such city may relocate a designated location for the loading and unloading of passengers by an intercity bus, upon ninety days notice to the holder of a permit and after consultation with the local community board as provided in paragraph b of subdivision four of this section, pursuant to the criteria established in accordance with paragraph c of this subdivision;

e. Include criteria under which intercity bus owners or operators assigned a designated location for loading and unloading passengers prior to the effective date of this section shall be issued a permit to use such location for the loading and unloading of passengers for a period of up to three years from the effective date of this section;

f. Establish a timeframe of up to one hundred fifty days for determinations on permit applications, and a process for reviewing the determination on the application;

g. Require intercity bus owners or operators to notify such city agency of changes to information provided in such permit application;

h. Require intercity bus owners or operators to prominently display a copy of the permit in each intercity bus;

i. Require the posting of all approved applications on a website for public access by such city agency within thirty days of approval;

j. Include such other requirements as are deemed appropriate by the commissioner of such city agency;

k. Set forth a schedule of fines or civil penalties for violations of the rules by owners or operators of intercity buses, including for loading or unloading passengers on a city street without a permit or for failure to comply with any permit requirements or restrictions, provided that such fines or civil penalties shall not be more than one thousand dollars for a first violation, and not be more than two thousand five hundred dollars for a second or subsequent violation within two years of the first violation; and

l. Provide for the suspension or revocation of a permit for failure to comply with any permit requirements or restrictions.

Such rules also may provide for the imposition of an annual fee for such permit to cover administrative expenses, not to exceed two hundred seventy-five dollars per vehicle.

4. The city agency designated pursuant to subdivision three of this section to promulgate rules shall:

a. Have the authority to designate streets and locations where the loading or unloading of passengers by intercity buses shall be permitted;

b. Consult with the local community board for the district encompassing the location to be designated in a permit, including but

not limited to a notice and comment period of forty-five days, prior to the issuance or permanent amendment of such permit;

c. Consult with the metropolitan transportation authority when a proposed location or relocation for the loading and unloading of passengers by an intercity bus would overlap with an existing metropolitan transportation authority bus stop;

d. Consult with the port authority of New York and New Jersey when a proposed location or relocation for the loading and unloading of passengers by an intercity bus would overlap with an existing port authority of New York and New Jersey bus facility.

e. Post all locations designated for the loading and unloading of passengers by intercity bus on a website for public access within thirty days of approval; and

f. Have the authority to temporarily amend any approved location for a period of up to ninety days for reasons of public safety or other emergency or temporary need as determined by such city agency without prior consultation with the local community board; provided that such city agency informs the affected community board in writing no more than thirty days after any such temporary amendment.

5. Notwithstanding any other provision of law, in addition to those persons otherwise authorized to enforce any rules promulgated pursuant to this section and adjudicate violations thereof pursuant to article two-A or two-B of this chapter, this section shall also be enforceable by an agency or agencies designated for such purpose by the mayor of such city, and notices of violation issued by such agency or agencies shall be returnable to the environmental control board of such city, which shall have the power to impose the civil penalties herein provided. All proceedings before the environmental control board and any enforcement proceedings shall be conducted in accordance with subdivision d of section one thousand forty-nine-a of the New York city charter and the rules of the environmental control board, except that service of a notice of violation of any rule promulgated pursuant to this section shall be made on the owner or operator of the intercity bus involved in the violation (i) in the same manner as is prescribed for service of process by article three of the civil practice law and rules or article three of the business corporation law; (ii) by delivering such notice to the operator of the intercity bus, and mailing a copy of the notice to the owner or operator of the intercity bus, provided that proof of such service shall be filed with the environmental control board within twenty days, and service shall be complete ten days after such filing; or (iii) by affixing such notice to the intercity bus, and mailing a copy of the notice to the owner or operator of the intercity bus, provided that proof of such service shall be filed with the environmental control board within twenty days, and service shall be complete ten days after such filing. Civil penalties may also be recovered in a proceeding commenced in a court of competent jurisdiction. Notwithstanding any other provision of law, such civil penalties imposed by such environmental control board shall be paid into the general fund of such city. Notwithstanding section one hundred fifty-five of this chapter or any other provision of law, where a person has been adjudicated to be in violation of any rules promulgated pursuant to subdivision three of this section, such adjudication shall not have the force and effect of a conviction of a traffic infraction or of a violation of any provision of this chapter for any purpose not specified in this section.

**Bus.** "Bus" means every motor vehicle having a seating capacity of more than fifteen passengers, in addition to the operator, and used for the transportation of persons, and every charter bus, school bus and sight-seeing bus, regardless of seating capacity, as defined below.

(i) **Charter bus.** The term "charter bus" means a bus transporting passengers for compensation in a chartered party.

(ii) **School bus.** The term "school bus" means every motor vehicle regardless of seating capacity owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or privately owned and operated on a regular basis for compensation for the transportation of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

(iii) **Sight-seeing bus.** The term "sight-seeing bus" means a bus for hire carrying passengers from a fixed point in the City of New York, at which point the passengers embark and are generally discharged to a place or places of interest, assembly, or amusement in the City of New York, and including a charter bus, as defined in these rules, when engaged in a sight-seeing operation.

(iv) **Shuttle bus.** The term "shuttle bus" means a bus operating entirely within the City of New York that does not charge a fee to its passengers.

(v) **Intercity bus.** An "intercity bus" means a bus that transports the general public between the City of New York and any location outside the City of New York in scheduled bus service. Such term does not include a school bus, a bus providing public transportation, or a charter bus.

**Chartered party.** The term "chartered party" means a group of persons who, pursuant to a common purpose and under a single contract and at a fixed charge, have acquired exclusive use of a bus to travel together as a group to a specific destination or for a particular itinerary either agreed upon in advance or modified after having left the place of origin by such group.

Title 34 – Chapter 4-10

**§ 4-10 Buses.**

(a) *Franchise regulations.*

(1) *Franchise required.* No person shall operate or cause to be operated on any street a bus for the operation of which a franchise, consent, or certificate of convenience and necessity, order, or other authorization of any municipal, state, or federal authority is required, unless such franchise, consent, certificate of convenience and necessity, order or other authorization shall have been obtained. No person shall operate or move or cause to be operated or moved on any street a bus operating pursuant to a certificate of convenience and necessity, order or other written authorization of any state or federal authority for which operation of a franchise or consent of the Department of Transportation of the City of New York is not required, unless there shall be filed with the Commissioner, not later than two weeks after issuance, duly authenticated copies of such certificates, orders, authorizations and amendments thereto.

(2) *Franchise not required.* Every person applying to any governmental authority other than the City of New York for authorization to operate a bus into or through the City of New York, for which operation or a franchise or consent of the Department of Transportation of the City of New York is not required, shall, within ten days after the date of submitting such application to such governmental authority, file a duly authenticated copy thereof with the Commissioner, and attach thereto a statement setting forth the address, by street and number, of any proposed off-street terminal or terminals to be used within the City of New York.

(b) *Designated routes.* No person shall operate or cause to be operated on any street a bus operating pursuant to a franchise or consent of the Department of Transportation of the City of New York which designates the route to be followed, except on the route so designated. No person shall operate or cause to be operated on any street any other bus, other than a charter bus, except over a route designated by the Commissioner in writing.

(c) *Pickup and discharge of passengers and layovers.*

(1) *Pickup and discharge of passengers at assigned bus stops.* Except as provided in paragraph (2) below, no operator of a bus, except a charter or school bus, shall pick up or discharge passengers on a street except at a bus stop assigned for the use of that operator by the Department in writing. A bus may only stop at a location that has been assigned to it by the Department. Charter buses, school buses, buses licensed by the New York City Taxi and Limousine Commission, buses operated by the Metropolitan Transportation Authority or any of its subdivisions or buses operating

pursuant to a contract or franchise with the City of New York are not required to obtain permits for bus stop assignments. For all other bus types, bus stop assignments will be made by the Department under a permit system in accordance with subdivisions (d) and (j) of this section. A charter bus may stop on a highway at points of origin and destination for the purpose of expeditiously receiving or discharging passengers, except where prohibited by sign or by the Department. While picking up or discharging passengers, a bus must be within twelve inches of the curb and parallel thereto, except where a bus stop is physically obstructed.

(2) *Pickup and discharge of passengers at locations other than assigned bus stops.*

(i) (A) At times and along those portions of bus routes assigned by the Department, an operator of a bus authorized to operate in the City of New York that provides local or express service along a bus route may discharge a passenger, on such passenger's request, at a curbside location other than a bus stop as described in paragraph (1) above, provided that such location affords the passenger getting off the bus a safe point of departure from the bus and provided that complying with such request will not interfere with the flow of traffic.

(B) Prospective passengers shall be picked up only at a bus stop as provided in paragraph (1) above.

(C) The provisions of this subparagraph shall be clearly posted, in a format approved by the Department, in all buses authorized to discharge passengers between assigned stops.

(D) Clause (A) of this subparagraph does not apply to intercity buses.

(ii) A charter bus may stop on a highway at points of origin and destination for the purpose of expeditiously picking up or discharging passengers, except where prohibited by sign or by the Department.

(3) *Layovers.* No operator of a bus shall make a bus layover, except in locations designated by sign or by the Department in writing. For the purposes of this rule, layover is defined as follows: for a bus without passengers a layover consists of waiting at a curb or other street location; for a bus with passengers a layover consists of waiting at a curb or other street location for more than five minutes. The Department may define the terms, including duration and authorized companies, for use of layover areas.

(d) *Intercity Bus Permit System.*

(1) *Permit Required.* The owner or operator of an intercity bus must obtain an Intercity Bus Permit from the Department to be assigned an on-street bus stop location. A separate Intercity Bus Permit is required for each on-street bus stop location designated to such owner or operator.

(2) *Applications.* An application must be filed with the Department for new Intercity Bus Permit(s) or the renewal of Intercity Bus Permit(s).

(i) An application for new Intercity Bus Permit(s) or for the renewal of Intercity Bus Permit(s) must be submitted on a form provided by the Department, which will include, but not be limited to, the following information:

(A) Name, address, telephone number, e-mail address and motor carrier number of the intercity bus owner or operator, United States Department of Transportation number and/or New York State Department of Transportation number for each bus that would use the proposed location(s).

(B) Proposed on-street bus stop location(s) and two or more alternative locations for each proposed location.

(C) Number of bus trips per day that would use the proposed location(s).

(D) Proposed intercity bus schedule for the proposed location.

(E) Final destination(s) of proposed bus service.

(F) Number of passengers per bus anticipated for each bus trip.

(G) Planned garage or other parking location of the bus during periods when the bus is not being used to pick up or drop off passengers.

(H) The total number of buses that will be used for the permitted bus operations during the full permit term.

(ii) Renewal applications must be submitted to the Department no earlier than six months and no later than three months prior to the expiration of an Intercity Bus Permit.

(iii) The Department will have up to one hundred fifty days to make a determination on any new Intercity Bus Permit application.

(iv) The Department will have up to ninety days to make a determination on any renewal Intercity Bus Permit application.

(3) *Review and issuance of permits.*

(i) The Commissioner may refuse to issue a permit to an applicant who:

(A) Is in arrears to the City of New York for an amount totaling more than one thousand dollars;

(B) Has been issued five or more violations pursuant to this subdivision;

(C) Is currently under suspension of its authorization to operate by either the United States Department of Transportation Federal Motor Carrier Safety Administration and/or the New York State Department of Transportation.

(ii) Owners or operators of buses operating intercity bus service who have been assigned on-street bus stop locations by the department that are still in effect upon the effective date of this subdivision will, upon application

submitted to the department within thirty days of the effective date of this subdivision, be issued Intercity Bus Permits by the department for a term of up to three years. Such owners or operators who had previously been assigned on-street bus stop locations by the department and who submitted an application within such thirty day period may continue to use such assigned on-street bus stop locations for a period of up to ninety days from the effective date of this subdivision, or until the Intercity Bus Permit is issued by the department, whichever date is sooner. Intercity Bus Permits issued pursuant to this subparagraph are subject to all provisions of this subdivision.

(iii) The Department will post on its website all approved on-street bus stop locations and a copy of all approved applications within thirty days of approval.

(iv) *On-street bus stop location assignment criteria.* On-street bus stop assignments will be made based on the following criteria:

(A) Traffic, pedestrian flow, and safety.

(B) Preferences of the Intercity Bus Permit applicant.

(C) Location of planned garage or other parking location during periods when the bus is not being used to pick up or discharge passengers.

(v) *Consultation about proposed on-street bus stop locations.*

(A) The Department will notify the local community board for the district encompassing the location of a proposed on-street bus stop at least forty-five calendar days prior to the issuance of an Intercity Bus Permit or the relocation of an assigned on-street bus location, in order to provide the community board the opportunity to comment on the proposed on-street bus stop location.

(B) The Department will consult with the Metropolitan Transportation Authority, if the location of a proposed on-street bus stop overlaps with an existing Metropolitan Transportation Authority bus stop.

(C) The Department will consult with the Port Authority of New York and New Jersey, if the location of a proposed on-street bus stop overlaps with an existing Port Authority of New York and New Jersey bus facility.

(vi) If the Department refuses to issue a permit pursuant to subparagraph (i) of this paragraph, or disapproves of all of an applicant's on-street bus stop location(s) requested in its application based on the bus stop assignment criteria in subparagraph (iv) of this paragraph, the applicant will have fifteen days to appeal such determination by the Department or submit alternative bus stop location(s). The Department will make a final determination on such appeal within thirty days.

(4) *Relocation of on-street bus stop locations.* The Department may relocate an assigned on-street bus stop location based on the criteria provided in subparagraph (iv) of paragraph (3) of this subdivision and upon ninety days notice to the permit holder.

(5) *Permit fees.* Permittees must pay an annual fee of thirty dollars for each scheduled weekly pick-up or drop-off listed on the Intercity Bus Permit issued by the Department. If the total permit fee exceeds \$275 per vehicle used in the permitted bus operations, based on the documentation provided by permittee in its application, the permit fee will be reduced by the department to a maximum total of \$275 per vehicle actually used in such permitted bus operations. If the permittee adds any buses to its operations not listed in its application pursuant to 34 RCNY § 4-10(2)(H) during the term of such permit, and if the permittee's fee has already been reduced to a \$275 per vehicle fee as provided for herein at the time of permit issuance, then the permittee shall be charged a fee of \$275 for each additional vehicle.

(6) *Term of Intercity Bus Permits.* Intercity Bus Permits will be issued for a term of up to three years.

(7) *Permittee obligations.* All Intercity Bus Permit permittees must comply with the following obligations:

(i) Promptly notify the Department of changes to information provided in its application.

(ii) Prominently display a copy of the Intercity Bus Permit in each intercity bus operating pursuant to such Intercity Bus Permit.

(iii) Display on each intercity bus using the designated location(s) the operator's name, address and telephone number permanently affixed in characters at least five inches high on both sides of the vehicle, with such display being in a color contrasting with that of the vehicle and placed approximately midway vertically on doors or side panels. Permittees may also meet the display obligations by prominently marking buses in such a way that such markings clearly identify the bus operator when observed from the closest sidewalk that the bus stop at which the bus in question is stopped.

(iv) Pick-up and discharge passengers only at on-street bus stops designated by the Commissioner for use by the permittee.

(v) Not stop or stand in its assigned on-street bus stop location except when actively engaged in the pick-up or discharge of passengers.

(vi) Not alter any Intercity Bus Permit issued pursuant to this section.

(vii) Notify the Department of the issuance of any violation by the United States Department of Transportation Federal Motor Carrier Safety Administration or the New York State Department of Transportation within five days of the issuance thereof.

(8) *Suspension and revocation of Intercity Bus Permits.*

(i) The Department may suspend or revoke an Intercity Bus Permit for failure to comply with any of the requirements of this subdivision or in the event of suspension or termination of the authorization to operate its buses by either the United States Department of Transportation Federal Motor Carrier Safety Administration or the New York State Department of Transportation.

(ii) Prior to suspending or revoking an Intercity Bus Permit the Department will give the permittee an opportunity to be heard with at least two business days notice.

(iii) If the Department determines that an imminent peril to life or property exists, including but not limited to, if any permittee's driver has been issued a violation for driving while intoxicated or driving under the influence pursuant to the New York State Vehicle and Traffic Law, or if a permittee's bus has been involved in an accident resulting in a fatality, the Department may suspend or revoke an Intercity Bus Permit without providing the permittee an opportunity to be heard prior to such suspension or revocation. Upon request of the permittee, the Department will provide the permittee an opportunity to present its objections to such suspension or revocation within five business days after the Department receives the request. Any such request by a permittee must be made within thirty business days of such suspension or revocation.

(9) *Temporary relocation of intercity on-street bus stops.* The Department may temporarily relocate a designated intercity on-street bus stop location for a period of up to ninety days for reasons of public safety or other emergency or temporary need as determined by the Department. The Department will notify the local community board for the district encompassing the location within thirty days of such temporary relocation.

(e) *Routes.*

(1) Operators of empty buses and buses with "charter," "special," "contract carriage" or similar non-route specific authority given by the City of New York, the Department of Transportation, the Interstate Commerce Commission, or other legally authorized body, must adhere to the truck routes as described in 34 RCNY § 4-13, or other additional bus routes, except that an operator may operate on a street not designated as a truck route or bus route for the purpose of arriving at his/her destination. This shall be accomplished by leaving a designated truck route or bus route at the intersection that is nearest to his/her destination, proceeding by the most direct route, and then returning to the nearest designated truck route or bus route by the most direct route. If the operator has additional destinations in the same general area and there is no designated truck route or bus route that can be taken to the next destination, the operator may proceed to his/her next destination without returning to a designated truck route or bus route. The operator shall have in his/her possession throughout each trip a route slip, or similar document, showing the points of origin and destination of the trip. Upon the request of a law enforcement officer, or other authorized person, the bus operator shall present for inspection the above stated document or documents.

(2) Notwithstanding the provisions of 34 RCNY § 4-10 paragraph (e)(1) above, no operator of a bus as described in paragraph (1) shall operate his/her vehicle upon any of the streets within the area served by the limited local truck route network in Staten Island as described in 34 RCNY § 4-13(c), except for the purpose of arriving at a destination within the area served by the network. This shall be accomplished by using a designated truck route or bus route to the closest limited local truck route to the destination, using this limited local truck route to the intersection that is nearest to the destination. The operator shall then continue via the most direct route to the closest designated limited local truck route and then to the closest designated truck route or bus route. If the operator has additional destinations in the same general area, and there is no designated truck route, limited local truck route, or bus route that can be taken to the next destination, he/she may proceed to his/her next destination without returning to a designated limited local truck route.

(f) *Required inspection of buses.* No person shall operate or cause to be operated on any street any bus required by law, ordinance, resolution, or rule of any municipal, state, or federal authority to display a certificate, disc, sticker, poster, or other insignia evidencing that such bus has been inspected and is mechanically fit, or has been bonded or insured, or that prescribed fees have been paid, unless such a certificate, disc, sticker, poster or other insignia, currently valid, shall be displayed in the lower right hand corner of the interior surface of the windshield of such bus. In the event it is required that any writing be placed on any such certificate, disc, sticker, poster, or other insignia by someone other than a public official, no person shall operate or move or cause to be operated or moved on any street any such bus unless such writing shall have been placed on such certificate, disc, sticker, poster, or other insignia in black ink and in letters or numbers no less than one inch in height and three-fourths of an inch in width.

(g) *Leased and rented buses.* No person shall operate or cause to be operated a bus leased, rented, or borrowed from another person unless there is marked on the side of the bus in letters at least three inches in height the words

"chartered by" followed by the name of the person operating such leased, rented, or borrowed bus. Notwithstanding the foregoing, buses leased, rented or borrowed from the City of New York shall not be required to have such markings.

(h) *Limitation on backing buses.* No person shall back any bus from or into any street or across or along any sidewalk.

(i) *Bus parking on streets prohibited.* No person shall park a bus at any time on any street within the City, unless authorized by signs, except that a charter bus may park where parking is otherwise permitted at point of destination.

(j) *Bus Stop Permits for Non-Intercity Buses.*

(1) *Permit Required.* The owner or operator of a sight-seeing bus, shuttle bus, or public transportation bus, that makes on-street stops to pick up or discharge passengers in the City of New York must obtain a Bus Stop Permit from the Department for each on-street bus stop location. This subdivision does not apply to charter buses, school buses, buses operated by the Metropolitan Transportation Authority or any of its subdivisions or buses operating pursuant to a contract or franchise with the City of New York.

(2) *Applications.* An initial application for Bus Stop Permit(s) and a renewal application for Bus Stop Permit(s) must be filed with the Department on a form provided by the Department.

(i) Applications must include, but not be limited to, the following information:

(A) Company legal name and any and all assumed name(s); the principal address; the telephone number; the e-mail address; the names of the principal(s) and the title(s); the United States Department of Transportation number and the Federal Motor Carrier Safety Administration MC number; and/or the New York State Department of Transportation number; the New York City Department of Consumer Affairs existing license number for renewal applications; and the vehicle registration for each bus that would stop at the proposed location(s).

(B) Proposed on-street bus stop location(s) and two or more alternative locations for each proposed location if applicable.

(C) Number of stops to be made per day at the proposed location(s).

(D) Proposed bus schedule for the proposed location(s).

(E) Origin and final destination(s) of the proposed bus service.

(F) Maximum passenger capacity of the bus(es) to be used at the proposed location.

(G) Planned garage or other parking location of the bus(es) during periods when the bus(es) is/are not being used to pick up or drop off passengers.

(H) Number of buses planned to be used in the operation of the proposed bus service.

(ii) Renewal applications must be submitted to the Department no earlier than three months and no later than one month prior to the expiration of a Bus Stop Permit.

(3) *Review and issuance of Bus Stop Permits.*

(i) The Department may refuse to issue or renew a Bus Stop Permit under this subdivision to an applicant or Bus Stop Permit holder who:

(A) Is in arrears for an amount totaling more than one thousand dollars owed to the City of New York;

(B) Has been issued five or more total violations and/or one or more violations per vehicle in operation pursuant to this subdivision within the preceding year;

(C) Has failed to provide location data or other information as required by this subdivision. This subparagraph applies only to sight-seeing bus applicants or permit holders;

(D) Has been found to operate without a New York City Department of Consumer Affairs license, if such license is required, within the last year or had a license revoked by the New York City Department of Consumer Affairs or has been found in violation of any of the applicable New York City Department of Consumer Affairs rules and regulations;

(E) Has had its Bus Stop Permit(s) revoked within the last two years; or

(F) Is currently not authorized to operate a bus by either the United States Department of Transportation Federal Motor Carrier Safety Administration (or any successor agency) and/or the New York State Department of Transportation (or any successor agency) and/or the New York City Department of Consumer Affairs (or any successor agency).

(ii) The owner or operator of a bus company that has been assigned on-street bus stop location(s) by the Department, which are still in effect upon the effective date of this subdivision will, upon application to the Department, within thirty days of the effective date of this subdivision, be issued a Bus Stop Permit by the Department for a term of up to three years. Such owner or operator who had previously been assigned on-street bus stop location(s) by the Department and who submits an application within such thirty day period may continue to use such assigned on-street bus stop location(s) for a period of up to ninety days from the effective date of this subdivision, or until a Bus Stop Permit is issued by the Department for such location(s), whichever date is sooner.

(iii) In assigning on-street bus stop locations, the Department will consider criteria: including, but not limited to:

(A) Traffic, pedestrian flow, and public safety;

(B) Preferences of the applicant;

(C) Consultation with the local community board for the district encompassing the location to be authorized, including but not limited to a notice and comment period of 45 days prior to the authorization or permanent amendment;

(D) The number of stops proposed and the viability of a proposed bus stop schedule as determined by the Department;

(E) The availability and location of planned garage or other parking space for periods when buses picking up or discharging passengers at the authorized stops are not in use;

(F) Ongoing and/or upcoming construction projects in the vicinity of the proposed location(s); and

(G) Any other criteria deemed appropriate by the Department.

The Department must approve or deny such authorizations no later than 180 days from the date of the application.

(iv) The Department will notify the local community board for the community district encompassing the location of a proposed on-street bus stop at least forty-five business days prior to the issuance of a Bus Stop Permit, or the permanent relocation of an assigned on-street bus stop location, in order to provide the community board an opportunity to comment on the proposed on-street bus stop location.

(v) If the Department denies an application submitted pursuant to subparagraph (i) of this paragraph, or disapproves of all of an applicant's on-street bus stop locations requested in its application based on the bus stop assignment criteria set forth in subparagraph (iii) of this paragraph, the applicant will have fifteen calendar days to appeal such determination in the form prescribed by the Department or submit alternative bus stop locations. The Department will make a final determination on such appeal within thirty days

(4) *Relocation of on-street bus stop locations.*

(i) *Permanent relocation of on-street bus stops.* The Department may relocate an assigned on-street bus stop location based on the criteria provided in subparagraph (iii) of paragraph (3) of this subdivision and upon ninety calendar days' notice to the permit holder.

(ii) *Temporary relocation of on-street bus stops.* The Department may temporarily relocate an assigned on-street bus stop location for reasons of public safety or other emergency or temporary need as determined by the Department. The Department will notify the local community board for the community district encompassing the location within thirty calendar days of such temporary relocation.

(5) *Permit Fees.* For any new sightseeing bus stop application, an applicant must pay a fee of five hundred and twenty dollars for each bus stop. For any renewal sightseeing bus stop application, an applicant must pay a fee of one hundred fifty five dollars for each bus stop.

(6) *Term of Bus Permits.* The Department will fix the term of each Bus Stop Permit, which will not exceed three years.

(7) *Permittee obligations.* Bus Stop Permit holders must:

(i) Promptly notify the Department of changes to information provided in its application.

(ii) Keep all the Bus Stop Permits in each bus permitted to use the assigned bus stops and present such permits for inspection upon request of any law enforcement officer or other person authorized to enforce this rule.

(iii) Prominently display a list of all Bus Stop Permits and specific bus stop locations authorized by such permits in each bus permitted to use the assigned bus stop in a way that such list can be clearly observed from the closest curb at which the bus is stopped.

(iv) Display on each bus authorized hereunder to stop at an on-street bus stop the owner or operator's name, address and telephone number permanently affixed in characters at least five inches high on both sides of the bus, with such display being in a color contrasting with that of the bus and placed approximately midway vertically on doors or side panels. Bus operators may also meet the display obligations by prominently marking buses in such a way that such markings clearly identify the bus operator when observed from the closest curb at which the bus is stopped.

(v) Pick up and discharge passengers only at on-street bus stop(s) assigned by the Department.

(vi) Not stop or stand in an assigned on-street bus stop location except when actively engaged in the pick-up or discharge of passengers.

(vii) Not alter any permit issued pursuant to this section.

(viii) Notify the Department of the issuance of any violation, revocation, suspension, or other status change, to the bus operating authority, by the United States Department of Transportation Federal Motor Carrier Safety Administration or the New York State Department of Transportation, or the New York City Department of Consumer Affairs within five calendar days of the issuance thereof.

(ix) Notify the Department of the issuance of any traffic or parking violations within thirty calendar days of the issuance thereof and the issuance of any traffic violation committed by a driver while operating the sight-seeing bus that could be the basis for the assignment of points within three calendar days of the issuance thereof.

(x) Not transfer, sell, give or otherwise reassign the Bus Stop Permit(s) except as authorized by the Department.

(xi) Provide the Department, in the form prescribed by the Department, with quarterly reports containing Global Positioning System data for each bus operated by the permit holder, recorded at one-minute intervals, including, but not limited to, vehicle identification number, time and date of ping, time zone, latitude and longitude, ignition status, speed, and odometer reading, except as authorized by the Department. This subparagraph applies only to sight-seeing Bus Stop Permit holders.

(8) *Suspension and revocation of Bus Stop Permits.*

(i) The Department may suspend or revoke a Bus Stop Permit:

(A) For failure to comply with any of the requirements of this subdivision;

(B) In the event of suspension or termination of the authorization to operate a bus by either the United States Department of Transportation Federal Motor Carrier Safety Administration or the New York State Department of Transportation or the New York City Department of Consumer Affairs;

(C) Based on any grounds listed in subparagraph (i) of paragraph (3) of this subdivision;

(D) If an operator does not provide a bus service for a period of one month.

(ii) Prior to suspending or revoking a Bus Stop Permit, the Department will give the bus company an opportunity to be heard upon at least two business days' notice.

(iii) If the Department determines that an imminent peril to life or property exists, the Department may suspend or revoke a bus stop authorization without providing the permittee an opportunity to be heard prior to such suspension or revocation. Upon request of the permittee, the Department will provide the permittee an opportunity to present its objections to such suspension or revocation within five business days after the Department receives the request. Any such request by a permittee must be made within thirty business days of such suspension or revocation.

(Amended City Record 4/12/2016, eff. 5/12/2016; amended City Record 1/10/2020, eff. 2/9/2020)

(1) location within thirty days of such temporary relocation.