



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

March 9, 2020

Ed Pincar
Manhattan Borough Commissioner
NYC Department of Transportation
59 Maiden Lane, 37th Floor
New York, NY 10037

Re: Intercity Bus Stop Application for 401 West 41st Street (Ninth Avenue).

Dear Borough Commissioner Pincar,

Manhattan Community Board 4 (MCB4), at its March 4th Full Board meeting, voted by 37 in favor, 0 against, 0 abstaining, and 0 present but not eligible to vote, to oppose the granting of four permits for a stop at 401 W. 41st Street to be shared by four companies that would pick up and drop off commuters 36 times per day at peak hours. MCB4 opposes any stop on the north side of West 41st Street between Ninth and Dyer Avenues but supports a stop west of Dyer Avenue at 429 West 41st Street.

Looking ahead to the impact of Congestion Pricing on Intercity Bus travel, we urge the City to increase its focus and develop new rules to deal with this issue.

The companies Gem Limousine Inc., Top Town Private Care & Airport Service Inc., Empire CLS and TRU Limousine, LLC, operate on-demand transportation by luxury vans between Teaneck, Montvale, Woodcliff, NJ, and Manhattan. Passengers reserve a trip and pay through the HIP mobile application. There are existing train and bus alternatives to these destinations.

The proposed location presents significant safety and adjacency challenges:

- This intersection is very dangerous. Two persons were killed by traffic there over the years. Increasing the volume of pedestrians will increase the statistical probability of another crash.

- There is a fire hydrant at this address. It is in front of a shop window. The delivery bay of the Big Apple Supermarket opens on that area. The Pod Hotel deliveries and mountains of garbage use that space as well.
- The location is right at the corner and cannot accommodate more than one bus. The schedule provided shows two simultaneous pick-ups, at certain times of day. Further the high frequency of pick-ups combined with constant delays in the tunnel will cause bus bunching with more buses at the stop, which will then overflow in the intersection and on the turn lane off Ninth Avenue.
- The Hudson Yards Hell's Kitchen Alliance BID wrote in opposition to this location because of its interference with existing and planned business operations and safety risks.

Alternate locations:

- MCB4 supports installing the stop in front of 429 West 41st Street, at the north West Corner of Dyer Avenue on West 41st Street. The stop is only 400-ft west of the location preferred by the operator. That sidewalk is well lit by MTA lights. It is located very close to the Tunnel ingress and egress thus reducing miles travelled and congestion. This location is controlled by the Port Authority. Currently there is a dumpster at this location that prevents any active use by the Port Authority.
- MCB4 also supports splitting the pick-up and drop-off in two stops and installing the drop-off in front of the Port Authority Bus Terminal, on the south side of West 42nd Street, just west of Eighth Avenue, where the current airport bus stop is located. In the long term, this stop is not ideal as it is located in a newly painted bus lane. Eventually DOT plans to relocate all the stops off that stretch.
- MCB4 opposes the first alternate stop the operator suggested, located on the north side of West 41st Street, between Ninth and Dyer Avenue, just east of Dyer Avenue. This loading area is critical to the survival of the historical Theater Row located on West 42nd Street. The director of Theater Row wrote a letter in opposition to this stop: for every show at any one of the five Off-Broadway theaters there are multiple deliveries and pick-up at all times of day. In addition, the theater company "Theater Breaking Through Barriers," which advances artists and develops audiences of people with disabilities actively uses the entrance on West 41st Street for access to performances and meetings. There is a taxi layover further east, a much-needed facility since the parking space on Ninth Avenue is needed for deliveries.
- MCB4 also opposes the second alternate stop the operator suggested, North of West 42nd Street, between Eighth and Ninth Avenues, just west of the midblock pedestrian crossing. This area is in front of the Sacred Heart Church with a very narrow sidewalk. It is overcrowded by a mass of commuter vans to the east and it is in a newly created bus lane.

The HIP technology and marketing platform is similar to the Uber platform. HIP does not own the buses, does not pay the drivers' salaries, does not provide insurance. They represent

themselves as a technology company that can scale rapidly, a model favored by venture capital. We hope the City will be more cognizant of the related issues now that they have had the Uber experience:

- These four companies have been operating illegally on Ninth Avenue, West 39th Street and West 41st Street for the last few months. NYPD was called to displace them. They are still operating illegally at this location. The City should not entertain permits to “regularize” illegal operators. This is an encouragement to unlawful behavior and gives a sense of entitlement to these bad operators. We ask that DOT request NYPD’s immediate enforcement of these illegal operators.
- The technology company, HIP itself, is not penalized in any way, because they are not named on the permit and are considered a technology company – not a transportation company. This is the Uber model which has allowed Uber to skirt all established transportation rules and avoid accountability. Proper regulation of bus operators is even more important because many passengers are involved.

Looking ahead to congestion pricing, MCB4 notes that there is not a single viable space left around the Port Authority Bus Terminal to accommodate more curbside pick-ups or drop-offs. This surface transportation crisis is spiraling out of control, with new highly scalable technology operators setting up shop in anticipation of the demand created by congestion pricing.

- HIP indicated they are setting up operations in anticipation of congestion pricing. Because they can scale rapidly with very little capital, there is no telling how many buses will eventually use the stop.
- If only 10% of the commuters driving to Manhattan through the Lincoln Tunnel switched to buses under the congestion pricing scheme, it would require 10 (ten) new curbside terminals. While the City is focused on providing alternate options through expanded MTA service, no one is addressing the rise in Intercity Bus demand to serve the large population of New Jersey workers who may switch from single occupancy cars. The Fix NYC Advisory Panel Report from January 2018 dedicated a recommendation¹ on this issue, including new legislations/rules, but any solution seems to be years away, while the problem is **now**. We urge the city to increase its focus and develop guidelines and rules to deal with this issue.

¹ 4. Assess and Address the Impacts of Bus Congestion in the CBD: The significant rise in the number of buses in the CBD and the evolution of their function have negative impacts on street congestion, road safety, and air quality. The increase in volume has occurred at the same time as parking lots and spaces available for commuter, charter and tour buses on the West Side are disappearing. The Hudson Yards development is rapidly shrinking the capacity to handle bus volumes due to loss of road space, parking lots and suitable curb space.²⁸ With no place to park, buses are routinely circling around West Side neighbor-hoods, parking illegally, or heading out to New Jersey to park. The trip to NJ creates two additional trans-Hudson trips, exacerbating congestion in the already crowded Holland and Lincoln Tunnels. As New York continues to see record high tourism numbers, more intercity and private charter buses are clogging traffic lanes than ever before, particularly on the West Side of Midtown and Lower Manhattan. The number of tour buses licensed to operate in NYC has risen from 54 in 2003²⁹ to 237 in 2016.³⁰ Making matters worse, tour buses fall into a murky regulatory area where they evade many regulations, leading to numerous safety violations and accidents in recent years. The panel recommends that NYSDOT initiate a comprehensive review, along with PANYNJ and NYCDOT, of parking and operating regulations and licensing of motor coaches operating in Midtown and in downtown.

Sincerely,



Lowell D. Kern
Chair
Manhattan Community
Board 4



Christine Berthet
Co-Chair
Transportation Planning
Committee



Dale Corvino
Co-Chair
Transportation Planning
Committee

cc: Carolyn Grossman, NYC Department of City Planning
Mike Replogle, NYC Department of Transportation
Victor Calise, Mayor's Office for People with Disabilities
Mike Lavery, Port Authority of New York & New Jersey