

EXECUTIVE ORDER NO. 77

December 10, 2005

PROCLAMATION OF A STATE OF EMERGENCY

Whereas, the operating authority of the Green Bus Lines, Inc, Jamaica Buses, Inc. and Triboro Coach Bus Corporation (hereinafter “the Private Bus Companies”) to provide subsidized bus service in the City of New York (the “City”) expire on December 11, 2005; and

Whereas the Private Bus Companies transport passengers in and around Queens, Brooklyn and Manhattan; and

Whereas the Private Bus Companies operate the following bus routes: Q18, Q19, Q19A, Q19B, Q23, 129, 133, Q38, Q39, 145, Q47, Q53, Q72, QM10, QM11, QM12, QM22, QM24, QM24W, Q110, Q111, Q112, Q113, QM21, Q6, Q7, Q8, Q9, Q9A, Q10, Q10A, Q11, Q21, Q22, Q22A, Q35, Q37, Q40, Q60, QM16, QM17, QM18, and QM23;

Whereas, the operating authority for the Private Bus Companies is granted by the Department of Transportation with the approval of the Franchise and Concession Review Committee (“FCRC”) pursuant to authorization granted to the FCRC by local law; and

Whereas, the most recent extension of operating authority, pursuant to Local Law Number 78 for the year 2005, provided for such operating authority to expire on November 30, 2005; and

Whereas, Executive Order No. 76 dated December 5, 2005 provided authority for the Private Bus Companies to continue to operate as if such authority had been extended, on the same terms as were in effect prior to the expiration of such authority’

Whereas, the Council passed Int. No 755 on November 30, 2005 to authorize the Department of Transportation, with the approval of the FCRC, to grant a further extension of such operating authority, and I will sign such legislation promptly, consistent with the notice and hearing requirements of the Municipal Home Rule Law and the Charter of the City of New York, and that the FCRC will act on such authorization promptly, consistent with the notice requirements mandated by law; and

Whereas, the Private Bus Companies cannot operate lawfully without operating authority; and

Whereas, the absence of service provided by the Private Bus Companies would leave thousands of people without practical means of transportation and severely impact traffic conditions in the City, causing an increase in the response time of emergency vehicles which would endanger the lives and health of the City's residents, commuters and visitors, an inability to gain access to routine medical care, the loss of wages for thousands of persons, the loss of revenue, on a daily basis, for businesses in the City, and lost revenues for the City and the City School District; and require significant increased expenditures by the City; and

Whereas, these circumstances constitute an imminent peril to the public health and safety requiring the adoption of emergency measures; and

Whereas, Executive Law § 24 authorizes the Mayor to promulgate local emergency orders upon a finding that the public safety is imperiled by the event of a public emergency or in the event of reasonable apprehension of immediate danger thereof, to protect life and property and to bring an emergency situation under control; and

Whereas, the Mayor's power under Executive Law § 24 includes, but is not limited to, the control of vehicular traffic;

Whereas, Executive Order No. 2, dated January 1, 2002, authorizes the Deputy Mayor for Operations to perform all the functions, powers or duties of the Mayor which the Mayor is authorized to delegate in the event that the Mayor is unable to perform such functions, powers or duties for a reason specified in subdivision a of section 10 of the New York City Charter;

Now, therefore, by the power vested in the Mayor of The City of New York, and the power vested in the Deputy Mayor for Operations pursuant to Executive Order No. 2, it is hereby ordered:

Section 1. State of Emergency. A state of emergency is hereby declared to exist within the City of New York as of December 11, 2005 at 12:01 a.m.

§ 2. During the state of emergency, the Private Business Companies which operate subsidized bus service pursuant to authority granted by the Department of Transportation with the approval of the FCRC pursuant to Local Law 78 of the year 2005 shall be permitted to continue to operate as if such authority had been extended, on the same terms as were in effect prior to the expiration of such authority.

§ 3. This order shall take effect immediately.

Marc V. Shaw
Deputy Mayor for Operations