



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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District Manager

February 3, 2012

Margaret Forgione  
Manhattan Borough Commissioner  
New York City Department of Transportation  
55 Water Street, 9<sup>th</sup> Floor  
New York, New York 10041

**Re: Megabus Relocation and Expansion**

Dear Commissioner Forgione:

Thank you for the presentation on the three proposed temporary sites for the relocation, tentatively scheduled for around February 15th, 2012, of the Megabus "sidewalk terminal" on Ninth Avenue between W. 33<sup>rd</sup> and W. 34<sup>th</sup> Streets. (This Ninth Avenue location is itself a relocation from the original Madison Square Garden (MSG) site.)

At its Full Board Meeting on February 1, 2012, Manhattan Community Board 4 voted to **deny approval** for the two proposed sites (one on the south side of 41st Street between Eighth and Ninth Avenue and the other on the on the east side of Tenth Avenue between W. 40<sup>th</sup> and W. 41<sup>st</sup> Streets.<sup>1</sup>) **unless** certain conditions are agreed to by the Department of Transportation (DOT) and Megabus.

The Board also voted to **deny approval** for the proposed site on the west side of Ninth Avenue between W. 40<sup>th</sup> and W. 41<sup>st</sup> Streets.

CB4's decision is based on the understanding that:

1. The proposed sites are temporary locations and that as soon as possible the Megabus will return to its original MSG site;
2. That DOT will ensure that all buses, including those used by Megabus, are weighed and brought in compliance with all Federal State and City Motor Vehicle laws, including the Federal Highway Administration Vehicle & Traffic Law Section 385 (9) that limits the tandem-axle

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<sup>1</sup> It should be noted that CB4 is on record recommending the north side of West 34<sup>th</sup> Street between Eleventh and Twelfth Avenues, as an acceptable curbside location in our district for long distance buses. It is served by the M34, which will be upgraded next year to a Bus Rapid Transit service and it is located one block away from the future # 7 subway station. **We again urge DOT to consider this location instead of the proposed sites.**

weight for over-the-road buses to 36,000 pounds. This in effect limits to approximately 55<sup>2</sup> the number of passengers on a bus; and

3. That Megabus will hold a job fair once a year at a location in CD4 and, if feasible, give preferential treatment and the necessary training to DC4 residents with requisite qualifications.

CB4 feels compelled to point out that it looks with disapproval upon the giving over of public space, without adequate compensation to the community, to a private, for-profit enterprise. And the Board is greatly dismayed that our district, which hosts the highest concentration of bus traffic and bus infrastructure in the city, should be the locus for additional bus terminals<sup>3</sup>.

## **Current Problems**

Last year, numerous issues, both for residents of W. 34<sup>th</sup> Street and for pedestrians seeking to walk on the Ninth Avenue sidewalk, plagued the current 34<sup>th</sup> Street location. These issues included the massive overcrowding of the sidewalk with the lines sometimes exceeding 500 waiting passengers (even with the use of a large parking lot as a waiting area); ushers shouting destinations throughout the day; food vendors occupying the sidewalk, leaving less than eight feet of effective pedestrian passage; waiting passengers urinating in residential building backyards due to the absence of facilities; and passengers taking shelter from the rain in residential lobbies.

In addition, despite being assigned two spots for bus loading/unloading on Ninth Avenue near W. 33<sup>rd</sup> Street and spaces along Tenth Avenue for bus staging, as many as five buses frequently double-parked in the moving lane on Ninth Avenue and idled on the adjacent blocks. Neighbors logged numerous complaints and CB4 held four hearings, attended by many residents. Megabus, however, declined to appear at any of the hearings, though they did meet with members of the Transportation Committee. While Megabus corrected a few of these problems and increased police enforcement reduced double parking during the summer, the issues soon returned.

## **Acceptable Locations With Conditions**

Provided DOT meets the conditions for the present installations CB4 is amenable to temporarily hosting Megabus on the following two locations<sup>4</sup>.

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Vehicle & Traffic Law Section 385 (9) provides that the tandem-axle weight limitation for vehicles is 36,000 pounds. Federal regulations provide a temporary exemption from the weight limitations for commercial vehicles set forth in 23 U.S.C. § 127 for OTRBs and prescribe that states may not apply a single-axle limitation of less than 24,000 pounds to OTRBs (23 C.F.R. § 658.17 (k)). However, FHWA has advised that there is no temporary exemption applicable to tandem-axle weights for OTRBs in the regulations. Consequently, FHWA has clarified that the New York tandem limitation, 36,000 pounds for vehicles for which no overweight permit has been issued, may be enforced for OTRBs.

<sup>2</sup> If you require any additional information regarding this matter, please contact the NYSDOT Motor Carrier Compliance Bureau at (518) 457-1046.

<sup>3</sup> See our February 3, 2012 letter to DOT re “Expansion of private bus use in CD4”.

<sup>4</sup> It is unfortunate that Megabus representatives were unwilling or unable to answer the Transportation Planning Committee's questions relating to the number of departures per hour, the number of sections for each departure, and the maximum number of passengers expected, as these answers would have helped in its evaluation.

## **1. South side of W. 41st Street between Eighth and Ninth Avenues for a 90-day trial.**

DOT and Megabus propose that a two-bus “sidewalk terminal” be located under the Port Authority overpass, approximately 300 feet west of Eighth Avenue and proceeding for 160 feet thereafter, where the south sidewalk narrows to eight feet and the street widens to 43 feet. There are two entrances to the Port Authority Bus Terminal on this stretch. A two-airport bus loading area is located across the street at the north curb. All passengers would queue on the sidewalk, toward Ninth Avenue (not in the Port Authority Bus Terminal). The bus doors will open on the street side so a Jersey Barrier will be installed in the street to protect passengers loading from the ongoing traffic. A guard will be posted at each end of the barrier for safety. DOT proposes that the street would be reduced to one traffic lane only. Buses will approach from the east side of W. 41<sup>st</sup> Street and will be barred from turning west at Eighth Avenue onto W. 41st. Bus staging would remain on Tenth Avenue. The “sidewalk terminal” would operate from 7:30 a.m. to 7:30 p.m. The installation would be re-evaluated after 90<sup>5</sup>.

CB4 **denies** the temporary use of this location **unless** the following is incorporated in the agreement between DOT and Megabus and the community:

### CB4 Consultation

CB4 will be consulted by DOT before the 90 days of operation are over. Megabus agrees to attend a community board meeting if invited to address problems.

### Keep Two Moving Lanes on West 41<sup>st</sup> Street

Two moving lanes of nine feet wide each should be maintained and marked on the street for the full length of the street<sup>6</sup>.

### Create Taxi Stand and Commuter Van Layover Areas

The two hundred and fifty feet of curbside from Eighth Avenue to the west should be converted to a taxi stand and up to 300 feet of curbside from the “sidewalk terminal” to the west designated for commuter van layovers; this will prevent traffic congestion and gridlock across Eighth Avenue and will reduce idling in the neighborhood<sup>7</sup>.

### Reduce Proposed Curb and Jersey Barriers

The curb length as well as the Jersey Barrier dedicated to Megabus should be limited to 125 feet – the approximate distance required for two buses. The proposed 160 foot space is excessive, as it would allow for three buses.

### Limit Size of Passenger Queue

Megabus will limit the number of passengers in the queue for each of departures time to a size that

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<sup>5</sup> CB4 has serious reservations about this extraordinary set up. Before proceeding with this temporary site, we ask that the city lawyers give their opinion on the precedent it sets allowing private operators a similar set up.

<sup>6</sup> We note that DOT recommended in the Hell’s Kitchen study to reduce the number of south turning movements at W. 42<sup>nd</sup> Street and Ninth Avenue, movements they have identified as the principal cause of congestion all the way up to W. 57<sup>th</sup> Street. Reducing the street to one lane will encourage W. 41<sup>st</sup> Street traffic comprised mostly of tunnel bound buses, vans and trucks to use W. 42<sup>nd</sup> Street, and then turn south at Ninth Avenue to rejoin W. 41<sup>st</sup> Street. This is the exact opposite of what the DOT advocates in the study. This seemingly would benefit a private enterprise at the expense of public safety.

<sup>7</sup> CB4 is on record for asking that this curbside be converted into a taxi stand, relocated from Eighth Avenue, in order to improve the bike lane safety. In addition, many Megabus passengers come by taxi and unload their luggage on the moving lane. The DOT’s Hell’s Kitchen study has also requested layover space for commuter vans to be located to the west of the Megabus stop. Our previous requests were denied because DOT indicated the Port Authority at the time was not agreeable to any non-Port Authority uses on this street. Since DOT has indicated Port Authority agreement for the Megabus use, we will be requesting that DOT revisit these other community priority uses.

ensures queues of passengers fit within the dedicated sidewalk and still enables an eight foot pedestrian passageway (approximately 170 per departure time).

We request that DOT monitor Megabus' schedule and number of sections to ensure it will have appropriate size passenger queues, likely averaging one departure of no more than two buses/sections every twenty minutes<sup>8</sup>.

The sidewalk space is fairly narrow with a width of eight feet at the loading location. If the capacity is exceeded, the passengers will overflow in the driveway of the Port Authority Bus Terminal putting passengers in harm's way by obstructing bus traffic or will overflow on Ninth Avenue.

#### Create a Bus Layover East of Eighth Avenue

A space east of Eighth Avenue on W. 41<sup>st</sup> Street should be designated as a layover for queuing buses. Our experience shows that queuing buses do not wait at Tenth Avenue but rather close to the "sidewalk terminal". They will either double park at the location or park on the north side of W. 41<sup>st</sup> Street, east of Eighth Avenue, where an MTA bus stop is located.

#### Require Visible 311 Stickers on Buses

Each bus will carry large stickers in the back, both sides, and the front with the bus number and the advisory "if this bus is not complying with the law, call 311". Each passenger queuing area should have large panels with the Location # and the mention "if the pedestrian path is obstructed or dirty call 311"<sup>9</sup>.

#### Restrict Food Vendors

DOT and Megabus will work with the Port Authority to ensure that no food vendors set shop on W. 41st Street or on Ninth Avenue that would prevent eight foot pedestrian access.

## **2. East side of Tenth Avenue between W. 40<sup>th</sup> and W. 41<sup>st</sup> Streets (E10/40) for a trial 90 day period**

This stretch of curbside is adjacent to the Covenant House and to a parking lot, with no ground floor activity or door opening on that side. There is an empty lot on the west side of the avenue and a hotel on the block to the north.

CB4 **denies** the temporary use of this location **unless** the following is incorporated in the agreement between DOT and Megabus and the community:

#### CB4 Consultation

CB4 will be consulted by DOT before the 90 days of operation are over. Megabus agrees to attend a community board meeting if invited to address problems.

#### Limit Size of Passenger Queue

Megabus will limit the number of passengers in the queue for each of departures time to a size that ensures queues of passengers fit within the dedicated sidewalk and still enables an eight foot pedestrian

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<sup>8</sup> The practice of limiting the number of seats booked on a bus is the norm in the travel industry, though we understand that Megabus's business model is different and can tolerate that, as long as they can meet the above restrictions.

<sup>9</sup> DOT has already started to create Long Distance Bus Specific Procedures for 311 calls.

passageway (approximately 170 per departure time).

We request that DOT monitor Megabus' schedule and number of sections to ensure it will have appropriate size passenger queues, likely averaging one departure of no more than two buses/sections every twenty minutes<sup>10</sup>.

The sidewalk space is fairly narrow with a width of eight feet at the loading location. If the capacity is exceeded, the passengers will overflow in the driveway of the Port Authority Bus Terminal putting passengers in harm's way by obstructing bus traffic or will overflow on Ninth Avenue.

#### Install Ropes

Ropes should be installed to restrict passengers to the east of the sidewalk and leave eight feet of walking space for pedestrians.

#### Install Notification Boards

Notification boards should be installed and maintained to indicate departures and destinations times and bus numbers to minimize usher hollering.

#### Install and Maintain Two Portosans

Two portosans should be installed and maintained within 200 feet of the "sidewalk terminal."

#### Create Tenth Avenue Bus Layover Area

Four spaces on the West side of Tenth Avenue should be designated as a layover for queuing buses.

#### Require Visible 311 Stickers on Buses

Each bus will carry large stickers in the back, both sides, and the front with the bus number and the advisory "if this bus is not complying with the law, call 311". Each passenger queuing area should have large panels with the Location # and the mention "if the pedestrian path is obstructed or dirty call 311"<sup>11</sup>.

### **Unacceptable Location**

#### **1. West 40<sup>th</sup>/41<sup>st</sup> Street, west side of Ninth Avenue**

CB4 is opposed to locating a two-bus "sidewalk terminal" at this site. There are numerous reasons for this:

#### Hurts Local Businesses

Although Megabus proposes to lease the space presently occupied by Project Find to house the lines of passenger, this space is much too small to accommodate the volumes we have experienced. For example, at loading times passengers line up on the sidewalk to load their luggage and step in the bus. They will clog this sidewalk. This stretch of Ninth Avenue has a fair amount of pedestrian traffic on the

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<sup>10</sup> The practice of limiting the number of seats booked on a bus is the norm in the travel industry, though we understand that Megabus's business model is different and can tolerate that, as long as they can meet the above restrictions.

<sup>11</sup> DOT has already started to create Long Distance Bus Specific Procedures for 311 calls.

sidewalk. These blocks as well as the blocks immediately to the north and south on the Avenue rely on foot traffic for their business. Businesses suffer enormously when sidewalks are crowded and not easily accessible by their customers.

Too close to a Pre-School

There is a Pre-K school on West 40th Street that uses Ninth Avenue between W. 40<sup>th</sup> and W. 41<sup>st</sup> Streets multiple times a day to reach the playground. Besides the street passenger congestion that would create safety issues for the pre-K student, the idling buses would be located only 100 feet away from them on a daily basis.

Bike-Share Station

DOT's bike-share team is in discussion with the Port Authority to install a station and support center in the space adjacent to the stores.

Traffic

There is heavy traffic of buses, trucks and other vehicles turning west in the Lincoln tunnel on the block north of W. 41<sup>st</sup> Street. The DOT's Hell's Kitchen traffic study is exploring ways to remove bus traffic from that location. While Megabus tells us that the queuing will be on Tenth Avenue, our experience tells us otherwise – and that buses are likely to queue closer to the stop. Double parking in this area would completely clog an avenue that DOT acknowledges has been impacted by increased traffic due to the closing of Broadway to traffic and which, during peak commuter and theater times, backs up all the way to W. 57<sup>th</sup> Street. While Megabus has indicated that it, if designated as a “sidewalk terminal,” would not use this location during weekday rush hour (4:00 p.m. to 7:00 p.m.), we note that Lincoln Tunnel related traffic also backs up during weekends, holidays, and Broadway show hours.

The Board appreciates your consideration of our concerns and looks forward to working closely with DOT and Megabus to reach a solution.

Sincerely,



Corey Johnson  
Chair



Christine Berthet  
Co-Chair  
Transportation Planning Committee



Jay Marcus  
Co-Chair  
Transportation Planning Committee

- cc: NYC Council Speaker Christine Quinn  
Manhattan Borough President Scott Stringer  
Congressman Jerrold Nadler  
NYS Senator Thomas Duane  
NYS Senator Liz Kruger  
NYS Assemblyman Richard Gottfried  
NYS Assemblywoman Linda Rosenthal  
NYC Council Member Gale Brewer  
NYC Council Member James Vacca  
PANYNJ, Steve Napolitano