

Intro. 1109 – Pedestrian Plaza Legislation

Frequently Asked Questions

What is this legislation?

Fundamentally, this legislation gives the NYC Department of Transportation (NYC DOT) the authority to manage and regulate all pedestrian plazas, in the same way the Parks Department regulates parkland, so that all 69 of these new public spaces are positive community assets.

- It outlines the community consultation process for the designation of new pedestrian plazas
- It allows DOT to constitutionally regulate activities and events (including commercial activity) within these new public plazas, which is necessary because the plazas are former streets, where DOT arguably only has the ability to regulate vehicular traffic.
- It requires the City to develop more nuanced rules that will allow for more community input into granting permits for commercial events held in pedestrian plazas.

Why is this legislation needed? Doesn't the City already have the authority to regulate and manage public spaces?

While many streets throughout the city have been closed to traffic and transformed into pedestrian plazas, the rules governing these spaces haven't caught up to the reality on the ground. As a matter of law, they are still considered streets, which does not allow NYC DOT the ability to treat and manage plazas like the multipurpose public spaces they are.

Will plaza rules be the same for every plaza?

No, the rules will not be one-size-fits-all. This legislation will allow the City and DOT to establish certain base rules for all pedestrian plazas. However, specific time, place and manner restrictions on activity will be tailored specifically to the needs of each individual plaza. For instance, in Times Square, these restrictions might include 'designated activity zones' within which costumed characters, desnudas and others could operate. NYC DOT will establish these rules based on comments from local representatives and plaza managing partners, such as business improvement districts, to ensure that each plaza has rules that match the unique facts and circumstances of its particular neighborhood.

Why is this legislation important?

Pedestrian plazas are vital public amenities for New Yorkers and visitors to enjoy throughout the five boroughs. This legislation will give the City of New York the tools to ensure that plazas are world class public spaces to be embraced and emulated.

This legislation will also allow NYC DOT to address ongoing concerns about aggressive hawking and solicitation in the Times Square plazas. In a recent survey, 40% of respondents who work in Times Square reported experiencing a negative encounter with a solicitor or costumed character, with 37% of those respondents saying that interaction made them feel unsafe. In the last 8 months of 2015 alone, the most serious of these incidents generated over 2.7 billion negative press impressions that have damaged the City's image.

For plazas in other neighborhoods, this legislation will make it easier for plaza partners to manage, program and activate plazas so they are true community assets. This is especially true for plazas in lower-income communities, where regulatory inflexibility and ambiguity makes it more difficult to fund and bring positive programming and activities to those plazas.

Does this legislation ban any form of activity from pedestrian plazas?

This legislation does NOT ban ANY category of activity. It simply gives NYC DOT the authority to allow certain activities, including commercial activity, in some areas but not in others. It is similar to the Parks Department's ability to designate certain areas for commercial activity and limit it in others (for example, prohibiting commercial activity in Sheep Meadow in Central Park but allowing it near the southeast entrance to the park).

How would this legislation affect costumed characters and desnudas in Times Square?

The bill does not ban costumed characters or desnudas from Times Square or any other neighborhood plaza. It will allow them to continue to earn a living in any one of multiple zones throughout Times Square. It allows NYC DOT to establish constitutional rules for where activities like taking photos with costumed characters for tips can take place and where they cannot within the plaza.

Why is this proposal better than other proposals to regulate Times Square and other pedestrian plazas?

Other suggestions for dealing with predatory behavior in neighborhood plazas have been much more dramatic, ranging from licensing to an outright ban on certain forms of activity. This legislation is a comprehensive and balanced proposal that bans NOTHING, while ensuring Times Square and other pedestrian plazas across the city remain world class public spaces for all pedestrians. It does protect people who do not want to interact with costumed characters and desnudas, because these activities will be limited to certain areas. A key complaint in the past is that people have no choice about whether they are approached or touched by the characters. In addition, this legislation addresses not only the needs of Times Square but also the needs of the entire plaza program and its plaza partners.

Is this legislation constitutional?

Yes, because this legislation does not ban any category of activity or expression. It simply allows the NYC DOT to use its rulemaking authority to bring a sense of order and rationality to the rules governing pedestrian plazas, to regulate them as world class public spaces for people as opposed to as streets for vehicular traffic.

What rule changes are needed to deal with event permitting?

The plaza event permitting agency should consider the particular needs and facts of each plaza before permitting events. These criteria include civic or promotional benefits for the community, the effect on pedestrian and vehicular traffic, cumulative demands on the plazas and adjacent streets and sidewalks, economic impact on local businesses, and the degree of participation by the community in the event. The rules should also reduce red tape for event and community programming organized by plaza partners, making it easier for plaza partners to activate plazas so they are true community assets.

Those rules should also require the event permitting agency to take into consideration, as appropriate, the desires of plaza partners, community boards, council members and borough presidents.

What is a plaza partner?

A plaza partner is a non-profit, community-based entity contractually responsible for the management, upkeep and programming of neighborhood plazas throughout the five boroughs.

**FOR FURTHER QUESTIONS, PLEASE EMAIL OR CALL
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