

**WRITTEN COMMENT OF  
THE ANIMAL LAW COMMITTEE**

**New York City Department of Transportation  
Hearing on Proposed Rules  
Governing Horse Carriage Passenger Boarding Areas  
(Reference Nos.: 2018 RG 103; DOT-48)**

**October 3, 2018**

Good afternoon. My name is Katherine Baggett. I am speaking today on behalf of the Animal Law Committee of the New York City Bar Association. The City Bar is one of the country's oldest and largest bar associations, with more than 24,000 lawyers, law professors, and government officials. The City Bar's Animal Law Committee has long supported a ban on horse drawn cabs as the most humane way to better the lives of the City's carriage horses.<sup>1</sup> Yet we also have advocated for legislation that would improve the day-to-day conditions under which those horses work and live.<sup>2</sup>

Today the Committee voices its qualified support of the Department of Transportation's proposed rules designating specific "horse drawn cab passenger boarding areas" located entirely within Central Park.<sup>3</sup> While we maintain that an outright ban of horse drawn cabs is the only way

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<sup>1</sup> Testimony on Intro. 658-A-2007 and Intro. 653-A-2007 (Jan. 30, 2009), <https://www.nycbar.org/pdf/report/TestimonyCarriageBill.pdf>; Report on Intro. 653-A (Feb. 1, 2009), <https://www.nycbar.org/pdf/report/Comment653a.pdf>; Testimony on Intro. 35-2010 and Intro. 86-2010 (March 12, 2010), <https://www.nycbar.org/pdf/report/uploads/20071887-TestimonyreIntro35and86CarriageHorses.pdf>; Report on Intro. 35-2010 (April 1, 2010), <https://www.nycbar.org/pdf/report/uploads/20071913-CommentonIntro35reHorseDrawnCabs.pdf>; Report on Intro. 86-2010 (April 1, 2010), <https://www.nycbar.org/pdf/report/uploads/20071886-CommentinIntro86reHorseDrawnCarriages.pdf>; Report on A.997/S.667 (Feb. 11, 2013), <https://www2.nycbar.org/pdf/report/uploads/20072178-ReportonA.7748-S.5013whichwouldprohibittheoperationofhorsedrawncarriagesinNewYorkCitySeptember2011.pdf>; Report on Intro. 573-2014 (Nov. 12, 2015), <https://www2.nycbar.org/pdf/report/uploads/20072858-ReportandSupportofIntro0573-2014ToBanCarriageHorsesinNYC.pdf>. (All websites last visited October 1, 2018)

<sup>2</sup> Report on Intro. 44 (June 1, 2007), <https://www.nycbar.org/pdf/report/CarriageHorses.pdf>.

<sup>3</sup> N.Y.C. Dept. of Transp., Proposed Rules Governing Horse Carriage Passenger Boarding Areas, [http://rules.cityofnewyork.us/sites/default/files/proposed\\_rules\\_pdf/notice\\_of\\_public\\_hearing\\_and\\_opportunity\\_to\\_comment-horse\\_drawn\\_cab\\_passenger\\_boarding\\_areas\\_final\\_with\\_certifications.pdf](http://rules.cityofnewyork.us/sites/default/files/proposed_rules_pdf/notice_of_public_hearing_and_opportunity_to_comment-horse_drawn_cab_passenger_boarding_areas_final_with_certifications.pdf).

to truly protect the City’s carriage horses, we believe that moving boarding areas into Central Park and away from congested and noisy streets would benefit horses and the public alike.

For one, relocating boarding areas to the park reduces the risk of accidents involving horses and motor vehicles. These accidents may occur because of a careless vehicle driver<sup>4</sup> or, as is often the case, because loud noises from traffic cause a horse to “spook” and act unpredictably.<sup>5</sup> Such incidents happen all too frequently, with many resulting in injuries to passengers, pedestrians, and the horses themselves.<sup>6</sup> Indeed, the present boarding areas along Central Park South and Grand Army Plaza have been the sites of many accidents — as recently as this year.<sup>7</sup> Although horses will still be at risk as they travel to and from their stables,<sup>8</sup> moving boarding areas into the quieter surroundings of Central Park<sup>9</sup> would be safer for carriage horses, their handlers, and the public, particularly because, as of this June, the entire park is car-free.<sup>10</sup>

In addition to reducing the risk of accidents, the proposed rules help horses by distancing them from motor vehicle exhaust, a harmful irritant to the horses’ respiratory systems.<sup>11</sup> While that distance may seem relatively small here, a six-year study of neighborhood air quality by the Department of Health and Mental Hygiene suggests that the air quality in the new boarding areas would be better than in the existing ones. That study showed Central Park to have lower levels of fine particulate matter, nitrogen dioxide, and nitric oxide than the streets around the park.<sup>12</sup> And

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<sup>4</sup> See, e.g., *Crash Gashes Hansom Horse*, NEW YORK POST (June 8, 2012), <https://nypost.com/2012/06/08/crash-gashes-hansom-horse/>.

<sup>5</sup> For instance, in April 2014 a carriage horse on Central Park South was reportedly spooked by a passing bus, only to end up pinned under its carriage. Jen Chung, *UPDATE: ‘Spooked’ Carriage Horse Collapses On Central Park South*, GOTHAMIST (April 24, 2014), [http://gothamist.com/2014/04/24/photo\\_spooked\\_carriage\\_horse\\_collap.php](http://gothamist.com/2014/04/24/photo_spooked_carriage_horse_collap.php). One carriage driver quoted in the article disputed that the accident was precipitated by the bus.

<sup>6</sup> See Report on Intro. 573-2014, *supra* note 1, at Exhibit A (listing 30 accidents involving horse-drawn carriages between 2006 and August 2015); see also NYCLASS, *Cruel and Humane Horse Drawn Carriages*, [https://www.nyclass.org/horse\\_drawn\\_carriages](https://www.nyclass.org/horse_drawn_carriages).

<sup>7</sup> See, e.g., Mike Vilensky, *Crash of Horse Carriage Near Manhattan’s Central Park Renews Calls for Curbs*, THE WALL STREET JOURNAL (Feb. 5, 2018), <https://www.wsj.com/articles/crash-of-horse-carriage-in-manhattans-central-park-renews-calls-for-curbs-1517870554>; Kerry Wills, *Central Park Horse-Drawn Carriage Smacked by Taxi Cab, Four People Hurt*, DAILY NEWS (July 26, 2011), [http://www.nydailynews.com/ny\\_local/2011/07/26/2011-07-26\\_central\\_park\\_horsedrawn\\_carriage\\_smacked\\_by\\_taxi\\_cab\\_four\\_people\\_hurt.html](http://www.nydailynews.com/ny_local/2011/07/26/2011-07-26_central_park_horsedrawn_carriage_smacked_by_taxi_cab_four_people_hurt.html); Erin Calabrese, *Horse & Taxi in Tale of Whoa*, NEW YORK POST (July 5, 2007), <https://nypost.com/2007/07/05/horse-taxi-in-tale-of-whoa/>.

<sup>8</sup> Editorial Board, *De Blasio’s Whip Hand: A New Plan to Drive Carriage Horses Out of Town*, DAILY NEWS (Sept. 1, 2018), <http://www.nydailynews.com/opinion/ny-edit-horses-20180831-story.html>.

<sup>9</sup> U.S. Dept. of Transp., Bureau of Transp. Statistics, *Map: U.S. Road Noise* (Mar 21, 2017), <https://maps.bts.dot.gov/MapGallery/map.html?webmap=4235b2c46ea74224bec7c6e262bebeb6> (showing lower noise levels immediately within Central Park than on the surrounding streets).

<sup>10</sup> Ameena Walker, *At Last, Central Park Is Permanently Car-Free*, CURBED NEW YORK (June 27, 2018), <https://ny.curbed.com/2018/6/27/17507830/central-park-new-york-car-free>.

<sup>11</sup> Center for Equine Health, School of Veterinary Medicine, University of California, Davis, *CEH Horse Report: Transporting Horses by Road and Air, Recommendations for Reducing the Stress* 9 (2013), [https://www2.vetmed.ucdavis.edu/ceh/local\\_resources/pdfs/pubs-July2013HR-sec.pdf](https://www2.vetmed.ucdavis.edu/ceh/local_resources/pdfs/pubs-July2013HR-sec.pdf).

<sup>12</sup> New York City Department of Health and Mental Hygiene, *The New York City Community Air Survey Neighborhood Air Quality 2008 – 2014* at 12, 14 & 16 (2016), <https://www1.nyc.gov/assets/doh/downloads/pdf/environmental/comm-air-survey-08-14.pdf>.

among the best predictors of pollutant concentrations, the study found, was traffic density in the immediately surrounding few hundred feet.<sup>13</sup>

More generally, the proposed rules advance the Department of Transportation’s mission of providing for the safe movement of pedestrians and vehicles on the City’s streets.<sup>14</sup> They also further the aims of the original local law that charged the Department with enforcing horse drawn cab laws. Those laws were enacted by the City Council with the express purpose of safeguarding horses and the public from traffic hazards, particularly in areas of traffic congestion<sup>15</sup> — areas like the existing boarding locations, where vehicle speeds average slightly faster than walking pace.<sup>16</sup>

Some in the horse carriage industry have speculated that moving boarding areas into the park will hurt business by reducing the carriages’ visibility to the public.<sup>17</sup> But the new locations are anything but hidden from view. With over 42 million visitors each year, Central Park is the most visited park in the United States<sup>18</sup> and a perennial destination for both tourists and locals. Moreover, we believe that the health and safety benefits for carriage horses and the broader public should be the paramount concerns in designating these locations.

Finally, we understand that some organizations have voiced concerns that certain boarding areas may lack shade and easy water access for horses, while other locations may lead carriage drivers to make illegal U-turns.<sup>19</sup> We urge the Department to consider those concerns in determining the proposed boarding areas, including the availability of relatively simple solutions (such as the installation of additional water sources) to address those concerns.

In conclusion, the Animal Law Committee maintains that an outright ban of horse drawn cabs is the only way of truly protecting the City’s carriage horses. With that qualification, however, we support these proposed rules. Thank you.

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<sup>13</sup> *Id.* at 14 & 16.

<sup>14</sup> N.Y.C. Dept. of Transp., “About DOT,” <http://www.nyc.gov/html/dot/html/about/about.shtml> (“DOT’s mission is to provide for the safe, efficient, and environmentally responsible movement of people and goods in the City of New York and to maintain and enhance the transportation infrastructure crucial to the economic vitality and quality of life of our primary customers, City residents.”).

<sup>15</sup> Law No. 89-1989.

<sup>16</sup> Fix NYC Advisory Panel Report: January 2018 at 7, <http://www.hntb.com/HNTB/media/HNTBMediaLibrary/Home/Fix-NYC-Panel-Report.pdf>.

<sup>17</sup> Elizabeth Elizalde & Jillian Jorgensen, *De Blasio Administration Proposes Keeping Horse Carriages in Central Park*, DAILY NEWS (Aug. 30, 2018), <http://www.nydailynews.com/news/politics/ny-pol-deblasio-horse-carriages-20180830-story.html>.

<sup>18</sup> Central Park Conservancy, “About Us,” <http://www.centralparknyc.org/about/>.

<sup>19</sup> Coalition To Ban Horse-Drawn Carriages, *Horse Sense*: 9/8/18, <https://app.robly.com/archive?id=17379d156f3a498929b5af4f493df00d>.