

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2016**

No. 53

Introduced by Council Members Johnson, Garodnick, Lander, Rodriguez, Torres, Chin and Cohen.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to pedestrian plazas.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. a. The Council finds and declares that as public amenities, pedestrian plazas enhance quality of life in New York City and help to attract tourism by providing a place for community gathering, entertainment, and cultural events, recreation, and active and passive enjoyment of the unique urban spaces in this City. However, there is a need to coordinate the wide variety of sometimes conflicting civic and commercial uses of these finite spaces, as well as to create an ambiance that helps enrich local communities and attract tourists, who are vital to the City's economy and foster economic development. Among other concerns, some pedestrian plazas face high levels of pedestrian congestion and/or activity that interfere with residents' and tourists' ability to enjoy these spaces and their unique qualities.

b. The Council finds that it is necessary and appropriate to confer authority on the New York City Department of Transportation to promulgate reasonable time, place, and manner regulations governing pedestrian plazas in order to manage the competing uses of finite public space. Given the wide diversity of pedestrian plazas, this law will allow the Department to draft both uniform pedestrian plaza rules and rules appropriately tailored to individual pedestrian plazas

and the communities they serve. Further, it is necessary and appropriate to authorize the Department of Transportation to designate and remove the designation of plazas, with all existing plazas grandfathered in, and for an agency or office designated by the Mayor to promulgate rules establishing a process for the issuance of permits for events within pedestrian plazas and pertaining to the management of pedestrian plaza operations during events.

§ 2. Title 19 of the administrative code of the city of New York is amended to add a new section 19-157 to read as follows:

§ 19-157 Pedestrian plazas. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Event. The term “event” means any activity within a pedestrian plaza where the activity will interfere with or obstruct the regular use of such pedestrian plaza, but shall not include activities conducted pursuant to a valid film permit, demonstrations, or parades.

Pedestrian plaza. The term “pedestrian plaza” means an area designated by the department as such for pedestrian circulation, use and enjoyment on property under the jurisdiction of the department including, but not limited to, property mapped as a public place or property within the bed of a roadway, and which may contain amenities such as tables, seating, trees, plants, lighting, bike racks, or public art.

Pedestrian plaza partner. The term “pedestrian plaza partner” means an organization selected by the department to assist with functions related to pedestrian plazas, pursuant to a non-exclusive agreement with the department, pursuant to chapter 13 or 14 of the charter of the city of New York. Such functions may include, but are not limited to, the design, daily management, maintenance, programming, and the provision of funding to support such functions.

b. Pedestrian plaza designation. 1. The department may designate an area as a pedestrian plaza. In making such designation, the department shall consider factors, including but not limited to, the following: (i) availability of and need for open space in the surrounding areas; (ii) ability of the department or any pedestrian plaza partner to properly maintain such pedestrian plaza and develop programming; and (iii) relationship of such pedestrian plaza to surrounding land uses, traffic, and pedestrian activity and safety.

2. No less than 60 days before designating a pedestrian plaza, the department shall forward notice of its intent to any affected council members, community boards, and borough presidents. Within 45 days of receipt of such notice, such council members, community boards, and borough presidents may submit comments regarding such proposed pedestrian plaza. The department shall consider such comments before making a determination in regard to such proposed pedestrian plaza.

3. Proposals for the designation of an area as a pedestrian plaza may be submitted by a council member, community board, borough president, or non-profit organization pursuant to rules of the department. Within 90 days of the receipt of such application, the department shall issue a response to such a proposal.

4. All pedestrian plazas identified on the department's website pursuant to section 19-101.4 prior to June 1, 2016 shall be deemed designated pedestrian plazas pursuant to this section.

5. At least 90 days before the department rescinds the designation of a pedestrian plaza, the department shall notify the affected council members, community boards, borough presidents, and any pedestrian plaza partner. If any such council member, community board, borough president, or pedestrian plaza partner so requests, the department shall hold a public hearing on

the proposed designation rescission no more than 45 days after sending such notice. The department shall consider any comments from such public hearing or any comments submitted to the department before rescinding such designation.

c. Pedestrian plaza rules. 1. The commissioner may promulgate uniform rules applicable to pedestrian plazas, including, but not limited to, setting general rules of conduct.

2. In addition to uniform rules promulgated pursuant to paragraph 1 of this subdivision, the commissioner may promulgate pedestrian plaza-specific rules to regulate the use of, and activities within, an individual pedestrian plaza and sidewalks directly adjacent to such pedestrian plaza. In developing such pedestrian plaza-specific rules, the department shall consider factors including, but not limited to: the individual needs of such pedestrian plaza; pedestrian traffic and congestion; public safety concerns; the size of such pedestrian plaza; current and potential usage demands and the need to manage competing uses; the need to create or maintain the aesthetics or special character of such pedestrian plaza and its surroundings, or to promote tourism or other forms of economic development; and the need to regulate commercial activity, solicitation, entertainment by individuals or groups, or expressive matter vending in such pedestrian plaza. For the purposes of this paragraph, commercial activity shall not include vendors who are licensed pursuant to sections 17-307 or 20-453.

3. If the department has selected a pedestrian plaza partner for a pedestrian plaza, the department shall consider the input of such partner in developing rules related solely to such pedestrian plaza.

d. Pedestrian plaza events. A plaza activity permit issued by an agency or office designated by the mayor shall be required for any event held completely within a pedestrian plaza. Such agency or office, after consultation with the commissioner and consideration of any input of

pedestrian plaza partners, shall promulgate rules: (i) establishing a process for the issuance of such permits, including, but not limited to, rules relating to the submission and processing of applications, approval or denial of applications, an appeals process, and applicable fees; and (ii) pertaining to the management of pedestrian plaza operations during events, including, but not limited to, establishment of paths for pedestrian traffic, establishment of paths and procedures to allow for emergency response access, and procedures related to installations permitted by the department, such as sub-concessions and artwork. Such rules regarding the issuance of plaza activity permits may allow for the evaluation of unique characteristics of the pedestrian plaza in which the proposed event for which the permit is sought and the adjacent neighborhood; the customary or everyday use of such pedestrian plaza; the nature of the neighborhood adjacent to such pedestrian plaza; the economic and community development impacts of such proposed event; the impact of such proposed event on such pedestrian plaza and the adjacent neighborhood, including, but not limited to, any positive or negative impacts on pedestrian and vehicular traffic in the adjacent neighborhood presented by such proposed event and the impact of cumulative demands on such pedestrian plaza and adjacent streets and public spaces.

§ 3. This local law takes effect 60 days after it becomes law, except that subdivision d of section 19-157, as added by section two of this local law, takes effect 120 days after it becomes law, and the commissioner of transportation and any agency or office designated by the mayor pursuant to subdivision d of section 19-157, as added by section two of this local law, shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective dates.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 7, 2016 and approved by the Mayor on April 21, 2016.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 53 of 2016, Council Int. No. 1109-B of 2016) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel