

New York City Department of Transportation

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Transportation (“DOT”) is proposing amendments to DOT’s Traffic Rules relating to the Theatre District Zone.

When and where is the hearing? DOT will hold a public hearing on the proposed rule online. The public hearing will take place on Monday, November 29, 2021 at 10AM.

Join through Internet:

- To join the hearing via your browser either click on the following URL link or copy and paste it into your browser’s address bar.

Join Zoom Meeting

<https://zoom.us/j/92396119216?pwd=dWc5aU9lWlV4Sjh5S2QyalpXV3FSUT09>

Meeting ID: 923 9611 9216

Password: 564978

- Then follow the prompts.
- If you have low bandwidth or inconsistent Internet connection, we suggest you use the phone option below for the hearing.

Join via phone only:

- To join the meeting only by phone, use the following information to connect:

Phone:
646-518-9805 or
929-205-6099

Meeting ID: 923 9611 9216

Password: 564978

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DOT through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@dot.nyc.gov.
- **Mail.** You can mail comments to Emily Weidenhof, Director of Public Space, New York City Department of Transportation, 55 Water Street, 6th Floor, New York, NY 10041.
- **Fax.** You can fax comments at 212-839-9685.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing rules@dot.nyc.gov or calling 212-839-6500 by Monday, November 22, 2021 and including your name and affiliation. While

you will be given an opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, the deadline for written comments is at 5pm on Monday, November 29, 2021.

What if I need assistance to participate in the Hearing? You must tell the DOT Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by e-mailing us at rules@dot.nyc.gov or calling us at 212-839-6500 by Monday, November 22, 2021.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online and copies of all written comments concerning the proposed rule will be available through the DOT Freedom of Information Law (FOIL) Office, 55 Water Street, 4th Floor, New York, NY 10041.

What authorizes DOT to make this rule? Sections 1043 and 2903(a) of the New York City Charter (City Charter) authorize DOT to make this proposed rule. This rule was not included in DOT's regulatory agenda because it implements newly-enacted legislation.

Where can I find the Department of Transportation rules? DOT's rules are in Title 34 of the Rules of the City of New York.

What laws govern the rulemaking process? DOT must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Commissioner of the New York City Department of Transportation (DOT) is authorized to issue rules regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter.

In accordance with Local Law 99 of 2021, DOT is promulgating rules relating to designated activity zones and pedestrian flow zones in the newly created Theatre District Zone, including Times Square and Times Square Plaza in Manhattan.

Within less than a 0.1 square mile area, the Theatre District Zone represents 40 Broadway theaters, 39 hotels, 39 million square feet of office space, 170,000 employees, 11 subway lines, and on a daily basis, 350,000-450,000 pedestrians. No other area faces greater pressure on its public spaces for as many hours of the day as the Theatre District Zone. There is a critical need for managing the many competing demands for space in this highly impacted area. These rules are intended to allow for an array of commercial activities while preserving the ability of pedestrians to move through this area in a safe and unrestrained manner, by authorizing DOT to designate specific locations within the Theatre District Zone for commercial activity or pedestrian traffic.

The proposed rule would establish designated activity zones and pedestrian flow zones to be enforced by the New York City Police Department (NYPD) in the newly created Theatre District Zone, similar to

the zones designated in the Times Square Plaza.

Specifically, the amendments to the DOT Traffic Rules being proposed are as follows:

- Amend the definitions of “designated activity” and “designated activity zone” in Section 4-01
- Add new Section 4-20 relating to the Theatre District Zone, specifically:
 - prohibiting a person from using a Pedestrian Flow Zone for any purpose other than the safe and continuous movement of pedestrian traffic; and
 - prohibiting Designated Activities from occurring in areas not delineated as Designated Activity Zones, with certain exceptions listed in Section 4-20.
- Add new penalties to Section 3-01 in relation to the Theatre District Zone

New material is underlined.

[Deleted material is in brackets.]

Section 1. Section 4-01 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

Designated Activities. The term “Designated Activities” means commercial activities, including solicitation of any kind, distribution of anything, entertainment or performances by individuals or groups, posing for or taking photographs or videos, and vending expressive matter, where any form of compensation, donation, or gratuity is requested or accepted. Persons who engage in designated activities shall be deemed to be engaged in such activities for the entirety of their interactions with each member of the public for the purpose of conducting commercial activity. Designated activities shall not include commercial activities by vendors who are licensed pursuant to sections 17-307 and 20-453 of the New York City Administrative Code.

Designated Activity Zone. The term “Designated Activity Zone” means an area [in a pedestrian plaza] designated as such by the Department by signage and/or markings in which individuals conduct Designated Activities.

§ 2. Chapter 4 of Title 34 of the Rules of the City of New York is amended to add a new Section 4-20 to read as follows:

§ 4-20 Theatre District Zone.

- (a) For purposes of this subdivision, the term "Theatre District Zone" has the same meaning as "theatre district zone" in section 19-157.1 of the New York City Administrative Code.
- (b) **Pedestrian Flow Zones.** Where the Department has designated by markings and/or signage Pedestrian Flow Zones in or on the Theatre District Zone, no person shall use such zones for any purpose other than the safe and continuous movement of pedestrian traffic.
- (c) **Designated Activity Zones.**
 - (1) Where and when the Department has indicated by markings and/or signage one or more Designated Activity Zones on any block within the Theatre District Zone, no person on such block shall engage in Designated Activities outside Designated Activity Zones, except:
 - (i) where otherwise authorized by a concession agreement entered into by the Department; or
 - (ii) where otherwise authorized by an event permit issued by the Mayor's Office of Citywide Event Coordination and Management; or
 - (iii) where otherwise authorized by a permit issued by the Mayor's Office of Media and Entertainment; or

- (iv) at days and times when vendors licensed pursuant to section 17-307 and 20-453 of the Administrative Code may vend.
- (2) A person may engage in Designated Activities on a block in the Theatre District Zone if such person is not within a Pedestrian Flow Zone and if such block does not contain any Designated Activity Zones.
- (3) This subdivision shall not apply to operators of newsstands authorized by section 20-241.1 of the Administrative Code.

§ 3. Section 3-01 of Chapter 3 of Title 34 of the Rules of the City of New York is amended by adding new entries to read as follows:

<u>Section</u>	<u>Description</u>	<u>Penalty (\$)</u>	<u>Default (\$)</u>
<u>34 RCNY § 4-20(b)</u>	<u>Use of a Pedestrian Flow Zone in the Theatre District Zone for any purpose other than the safe and continuous movement of pedestrian traffic.</u>	<u>500</u>	<u>500</u>
<u>34 RCNY § 4-20(c)</u>	<u>Engaging in Designated Activities within the Theatre District Zone outside of Designated Activity Zone(s), except where otherwise authorized.</u>	<u>500</u>	<u>500</u>