Testimony of Tim Tompkins, President, Times Square Alliance
Committee on Consumer Affairs jointly with the Committee on Transportation
Oversight: How Can New York City Better Regulate the Sightseeing Bus Industry?
Intro. 713-A, Intro. 529-A, Intro. 950
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Thank you, Chair Espinal, Chair Rodriguez, and members of the Committee on Consumer Affairs and Committee on Transportation, for allowing me to testify before you today. I am Tim Tompkins, President of the Times Square Alliance. I welcome the opportunity to speak in support of the proposed legislation to amend regulations of sightseeing bus operators.

Sightseeing tour buses are a great way for visitors to experience many of New York’s diverse neighborhoods and sites, even during short trips. And as one of New York City’s—and the world’s—most iconic spaces, Times Square is a key stop along most tour bus routes. The 39 million visitors who stay in Times Square annually rely on the ability to hop on a bus and be transported throughout the city, while hundreds of thousands of more tourists hop off in Times Square to experience the lights and spectacle on their way to a Broadway show. Therefore, there is no doubt that sightseeing buses are important to the City’s ever-growing tourism economy and the hundreds of thousands of jobs related to it. The Alliance thinks it is important to support this industry and its hard-working employees.

At the same time, in response to the frequently-stated concerns of key stakeholders, ranging from theater-goers and other members of the Broadway community who walk and drive to shows, to the Times Square employees who have to navigate the intensely-crowded sidewalks of Times Square, the Alliance has long advocated for a more transparent, consultative, and collaborative process for siting tourist bus stops, using both traffic and pedestrian-flow data as well as community consultation. Too many times, a bus stop was changed or added without clear explanation and the criteria guiding its location was not clear. We believe that in our own neighborhood, once congestion and public safety criteria are applied, some equally viable locations will be welcomed by nearby businesses, while others less so, and so we believe there is a value in the community consultation as well.

The need for analysis of congestion, particularly for pedestrians and vehicles, prior to siting bus stops is great in Times Square. Heavily trafficked corridors, such as 42nd Street between 6th and 8th Avenue and 7th Avenue from 40th Street to 50th Street, are subject to enormous pedestrian and vehicular pressures due to a confluence of:

- public transit pedestrian flows (from the city’s largest subway station and its sole bus terminal) that produce the highest commuter pedestrian counts in the city;

- the greatest concentration of hotels, theaters and entertainment venues in the city (each with attendant arrivals and departures by foot or by vehicle);

- a higher concentration of tourist, MTA and commuter bus stops at particular pinch points compared to other parts of the city; and
- a multitude of other forms of commercial activity taking place on already busy sidewalks.

The result of all this can be significant threats to pedestrian safety. For example, on a recent evening, 3,100 pedestrians were counted walking in the street bed on 42nd street in a two hour period because of the cumulative effect of all of these activities, including recently added tour bus stops on the north side of 42nd street near 8th Avenue.

The location and number of on-street bus stops can drastically affect pedestrian and traffic flow. Passengers typically queue on the sidewalk in front of “hop on/hop off” stops, resulting in overcrowded sidewalks. At some of the most popular stops, including along 42nd Street, 46th Street, 7th Avenue, and 47th Street, sidewalk conditions have deteriorated significantly. These areas routinely achieve Level of Service (LOS) grades of “E” and “F,” meaning the sidewalks are (using DOT Level of Service language) “severely restricted or that forward progress is only achievable by shuffling.” While the stops are intended only for drop off and pick up, a recent study found that buses tend to idle at the stops between trips, piling up along the curb. On Saturday evenings, the average dwell time for buses along 42nd Street was 46 minutes. At other pinch points, like 47th and 7th Avenues, we have received innumerable stakeholder complaints and documentation about the “stacking” of buses blocking multiple lanes and the effect that has on traffic.

Of course Times Square is a busy place, so these many different activities are all appropriate in their own way and we expect them to be more concentrated here than elsewhere, especially given our central role in the tourist economy. But as noted in the examples above, because of this concentration of many different demands and uses on streets and sidewalks due to our unique mix of transportation, hotel, office and entertainment venues, the need for both community consultation and a rigorous data-based analysis of bus stops is essential. It is in part for this reason that the Times Square Task Force committed to a comprehensive traffic study of the Times Square area once plaza construction is finished; that study should help clarify options for dealing with many of the issues related to bus stops, among other things.

The vast majority of tour bus drivers and companies operate safely, taking all necessary precautions to protect riders and pedestrians. Unfortunately, there have been a few incidents, including a 2014 tour bus crash in Times Square, that brought new attention to licensing requirements for the sight-seeing bus industry. Intro. 529-A will create an additional layer of accountability for drivers and operators, ensuring the safety of tour bus riders and surrounding pedestrians. This provision, intended to help the bus companies and DCA address a handful of bad actors who repeatedly act in a way that violates traffic laws, endangers pedestrians or is inconsiderate of the community, seems to us to be a reasonable and positive step forward. Further, it seems very much within DCA’s purview that if an operator has accumulated multiple violations, DCA then has the authority to impose fines or, in the most egregious cases, revoke an operator’s license before the term has expired.

With respect to Intro 950, without knowing the specifics as to how many licenses already exist, and how much demand is expected to grow in which areas as a result of tourism growth or the development of new routes in other neighborhoods, we are not prepared to take a position.
However, we do think the city’s past history of simply capping licenses (or medallions) citywide can result in unintended market distortions that hurt operators, potential operators, consumers, and the public alike. Data-driven-analyses which balance both market needs and the impact of commercial activities on the scarce resource of the streets and sidewalks of the public realm, if performed properly and objectively, can often be complementary tools that are more rational, defensible and effective.

The Time Square Alliance looks forward to continuing to work with the City, bus operators, and other stakeholders to ensure that tour buses continue to be a safe, viable method for tourists to discover Times Square and other sites throughout New York City.

Thank you for the opportunity to testify.