

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS
LICENSING

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September 26, 2018
Start: 11:19 a.m.
Recess: 11:32 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: RAFAEL L. ESPINAL, JR.
Chairperson

COUNCIL MEMBERS: Margaret S. Chin
Peter A. Koo
Karen Koslowitz
Brad S. Lander

A P P E A R A N C E S (CONTINUED)

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[sound check] [background comments,
pause] [gavel]

CHAIRPERSON ESPINAL: Good morning. My name is Rafael Espinal. I'm the Chair of the Consumer Affairs Committee. I'm joined today by other members of the committee. We have Peter Koo from Queens, Margaret Chin from Manhattan, Karen Koslowitz from Queens and Brad Lander from Brooklyn. Today the committee will vote on four pieces of legislation. Two of the bills relate to the regulation of the growing sight-seeing tour bus industry in the city of New York, and two relate to street vending. New York City has long been one of the world's preeminent travel destinations for both businesses and leisure. In 2017, there was a record 62.8 million visitors to New York City. The eighth consecutive year of growth. The sightseeing bus industry has benefitted from this increase in tourism over the past decade, and according to the Department of Consumer Affairs there are currently 197 sightseeing buses, a figure that has more than tripled since 2004. The sightseeing bus industry is an important aspect of tourism in the city. However, their growing presence on the city's role has

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2 contributed to complaints and concerns regarding
3 traffic congestion, pollution and noise. Recently,
4 there have been growing concerns regarding traffic
5 congestion and safety especially in light of the
6 number of disturbing high profile accidents involve
7 tour buses. In August of 2014 two sightseeing buses
8 collided in Times Square and at least 15 people were
9 injured. All but one of the injured were
10 pedestrians. The driver of one of the buses in the
11 incident was arrested and charged with driving while
12 impaired. The driver's license had been suspended 11
13 times previously. In 2016, 13 people were injured
14 aboard a sightseeing bus when it mounted the curb and
15 crashed into a tree along Central Park. The crash
16 shut down Fifth Avenue for five hours, and in
17 November last year, three people were hospitalized
18 when a charter bus driver struck a delivery truck
19 outside of the Richard Rogers Theater. These and
20 other serious accidents involving sightseeing buses
21 has prompted the Council to re-examine its power to
22 regulate the industry and take reasonable steps to
23 prevent future incidents. Part of the difficulty in
24 regulating the city's sightseeing buses are the
25 myriad of laws that currently govern the industry.

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2 Late last year New York State Senator Brad Hoylman
3 endeavored to investigate these laws. His final
4 report found that currently regulations governing New
5 York City sightseeing buses create a multi-
6 jurisdictional web riddled with loopholes,
7 contradictions, and lower standards that combine to
8 allow sightseeing buses companies to operate in an
9 environment with limited oversight and lax
10 enforcement. The vote today on Proposed Intro Bill
11 No. 723-A and Proposed Intro Bill No. 727-A are an
12 effort to address and mitigate these loopholes,
13 provide stricter regulations of the city's
14 sightseeing buses, and ensure the safety of New York
15 City residents and the tourists alike. The first
16 bill to address these concerns is Proposed Intro Bill
17 No. 723-A from the Speaker. This bill requires
18 sightseeing buses—bus companies to submit their
19 passenger pickup and drop-off locations for approval
20 to the Department of Transportation before obtaining
21 or renewing a license from the Department of Consumer
22 Affairs. In approving the stops, DOT will take into
23 account traffic, pedestrian flow and public safety.
24 To further enhance safety measures, my bill Intro No.
25 727-A, will establish basic requirement for

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2 sightseeing bus drivers. This includes provisions to
3 ensure that the driver has not had their motor
4 vehicle license or commercial driver's license
5 suspended or revoked two or more times within the
6 past five years, has not accumulated 9 or more points
7 on the driving record within an 18-month period, and
8 has not been convicted of any alcohol or drug related
9 offense within the past few years. The bill would
10 also require that companies to inform DCA of any
11 accident or traffic infraction involving their tour
12 buses within three days of their incident. The third
13 bill we will vote on today is Intro 959-A, sponsored
14 by Council Member Chin, which would expand the zone
15 around the World Trade Center in which food and
16 general vendors are prohibited. The original campus
17 security plan was drafted after the devastating
18 September 9th-September 11 attacks and aims to create
19 a secure perimeter around the vulnerable site. In
20 addition to prohibiting general and food vending
21 within the exclusion zone, the campus plan also
22 outlines various security checkpoints and other
23 measures to ensure all vehicles in the area can be-
24 can be pre-screened and authorized. Since the plan
25 was drafted in 2013, however, the area has seen a

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1 massive redevelopment. The revitalization of the
2 World Trade Center Precinct within the last few years
3 includes the opening of the Westfield Shopping
4 District, path-passageways, connected to subway
5 stations and new office towers all of which have
6 increased activity in the area, and prompted the need
7 for more security points to come online. Under the
8 current security plan, some of these security points
9 are located outside of the existing vending and
10 exclusion zone. This means that vendors are able to
11 step-set up alongside security booths, which together
12 with lines of customers can interfere with security
13 sightlines. Intro 959-A seeks to extend an exclusion
14 zone to incorporate these new security points and
15 ensure they remain free from obstructions. The
16 original version of the bill simply extended the
17 exclusion zone a few blocks in each direction.
18 However, upon mapping the impact that this expansion
19 would have on street vendors in the area, specific
20 carve-outs were made on a street-by-street basis.
21 Great care was also taken into the drafting of this
22 bill to ensure that Zuccotti Park, a prominent street
23 vending area, would not be incorporated into the
24 exclusion zone. The final bill today is Proposed
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2 Intro Bill No. 969-A, which aims to restrict
3 obstructions and street vendors in certain areas of
4 Downtown Flushing at certain hours of the day.
5 Downtown Flushing is a vibrant and bustling area
6 within the borough of Queens. With an estimated
7 population of over 72,000, this area is experiencing
8 a development boom with a range of new businesses and
9 residential developments in the works. Given that
10 the area is also one of the largest transportation
11 hubs in New York City with more than 20 bus lines and
12 seven subway stops and nearby Long Island Railroad
13 Lines, it is no wonder it is such an attractive
14 environment for business and residential investment.
15 However, this rapid growth has also cause problems
16 especially with sidewalk congestion. Downtown
17 Flushing has a population density per square mile.
18 It is almost twice that of New York City. So,
19 competition for sidewalk space is at a critical
20 level. This area's residents already experience the
21 heaviest foot traffic outside of Manhattan, which is
22 why Intro 969-A seeks to limit sidewalk obstructions
23 and restrict the areas where street vendors can
24 locate themselves. I believe my colleagues might
25 have some comments to make on their bills?

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2 CHAIRPERSON CHIN: Thank you, Chair.

3 Today, we are voting on a bill that would help ensure
4 safety for the growing number of residents and
5 pedestrians in and around the World Trade Center
6 site. The streetscape around the World Trade Center
7 is unique. Since low vending zone was established,
8 important security, infrastructures including
9 bollards, security, credentialing kiosks and vehicle
10 checkpoints has been installed, and to adjust for the
11 reality of a newly revitalized site. By pursuing a
12 limited expansion of the no vending zone to include
13 these security points, this legislation would created
14 a buffer to prevent crowds and any other obstruction
15 from blocking those sight lines. My office worked
16 very hard to achieve two goals: Ensuring safety for
17 a growing number of residents, workers and visitors
18 while minimizing impact on surrounding street
19 vendors. I wanted to thank Speaker Johnson, Council
20 staff especially Rachel Codero and Leah Scriepe (sp?)
21 and my Legislative Director Marian Catero (sp?) for
22 their hard work in creating a balanced bill that
23 increase safety for those that live, work and visit
24 the World Trade Center area as well as acknowledging
25 street vendors' vital role in our downtown economy.

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2 I hope that all my colleagues can join me in voting
3 yes on the bill. Thank you.

4 COUNCIL MEMBER KOO: So, Mr. Chair, I
5 want to say something, yeah. Thank you, Mr. Chair
6 for your leadership and your dedication on this
7 committee. This legislate—this legislation looks to
8 begin to finally address the issue of sidewalk
9 vendors impending or impeding under shared public
10 spaces of Downtown Flushing. As one of the busiest
11 transportation hubs in the New York City the Downtown
12 Flushing area has recently become overwhelmed with
13 sidewalk obstruction. Last year, we widened the
14 sidewalks in hopes of providing more spaces for the
15 hundreds of thousand of pedestrians who commute here.
16 Unfortunately, our widened sidewalks has given rise
17 to an increase in street vending of all kinds. The
18 leg—this legislation looks to return the sidewalks or
19 one of the city's busiest transportation hubs back to
20 the people. I have no objection to vendors being
21 innovative in order to conduct their business, but I
22 wholeheartedly object to those who do so at the
23 expense of their community. So, this bill says—
24 prohibits vending around the downtown area in the
25 afternoon and evening hours. While I am open to

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2 discuss the creation of a designated vending zone in
3 our community in the future, we first need to address
4 the problem of congestion that exists today. I thank
5 the Speaker and my colleagues for joining me today.
6 Thank you also to Jason Goldman, Robe Newman, Rachel
7 Codero, James DiGiovanni and all the members in the
8 Legislative staff, and also, I want to thank Andrew
9 Wilbur and also Committee Chair Espinal and my own
10 staff. And I've lived in Flushing for 35 years, and
11 with God's blessing, I hope I can live another 30
12 years, right. [laughter] So, this is one thing I
13 want to do for the community. I want to make sure
14 that things—that now people, whenever on the street
15 people will come to me and compliment me: Peter, you
16 did something good for our community. So, I hope my
17 staff or my colleagues in the Committee will support
18 the bill. Thank you.

19 CHAIRPERSON ESPINAL: Thank you. With
20 that said, will you please call the roll.

21 CLERK: Good morning. This is the
22 Committee on Consumer Affairs and Business Licensing
23 voting on Intros 723-A, 727-A, 959-A and 969-A.
24 We'll begin with Chairman Espinal.

25 CHAIRPERSON ESPINAL: I vote aye.

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2 CLERK: Council Member Chin.

3 COUNCIL MEMBER CHIN: Aye on all.

4 CLERK: Council Member Koo.

5 COUNCIL MEMBER KOO: Aye.

6 CLERK: Council Member Koslowitz.

7 COUNCIL MEMBER KOSLOWITZ: Aye.

8 CLERK: Council Member Lander.

9 COUNCIL MEMBER LANDER: Request

10 permission to explain my vote. Mr. Chair. Permission
11 to explain.

12 CHAIRPERSON ESPINAL: Of course.

13 COUNCIL MEMBER LANDER: Thank you very
14 much I vote aye on 723-A and 727-A. On the vending
15 bills I feel much more ambivalent. I have very high
16 respect for Council Members Chin and Koo, and I
17 respect their knowledge of their district, and the
18 reasons that are put forward in these bills for the
19 restrictions I think are not unreasonable in either
20 case, but I don't feel good about us acting without a
21 broader framework for vending at this point in time
22 either for clarifying where we're going to make
23 additional restrictions, and with what rules and
24 guidelines or as part of broader comprehensive reform
25 that addresses the issues of vendor permits and some

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2 of the other issues that have made life difficult for
3 street vendors for years, which we endeavored to
4 change last term, and did not succeed, and which I
5 hope we will take up this term. There are definitely
6 zones where I think vending should be restricted.

7 You only got to go on the Brooklyn Bridge to-to see
8 that, and I think these are reasonable reasons, but I
9 don't feel comfortable with us doing it in the
10 absence of a more thoughtful and comprehensive policy
11 where we only act to restrict individual zones by
12 legislation in a bigger way. So, I'm going to vote
13 no on 969-A and I'm going to abstain on 959-A because
14 that's such a small number of vendors and requested
15 by the NYPD, and I respect Council Member Chin's work
16 to limit the area so much. I think the possibility
17 there of making sure that all the vendors who are
18 displaced have solid other locations nearby where
19 they could go remains possible, and I would like to
20 see us try to achieve that before we restrict them
21 from the World Trade Center site. So I vote aye on
22 723-A and 727-A, no on 969 and I abstain on 959.

23 Thank you, Councilman.

24 CLERK: All items were adopted by a vote
25 of 5 in the affirmative, 0 in the negative and 0

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2 abstentions with the exception of Intro 969-A, which
3 was adopted by a vote of 4 in the affirmative and 1
4 negative and 0 abstentions, and Intro 959-A, which
5 was adopted by vote of 4 in the affirmative, 0
6 negative and 1 abstention.

7 CHAIRPERSON ESPINAL: Alright, with that
8 said, this meeting is adjourned. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 5, 2018