§ 1642-a. Bus permit system in cities having a population of one million or more. 1. For the purposes of this section, the following terms shall have the following meanings:

a. "Charter bus" shall mean a bus transporting passengers for compensation in chartered party.

b. "Chartered party" shall mean a group of persons who, pursuant to a common purpose and under a single contract and at a fixed charge, have acquired exclusive use of a bus to travel together as a group to a specific destination or for a particular itinerary either agreed upon in advance or modified after having left the place of origin by such group.

c. "Community board" shall mean a community board as defined in section twenty-eight hundred of the New York city charter.

d. "Intercity bus" shall mean a bus that transports the general public between a city having a population of one million or more and any location outside of such city in scheduled bus service. Provided, however, that such term shall not include a school bus; or a bus providing public transportation; or a charter bus.

e. "Metropolitan transportation authority" shall mean the corporation created by section twelve hundred sixty-three of the public authorities law.

f. "Public transportation" shall mean:

(i) mass transportation services provided to the general public by any public benefit corporation constituting a transportation authority, or a subsidiary thereof, or any public transportation corporation constituted as an instrumentality of a state, or a subsidiary thereof, directly or through a contact with another entity, or

(ii) mass transportation services provided to the general public by any county, city, town or village directly or through a contract with another entity pursuant to section one hundred nineteen-r of the general municipal law, or provided to the general public by another state or any county, city, town or village in a state other than New York directly or

through a contract with another entity pursuant to a similar law of such other state.

2. Notwithstanding any provision of law to the contrary, any city having a population of one million or more may prohibit intercity buses from loading or unloading passengers on streets within such city except on designated streets and at designated locations on such streets pursuant to a permit in accordance with the provisions of this section.

3. The mayor of such city which acts pursuant to subdivision two of this section shall designate an agency to promulgate rules to implement this section. Such city agency shall promulgate such rules which shall comply with chapter forty-five of the New York city charter including a public hearing. Such rules shall:

a. Establish a system of permits for allocating locations on designated streets where intercity buses may load and unload passengers, and prohibit loading and unloading of passengers other than at such designated locations on such designated streets pursuant to a permit;

b. Require the owner or operator of an intercity bus to submit an application for a permit for each proposed location for loading and unloading of passengers. Such application shall include the following information:

(i) The name, address, telephone number, e-mail address and motor carrier number of the intercity bus owner or operator, the United States department of transportation number and/or New York state department of transportation number for each bus that would use such proposed location;

(ii) A proposed location or locations to be used by the specified intercity buses for loading or unloading passengers, and two or more alternative proposed locations;

(iii) The number of intercity buses that would use the proposed location or locations;

(iv) The number of passengers anticipated for each such intercity bus;

(v) The proposed intercity bus schedule;

(vi) The planned garage or parking location of the intercity buses

during periods when such buses are not being used; and

(vii) Any other information deemed necessary by the commissioner of the city agency designated pursuant to this subdivision.

c. Establish criteria for assigning locations to permit applicants, which shall include traffic and safety considerations, the preferences of the applicant, consultation with the local community board as provided in paragraph b of subdivision four of this section and other criteria deemed appropriate by the commissioner of such city agency;

d. Provide that such permit shall be issued for a term of up to three years, except that such city may relocate a designated location for the loading and unloading of passengers by an intercity bus, upon ninety days notice to the holder of a permit and after consultation with the local community board as provided in paragraph b of subdivision four of this section, pursuant to the criteria established in accordance with paragraph c of this subdivision;

e. Include criteria under which intercity bus owners or operators assigned a designated location for loading and unloading passengers prior to the effective date of this section shall be issued a permit to use such location for the loading and unloading of passengers for a period of up to three years from the effective date of this section;

f. Establish a timeframe of up to one hundred fifty days for determinations on permit applications, and a process for reviewing the determination on the application;

g. Require intercity bus owners or operators to notify such city agency of changes to information provided in such permit application;

h. Require intercity bus owners or operators to prominently display a copy of the permit in each intercity bus;

i. Require the posting of all approved applications on a website for public access by such city agency within thirty days of approval;

j. Include such other requirements as are deemed appropriate by the commissioner of such city agency;

k. Set forth a schedule of fines or civil penalties for violations of the rules by owners or operators of intercity buses, including for loading or unloading passengers on a city street without a permit or for failure to comply with any permit requirements or restrictions, provided that such fines or civil penalties shall not be more than one thousand dollars for a first violation, and not be more than two thousand five hundred dollars for a second or subsequent violation within two years of the first violation; and

1. Provide for the suspension or revocation of a permit for failure to comply with any permit requirements or restrictions.

Such rules also may provide for the imposition of an annual fee for such permit to cover administrative expenses, not to exceed two hundred seventy-five dollars per vehicle.

4. The city agency designated pursuant to subdivision three of this section to promulgate rules shall:

a. Have the authority to designate streets and locations where the loading or unloading of passengers by intercity buses shall be permitted;

b. Consult with the local community board for the district encompassing the location to be designated in a permit, including but not limited to a notice and comment period of forty-five days, prior to the issuance or permanent amendment of such permit;

c. Consult with the metropolitan transportation authority when a proposed location or relocation for the loading and unloading of passengers by an intercity bus would overlap with an existing metropolitan transportation authority bus stop;

d. Consult with the port authority of New York and New Jersey when a

proposed location or relocation for the loading and unloading of passengers by an intercity bus would overlap with an existing port authority of New York and New Jersey bus facility.

e. Post all locations designated for the loading and unloading of passengers by intercity bus on a website for public access within thirty days of approval; and

f. Have the authority to temporarily amend any approved location for a period of up to ninety days for reasons of public safety or other emergency or temporary need as determined by such city agency without prior consultation with the local community board; provided that such city agency informs the affected community board in writing no more than thirty days after any such temporary amendment.

5. Notwithstanding any other provision of law, in addition to those persons otherwise authorized to enforce any rules promulgated pursuant to this section and adjudicate violations thereof pursuant to article two-A or two-B of this chapter, this section shall also be enforceable by an agency or agencies designated for such purpose by the mayor of such city, and notices of violation issued by such agency or agencies shall be returnable to the environmental control board of such city, which shall have the power to impose the civil penalties herein provided. All proceedings before the environmental control board and any enforcement proceedings shall be conducted in accordance with subdivision d of section one thousand forty-nine-a of the New York city charter and the rules of the environmental control board, except that service of a notice of violation of any rule promulgated pursuant to this section shall be made on the owner or operator of the intercity bus involved in the violation (i) in the same manner as is prescribed for service of process by article three of the civil practice law and rules or article three of the business corporation law; (ii) by delivering such notice to the operator of the intercity bus, and mailing a copy of the notice to the owner or operator of the intercity bus, provided that proof of such service shall be filed with the environmental control board within twenty days, and service shall be complete ten days after such filing; or (iii) by affixing such notice to the intercity bus, and

mailing a copy of the notice to the owner or operator of the intercity bus, provided that proof of such service shall be filed with the environmental control board within twenty days, and service shall be complete ten days after such filing. Civil penalties may also be recovered in a proceeding commenced in a court of competent jurisdiction. Notwithstanding any other provision of law, such civil penalties imposed by such environmental control board shall be paid into the general fund of such city. Notwithstanding section one hundred fifty-five of this chapter or any other provision of law, where a person has been adjudicated to be in violation of any rules promulgated pursuant to subdivision three of this section, such adjudication shall not have the force and effect of a conviction of a traffic infraction or of a violation of any provision of this chapter for any purpose not specified in this section.