REGARDING PROPOSED AMENDMENTS BY THE STREET ACTIVITY PERMIT OFFICE (SAPO) OF THE MAYOR’S OFFICE OF CITYWIDE EVENT COORDINATION AND MANAGEMENT (CECM) TO RULES ISSUED PURSUANT CHARTER SECTION 1043(D) WITH RESPECT TO LIMITATIONS ON STREET FAIRS AND STREET CLOSINGS

First, the Alliance wishes to thank Michael Paul Carey as well as the entire staff of SAPO and CECM for their support of and sensitivity to the needs of the Times Square community throughout the year, in the face of many competing and complex demands. Theirs is not an easy job, and in our experience their work has been exemplary.

Part of the reason SAPO’s job is so difficult is that the regulatory tools at their disposal to analyze and address the different impacts of different events on different neighborhoods at different hours of the day, different days of the week, and different seasons of the year, are limited. It is our hope that the testimony and submission from the Alliance today will provide a basis for future rule changes that give SAPO, CECM, and any other bodies weighing in on or deciding on event permits with respect to both streets (and eventually plazas) the ability to used data-based neighborhood impact analysis, combined with strong consideration of community input, to assess the appropriateness of potential street closures and events. Ideally, such rule changes will allow SAPO, CECM and other permitting authorities the ability to have a set of rules which are not “one size fits all,” but rather responsive to the particular facts, circumstances, needs, and impacts of the streets, sidewalks and plazas in different neighborhoods, while carefully considering the advisory recommendations, where appropriate, of community entities and partners like BIDs and Community Boards.

With respect to the immediate proposals at hand, the Alliance supports the continued moratorium on new street fairs (Section 1-05(d) of Title 50) and the proposed new subdivision (e) of that Section, which prohibits “any street fair, block
parties or other street activity which require closure of a street” on 42\textsuperscript{nd} to 50\textsuperscript{th} Street, with the following comments and exceptions:

- We believe the City should assess, using City traffic data as well as information and analysis by the Times Square Alliance, whether existing and/or prospective street closures on immediately proximate streets and avenues should be considered for prohibition as well. Specifically we suggest examining the potential impact of weekend closures of 41\textsuperscript{st}, 51\textsuperscript{st}, 52\textsuperscript{nd}, 53\textsuperscript{rd} and 54\textsuperscript{th} street between 6\textsuperscript{th} and 8\textsuperscript{th} Avenues, 46\textsuperscript{th} Street between 8\textsuperscript{th} and 9\textsuperscript{th} Avenue, and 6\textsuperscript{th} and 8\textsuperscript{th} Avenues from 41\textsuperscript{st} to 54\textsuperscript{th} streets. The reason we propose considering these additional prohibitions is based on the preliminary analysis we have done of both the density and types of uses in the Times Square and theater district area (including but not limited to entertainment venues and hotels, which both generate exceptional amounts of additional vehicular traffic at certain times), and of traffic patterns unique to Times Square and the theater district, which show that weekend traffic volume is, on average, as high or higher than weekday traffic volume. Our preliminary data, which we are submitting with this testimony, suggest that further study and data may indicate that weekend street closures on those immediately proximate streets may have the same adverse effects on Times Square and theater district traffic as closures on 42-50\textsuperscript{th} streets.

- We believe that the rules should allow for exceptions to the prohibition if:

  o The proposed street closure is for an event which (a) promotes both Times Square and New York City globally by means of multi-hour simultaneous live broadcasts on no fewer that 3 broadcast or cable networks which historically have audiences of 1 million or more viewers and (b) has been recommended for approval by both the Times Square Alliance and Community Board 5 by virtue of its positive promotional impact on Times Square and New York City;
The proposed street closure (a) occurs at a time which is, based on current traffic data and neighborhood impact analysis, deemed to be on either of two weekdays which are of minimal impact (i.e., Sunday or Monday); (b) promotes or is co-sponsored by no fewer than 10 business or charitable entities whose primary place of business is located within the Times Square Alliance BID boundaries; and (c) has been recommended for approval by both the Times Square Alliance and Community Board 5.

The first exception will allow for the continued permitting of events such as New Year’s Eve, the second for events such as the Taste of Times Square and the Broadway Flea Market. Both exceptions draw on concepts and principles embodied in previous, recent amendments to SAPO rules relating to events on pedestrian plazas, which offer exceptions for events which promote the City or a neighborhood by virtue of promoting more than one business and being sponsored by a BID and which acknowledge the value of events driven by multiple entities which are truly indigenous to the neighborhood. However, our proposed exceptions add additional criteria which are more nuanced to prevent any gaming of the system or the distortion of the intention of the rules – which has increasingly happened with respect to street fairs – while recognizing that in certain very limited instances the adverse affects of a street closure on a day of minimal impact are overcome by the contribution to the community of that event, as defined by the criteria above.

To further articulate our position, we support the proposed prohibition, with the above amendments, for the following reasons (please see documentation accompanying this testimony):

- Street closures have an extraordinarily negative impact on businesses, especially those such as theaters and hotels (and in some cases restaurants serving theater patrons) which are heavily dependent on vehicular traffic that is concentrated at particular times (e.g. pre- and post-theater; or mid-day check-in and check-out times for hotels). For a case study containing evidence of this, please review the May 22, 2015 letter to SAPO, signed by
multiple businesses on 45th Street, as well as street fair impact reports for that same block on May 9th, May 22nd, June 7th and November 14th.

- The number of street fairs in the Times Square and theater district area has increased from 23 to 37 from 2009 to 2015 even as the number of tourists, Broadway attendance, hotel inventory and occupancy, Times Square subway ridership and pedestrian counts have all soared, combined with construction-related traffic restrictions.
- Unlike other commercial and entertainment zones in midtown and downtown, Times Square pedestrian and vehicular traffic does not significantly diminish on the weekends, which is the reason why street fairs are generally permitted on weekends rather than weekdays. Instead, it often increases. This is primarily due to the existence of the Broadway theaters (approximately 32,000 seats), other entertainment venues (approximately 38,000 additional seats), and 18,000 hotel rooms, all of which exist in far greater density than in other parts of the city. Average weekend subway ridership is 11% greater than on weekdays in Times Square; average weekday subway ridership is 15% and 61% greater than any other neighborhood and average weekend ridership is between 23% and 79% greater than any other neighborhood.
- An independent analysis of Times Square traffic and street closure effects by Philip Habib Associates shows that not only are traffic volumes nearly identical on weekends as on weekdays (99.6%), but that street closures can increase traffic on surrounding at capacity streets by as much as 45%.
- Because, according to an independent 2011 economic impact study, Times Square represents only .01 percent of New York City’s landmass but represents 11% of the city’s economic activity and indirectly or directly creates 1 in every 10 jobs in the city, strangling its streets – and therefore the City’s economy and leading jobs engine – in order to allow for street fairs that have no real relationship to the neighborhood makes no economic or policy sense.

Finally, while we know that the proposed rules only relate to street closures, we believe that a similar combination of (a) a set of fact-based neighborhood impact criteria (both positive and negative) and (b) a practice of strong deference and
responsiveness to advisory opinions from, as appropriate, community partners, BIDs, and Community Boards with respect to events can, provide SAPO, CECM, DOT, NYPD, MOME and other entities who will be weighing in on events, programming and commercial activities in pedestrian plazas in Times Square and throughout the city. Once again, we believe that a more nuanced set of criteria, which take into account both neighborhood-specific facts and desires, will serve communities – and the agencies that must make permitting and regulatory decisions with respect to public spaces – far better than the current system. We know that both the de Blasio administration, the City Council, as well as in our case the Manhattan Borough President and Community Board 5, are all thinking about those very issues and tools, and we look forward to continued conversations with all interested parties in the weeks and month ahead.