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## ***“Buses & the City: The Future of the NYC Motor Coach Industry”***

On June 27, 2023, The Transportation Law Committee of the New York City Bar Association and the BUS4NYC Coalition sponsored a conference entitled, ***“Buses & the City: The Future of the NYC Motor Coach Industry.”*** This forward-thinking conference convened government transportation officials & policy makers, transportation lawyers, academics & urban planners, and motor coach industry leadership to discuss working together to provide safe, affordable, efficient, equitable, and sustainable shared mobility services in New York City.

I am proud to serve as the Chair of the Transportation Law Committee of the New York City Bar Association, which was the host and sponsor of this event. The Transportation Law Committee, which is comprised of lawyers, law students, academics and industry experts, focuses on a wide variety of legislative, judicial, regulatory and policy matters that impact the public and private mobility paradigm, with a mission to promote accessibility, equity, sustainability, technology innovation and safety. Please visit the NYC Bar’s website to learn more about the Committee, its reports, and updates on its ongoing work and future events:

<https://www.nycbar.org/member-and-career-services/committees/transportation-committee>.

BUS4NYC is a NYC-based and focused non-profit advocacy group comprised of private bus company owners and related business and associations promoting the industry as a viable transportation solution and local economic driver. The group is responsible for raising the industry’s overall profile in NYC through sustained education and public awareness campaigns, which seek out supportive public policies that will encourage the growth of the private bus companies. BUS4NYC’s leadership and members believe that buses are a sustainable and efficient way to move people around NYC, and they are committed to working with government officials and other stakeholders to make sure that buses are a part of the solution to the City’s transportation challenges. BUS4NYC members include commuter, tour, charter and sightseeing bus companies among others, whose operations range from interstate travel throughout the U.S. right down to local NYC streets – representing thousands of employees who annually serve millions of daily commuters, seniors, students, and visitors. Learn more about BUS4NYC by visiting its website at <https://bus4nyc.org/>.

The theme or message of the conference was that private buses are part of the solution, not the problem! As we continue to recover from the pandemic, the mobility landscape has already changed, and the event presented the current state of the industry and how it must evolve with a changing city. Topics of discussion included bus electrification and infrastructure, congestion mitigation and pricing, innovative and automated enforcement concerns, and the intensifying battle for the curb and proposed solutions to the many challenges facing the industry – including the high cost of insurance and the growing driver shortage.



**From Left to Right: Patrick W. Condren, *Bus4NYC Vice President/Secretary*; Matthew Daus, *NYC Bar Association Transportation Law Committee Chair*; Hon. Ydanis Rodriguez *Commissioner of the NYC Department of Transportation*; and Hon. Selvena Brooks-Powers, *Chair of the New York City Council Committee on Transportation & Infrastructure*.**

As master of ceremonies, I provided the opening remarks, along with **Patrick W. Condren, *Bus4NYC Vice President/Secretary* & Glenn Every, *Bus4NYC President*** – who both happen to also be members of the NYC Bar Transportation Law Committee that I chair. My good friend Patrick Condren, a former bus operator, consultant and lobbyist who knows everyone and everything about the motor coach industry, was the perfect partner to help organize this tremendously successful event. Glenn Every, a current successful bus operator and also a knowledgeable lawyer, was instrumental in the event’s programming and success. They were then followed by opening keynote remarks from **Hon. Ydanis Rodriguez, *Commissioner of the NYC Department of Transportation***, and **Hon. Selvena Brooks-Powers, *Chair of the New York City Council Committee on Transportation & Infrastructure***. Several panel discussions followed the opening remarks, and closing keynote remarks were delivered by my friend and former Bloomberg Administration colleague, **Hon. Rohit T. “Rit” Aggarwala, *Commissioner, of the NYC Department of Environmental Protection***.

DOT Commissioner Rodriguez delivered a compelling and candid opening keynote address emphasizing the pivotal role of buses in New York City, particularly in the outer boroughs, and how he relied on buses as a young man in NYC. With unwavering enthusiasm and a commitment to public transportation, Commissioner Rodriguez highlighted how buses serve as vital arteries connecting communities, fostering economic growth, and enhancing the quality of life for countless residents. By underscoring the importance of reliable, accessible, and efficient bus services, he showcased his deep understanding of the unique challenges faced by the outer boroughs, where subway coverage may be limited. Through his impassioned remarks, Commissioner Rodriguez invigorated stakeholders and instilled a renewed sense of hope, signaling a brighter future where buses emerge as the backbone of New York City's transportation network, ensuring equal opportunities and seamless connectivity for all its inhabitants.

Council Member Selvena Brooks-Powers, a prominent advocate for public transportation, delivered a captivating opening keynote address emphasizing the significance of buses in New York City, drawing upon her personal connection to the industry and her current role as the Chair of the City Council Committee on Transportation & Infrastructure. With a heartfelt tribute, she shared the inspiring story of her father, who dedicated years of his life as a Greyhound bus driver (yes, she did get to use the microphone when the bus was empty), fostering a deep appreciation for the critical role buses play in connecting communities. Chair Brooks-Powers highlighted the indispensable nature of buses, particularly for residents in underserved areas and the outer boroughs, where access to other modes of transportation may be limited and unconnected. Her personal remarks resonated with the audience, illuminating the transformative power of reliable, affordable, and accessible bus services in fostering social equity and economic prosperity. By infusing her personal narrative with a broader call to action, Chair Brooks-Powers galvanized support for further investments in New York City's bus infrastructure, ensuring the vital role of buses continues to shape the City's transportation landscape.

After the opening remarks, the panel discussions continued and contained the same sense of adulation for buses, including the role of buses as a necessary, equitable, and environmentally-friendly mode of transportation. Of course, the event would not have been able to take place without the help of our generous sponsors, to whom we extend our sincere gratitude – namely **Research Underwriters** and **IP Video**. **Andrew Don, CEO of Research Underwriters**, addressed the attendees and provide background of his company and the support for the bus industry. Research Underwriters is a specialty insurance broker and managing general agent that specializes in providing solutions to complex insurance problems across many industries, with specific emphasis on commercial transportation. **David Antar, CEO of IPVideo Corporation**, discussed how his company harnesses the power of the Internet of Things (IoT) and incorporates artificial intelligence (AI) and machine learning to deliver a range of open platform physical security, sensor and audio/visual solutions that provide maximum flexibility, performance, ease-of-use and value.

***PANEL 1: “The Role of the Private Bus in Congestion Mitigation & Pricing Plans”***



**From Left to Right: Patricia Crowley, Executive Director, Greater New Jersey Motorcoach Association; Ken Presley, Vice President, United Motorcoach Association; Andrew Lynch, Executive Vice President, Hampton Jitney; Patrick Condren, Vice President/Secretary BUS4NYC; and Peter J. Pantuso, President/CEO, American Bus Association.**

The first panel discussion was moderated by **Patrick Condren, Vice President/Secretary of BUS4NYC**. The panelists included **Peter J. Pantuso, President/CEO, American Bus Association; Andrew Lynch, Executive Vice President, Hampton Jitney, Patricia Crowley, Executive Director, Greater New Jersey Motorcoach Association, PBA; and, Ken Presley – Vice President, United Motorcoach Association.**

Mr. Condren opened the panel with remarks focusing on congestion pricing and the equities associated with the implications to the private bus industry, noting that congestion can actually be decreased through mitigation efforts such as dedicated busways supporting both public and private buses that can remove cars from the road exponentially. A single bus carrying 50 passengers removes 50 potential cars from the road.

Ms. Crowley opined that New Jersey needs private commuter bus service for the riders who cannot afford other means of transportation to get to higher paying jobs in New York City (e.g., the closure of the Montclair bus route), but Mr. Presley recognized that many of the private bus companies operating now have a strict “no New York City policy” that even extends to charter services. He also noted that the lack of corporate commuters from the suburbs is actually affecting the ability to reduce congestion by taking away the commuter bus that need “X” number of passengers to reach a critical mass from an economic perspective. If commuting demand were to go up and bus routes return, fewer individuals will be taking their cars reducing congestion.

Mr. Pantuso commented that since the consolidation in the private charter bus market, his business has had a steady stream of work for hire in New York City, and that the private charter bus system acts as a reserve system for public transportation that cannot accommodate larger tour groups. Similarly, Mr. Lynch discussed Hampton Jitney’s specialized routes that provide essential tourist traffic in and out of the Hamptons that would otherwise go underserved by the public transportation system. Moreover, the private sector is focused on efficiencies, so that dedicated bus lanes that help ease congestion also help move more people faster on buses.

Questions and comments compared congestion pricing in New York to that in London and other European cities, and that it may lead to New York City becoming less of a destination for bus operators, leading to more cars on the roads as discussed above.

***PANEL 2: “Environmental Equity - EVs & Innovative Enforcement Programs”***



**From left to right: David Antar, CEO IPVideo Corporation; Sherbune Paul, Esq., Associate, Windels Marx Lane & Mittendorf LLP, NYC Bar Transportation Law Committee Secretary; Angela Licata, Deputy Commissioner of Sustainability, NYC Department of Environmental Protection; Matthew Daus NYC Bar Association Transportation Law Committee Chair and Erik Worobey, New York Police Department (“NYPD”) Deputy Inspector.**

I moderated the second panel of the day that focused on environmental equity, and the impact of electric vehicles (“EVs”) and innovative enforcement programs. Panelists included: **Angela Licata, Deputy Commissioner of Sustainability, NYC Department of Environmental Protection; Erik Worobey, New York Police Department (“NYPD”) Deputy Inspector; Sherbune Paul, Esq., Associate, Windels Marx Lane & Mittendorf LLP, NYC Bar Transportation Law Committee Secretary, Former President, Haitian American Lawyers’ Association; and David Antar, CEO, IPVideo Corporation.**

For my opening remarks, I discussed the noticeable impacts of technology with respect to traffic enforcement with a focus on equity and fairness to all involved. Deputy Inspector Worobey mirrored that sentiment and noted that the NYPD’s main priority is achieving the goal of zero traffic related deaths under Vision Zero. Positively, there were no bus related fatal accidents in 2022, and 2023 is on track for the same record.

Deputy Commissioner Licata spoke about the New York City Department of Environmental Protection's anti-idling complaint program. Although she noted the successes of reducing air pollution through the program, the effect is being concentrated in the Manhattan business districts, not the outer boroughs where idling is persisting. Moreover, some of the major market players have accepted the fines as a cost of doing business without changing any behavior or helping to reduce air pollution. However, Loomis, an armored courier, has agreed to fully electrify by 2025, and has since received an idling variance. So long as the private operators are willing to convert to electric, they can possibly receive a variance to idle by the DEP Commissioner. Variances may also be provided for installing a start stop system or obtaining a sticker allowing for idling to operate a necessary use or process of the vehicle (*e.g.*, a cement mixer or roll-off truck).

Ms. Paul provided practical insight into the legal issues involved in defending both freight and bus industry clients against private citizen idling complaints that can result in a bounty paid to the videographer/complainant. These so-called bounty hunters typically focus on larger companies as easier targets for a payout, as they tend accept the fines as the cost of doing business as noted above; thus not much idling is prevented by the system. Second, many of the companies accused of idling are using independent contractors who for the most part avoid punishment for their culpable acts, as the companies with the deep pockets are the targets of the citizen complainants who are reportedly making significant income from the program. In particular, since the anti-idling initiative was first launched by Mayor de Blasio with Billy Idol as a spokesperson, the Trucking Association of New York (TANY) has been lobbying against the New York City anti-idling law, along with a coalition of stakeholders. TANY argues that the law is too strict and has had a negative impact on the trucking and freight delivery industries. Specifically, TANY argues that the law has: increased fuel costs for trucking companies; disrupted deliveries; and made it more difficult for trucks to load and unload, leading to increased traffic congestion and harm to the environment by forcing trucks to restart their engines more often. Changes are being proposed to the anti-idling law, yet no final action has yet been taken by the NYC Council.

Lastly, Mr. Antar spoke in detail about the benefits of his product "Halo," which uses sensors placed in and around the vehicle. Halo can determine the air temperatures in and around the vehicle, to which readings are relevant in idling complaints as idling is permitted when the ambient air is less than 40 degrees Fahrenheit (we note there is yet no top end limit allowing for idling to cool the vehicle with air conditioning on hot days). Halo could theoretically rebut, or cast doubt on, the claimant's testimony for air temperature, giving the presiding hearing officer the ability to dismiss the complaint. Halo also has many other purposes, and can provide insight into the cabin air quality, and provide alerts to the driver if cabin conditions are creating a less safe environment. After significant discussion about the use of the Halo technology by the panelists, it was concluded that such devices could prove useful in defending these violations in administrative tribunals, and the DEP was open to considering the possibility that using such technology and data could lead to consideration of a variance from enforcement, in the same manner as Loomis obtained for committing to electrification of its fleet. Further information about this product and

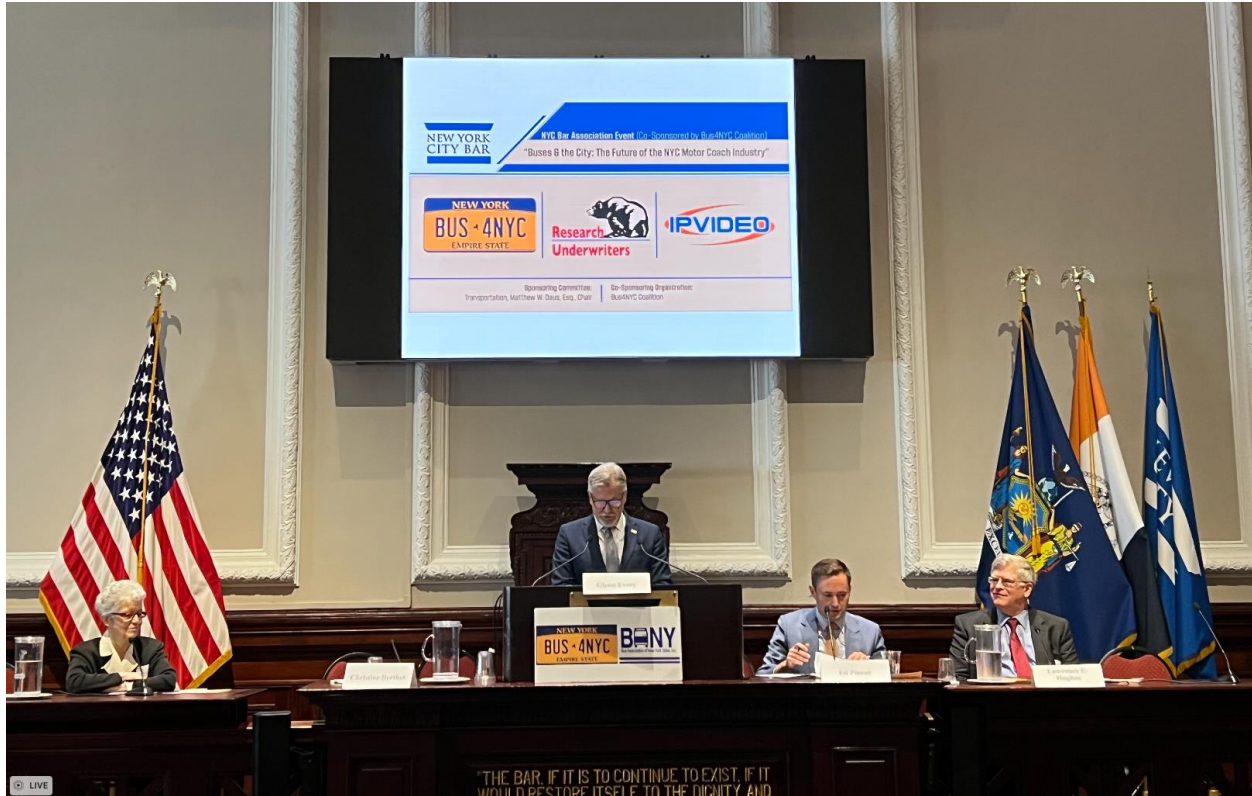


services can be obtained from: <https://ipvideocorp.com/management-team/> or by contacting CEO David Antar by email at [info@ipvideocorp.com](mailto:info@ipvideocorp.com).

One of the most important topics discussed at the conference was the pending legislation in the New York City Council that will require the NYC DOT to create a civilian reporting scheme to report blocking of bike lanes, which is similar to that of the DEP anti-idling law. The pending legislation is NYC Council Bill Intro. 501 of 2022, which is sponsored by Councilmember Lincoln Restler (D-Brooklyn), with 29 total additional sponsors. Although the latest information about the bill is that the legislation no longer contains a civilian reporting component, the consideration of the legislation will be taken up in fall and the issue is clearly not resolved– especially, given the large amount of sponsors for the legislation and support from various advocacy groups.

The proposed law would amend the NYC Administrative Code, in relation to hazardous obstruction by vehicles and – under the current language – includes civilian complaints to the NYS Department of Transportation for hazardous obstruction violations. The legislation creates a new violation and civil penalty for obstructing any of the following when located within 2,640 feet (a half-mile) of a school: bicycle lanes; bus lanes when bus lane restrictions are in effect; sidewalks; crosswalks; or fire hydrants. The proposed penalty as drafted is \$175.00 for each such violation. One possible exemption that may be used with frequency is contained in New York State Vehicle & Traffic Law §1200, which otherwise permits the temporary stopping of vehicles to load and unload passengers – despite local traffic ordinances. Arguments could be made, even if the Local Law is passed, that the NYS VTL preempts enforcement for temporary stops.

**Panel 3: “The Curb of the Future - Mobility Hubs, Layovers, EV Charging & Bus Stop Permit Programs”**



**From left to right: Christine Berthet; NYC Manhattan Community Board 4, Transportation Committee Co-Chair; Glenn Every, Esq., President of Bus4NYC; Ed Pincar, NYC DOT Manhattan Borough Commissioner; and Lawrence F. Hughes, Esq., Our Bus, NYC Bar Transportation Law Committee Member.**

The third, and final panel of the day was moderated by **Glenn Every, Esq., President of BUS4NYC**, and panelists included **Ed Pincar, NYC DOT Manhattan Borough Commissioner; Christine Berthet, NYC Manhattan Community Board 4, Transportation Committee Co-Chair; Lawrence F. Hughes, Esq., Our Bus, NYC Bar Transportation Law Committee Member.**

The tenor of the third panel was that changes at the curb and equitable considerations in connection with the Port Authority Bus Terminal redesign are necessary based on the changes we are seeing in passenger behavior (i.e. more limited commuting and increased charter activity post-pandemic). Looking for an equitable remedy that benefits both the private industry and the community, Ms. Berthet provided a local resident’s insight into the struggles at the curb in NYC Manhattan Community Board 4, which includes the popular theater district that attracts many chartered buses and tourist passengers.

Ms. Berthet noted that there is very limited parking available in the theater district, and what parking does exist is often metered and time-limited. This makes it difficult for buses to find a place to park for extended periods of time. The Theater District is a very congested area, and

traffic can be very heavy, especially during peak tourist season. This can make it difficult for buses to maneuver through traffic and find a place to layover. There are a number of security restrictions in place in the Theater District, which can further complicate matters for buses. For example, buses are not allowed to park on certain streets, and they may be subject to additional security checks.

As a result of these challenges, buses often have to double-park, unnecessarily idle, or park illegally in order to find a place to layover. This can cause traffic congestion and safety hazards, and it can also lead to tickets and fines for bus operators. There are a number of things that could be done to make it easier for buses to park and layover in the theater district.

It was also discussed that reducing traffic congestion can be achieved by adding more dedicated bus lanes, educating private operators that they are allowed to use public bus lanes without risk of receiving a ticket, and designating more bus parking spaces, either on-street or in off-street lots. By taking these steps, the city could make it easier for buses to park and layover in the theater district, which would improve traffic flow, safety, and air quality in the area.

The panel also contemplated the New York Port Authority redesign, commenting that being the busiest bus terminal in the world, with over 200,000 trips a day, the terminal is also one of the most outdated and congested in the country. The new terminal would be a state-of-the-art facility with expanded capacity, improved amenities, and better connections to other transportation modes, and support a network for electric bus charging.

Changes at the curb and key infrastructure design choices for the redevelopment plan of the New York Port Authority bus terminal can hopefully bring equilibrium to the central business district of Manhattan, so that private and public bus operators can exist in harmony with the district's inhabitants. Creating a safe space for buses and pedestrians that limits risks and promotes air quality will benefit residents and stakeholders in the bus industry through increased dedicated bus lanes and educated planning decisions.

*Closing Keynote Remarks –  
NYC Department of Environmental Protection Commissioner*



**Hon. Rohit T. "Rit" Aggarwala Commissioner of the NYC Department of Environmental Protection.**

In a candid speech, *Hon. Rohit T. "Rit" Aggarwala*, Commissioner of the NYC Department of Environmental Protection, addressed the pressing issue of climate change and proposed critical solutions to mitigate its effects through effective anti-idling policies and appropriate enforcement. With a profound understanding of the environmental challenges facing New York City, Commissioner Aggarwala adeptly highlighted the urgency of the situation. He emphasized that the electrification of vehicles stands as a key and necessary infrastructure initiative that must be prioritized.

Recognizing the detrimental impact of fossil fuel emissions on the environment, Commissioner Aggarwala passionately advocated for the widespread adoption of electric vehicles (EVs) as a crucial step towards a sustainable future. He eloquently articulated how electrifying transportation not only curbs greenhouse gas emissions but also improves air quality, enhances

public health, and fosters technological innovation. By championing EVs and calling for comprehensive infrastructure development to support their growth, Commissioner Aggarwala ignited a sense of urgency and galvanized stakeholders to unite in building a cleaner, greener future for New York City and beyond.

In concluding his remarks, Commissioner Aggarwala reemphasized that the DEP is willing to grant idling variances and work with the private sector just so long as the stakeholders agree to make firm commitments to convert fleets to electric vehicles. Achieving these goals will take interagency cooperation between DEP and DOT and adequate buy-in from industry leaders in order to set the example for other market operators. Anti-idling enforcement is a paramount concern of the DEP, and Commissioner Aggarwala is pulling no punches by “doubling down” on enforcement as a way to guide change against unwilling participants.

### ***So, How Can We Help the Motor Coach Industry Thrive & How Do We Make Private Buses Part of the Solution?!***

Overall, this summit was a successful that discussed the lasting impact buses have had and could have on the city's transportation landscape. The many legal and policy issues involved were debated and discussed with extensive audience participation, and many solutions were offered to move the industry forward to help solve mobility, sustainability and equity issues in the region.

The key takeaways of this conference involved a call to action by both policy-makers and the industry. First of all, it was clear that the use of technology can help not only solve many of the problems facing the industry, such as overzealous and unfair automated enforcement and anti-idling bounty hunters, but also that the use of telematics equipment and cameras can assist in Vision Zero efforts to save lives while also reducing the costs of insurance that the industry is facing. Secondly, whether it is the creation of more busways, exemptions from congestion pricing, understanding the realities of electrification infrastructure and costs, and/or the facilitation of more layover or other areas for intercity buses to pick-up and drop-off passengers, the key policy-makers are now well aware of the issues, and we are hopeful that actions will be taken that are fair and reasonable.

Through the unwavering efforts of public and private sector leaders, a powerful narrative of bus importance, connectivity, and sustainability unfolded. The event showcased the critical role that buses play in fostering community, economic growth, and social equity. It emphasized the need for reliable, accessible, and environmentally friendly bus services, and the imperative of electrification in combatting climate change. With a unified voice, the event's participants set the stage for transformative actions and rallied stakeholders towards a future where NYC buses reign supreme, ensuring seamless connectivity and a greener tomorrow for all New Yorkers. The event's success serves as a catalyst for ongoing collaboration, renewed investments, and a commitment to enhancing the city's bus infrastructure for generations to come.



**From Left to Right: Lisa Daglian, *Executive Director PCAC*; Sherbune Paul, *NYC Bar Association Transportation Law Committee Secretary*; Hon. Rohit T. "Rit" Aggarwala, *Commissioner of the NYC Department of Environmental Protection*; Matthew Daus *NYC Bar Association Transportation Law Committee Chair*.**