

LANDMARKS PRESERVATION COMMISSION

Notice of Adoption of Final Rules

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE LANDMARKS PRESERVATION COMMISSION by Section 3020 of the New York City Charter and Sections 25-303, 25-305, 25-306, 25-307, 25-308, 25-310, 25-313 and 25-319 of the Administrative Code of the City of New York, and in accordance with the requirements of section 1043 of the New York City Charter, that the Landmarks Preservation Commission hereby adopts amendments to Chapter 2 of Title 63 of the Rules of the City of New York.

These amendments were first published in the City Record on April 11, 2024, and a public hearing was held on May 14, 2024. The adopted rules reflect analysis of the submitted comments and testimony. The Commission voted to approve the adopted rules at the Public Meeting of June 18, 2024.

Statement of Basis and Purpose of Proposed Rules

Introduction

The Landmarks Preservation Commission (“LPC” or “Commission”) here amends chapter 2, section 2-23 of its rules by adding a new subdivision (d) to:

- (1) make the work of the Commission more transparent and efficient;
- (2) address existing and new governmental criteria for the installation of bus shelters throughout the city, including in designated historic districts, as required by the Coordinated Street Furniture Franchise; and
- (3) delegate to the LPC Staff the authority to permit approved bus shelters to be located at official bus stops.

Description of Changes

The new subdivision (d) of section 2-23 provides that no LPC approval is required for the installation of a Bus Shelter at a Bus Stop if the Bus Shelter has received the approval of the Public Design Commission, or its predecessor the Art Commission, and meets all design, material and other criteria required by the Coordinated Street Furniture Franchise. Installations that do not meet these requirements would be required to get a certificate, permit or report.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this Commission, unless otherwise specified or unless the context clearly indicates otherwise.

§ 1. Section 2-23 of chapter 2 of Title 63 of the Rules of the City of New York is amended by adding a new subdivision (d), to read as follows:

(d) *Bus Shelters.*

(1) *Introduction.* New York City has had many systems of public transportation, including trolleys, elevated trains, subways, and bus service. Designated stops were an integral part of these public transportation systems. In 2006, the City awarded a city-wide non-exclusive franchise which provides the right and consent to install, operate and maintain bus shelters throughout the five boroughs.

(2) *Definitions.*

Bus Shelter. The term “Bus Shelter” means structures intended as bus stop shelters (including seating, if installed) which provide meaningful protection from precipitation, wind, and sun.

Bus Stop. The term “Bus Stop” means a stop on a bus route, designated by the MTA and, thereafter, managed by the New York City Department of Transportation.

Coordinated Street Furniture Franchise (CSFF). The terms “Coordinated Street Furniture Franchise” and “CSFF” mean the operative franchise granted by the City of New York which provides the right and consent to install, operate and maintain Bus Shelters throughout the City of New York.

Department of Transportation (DOT). The terms “Department of Transportation” and “DOT” refer to the New York City Department of Transportation, an agency of the City of New York.

Franchisee. The term “Franchisee” means the franchisee of the CSFF.

Historic Paving. The term “Historic Paving” means granite, bluestone, or brick paving, as defined and regulated in section 2-19 of the LPC rules.

Landmarks Preservation Commission (LPC). The terms “Landmarks Preservation Commission” and “LPC” refer to the Landmarks Preservation Commission, a commission of the City of New York.

LPC Rules. The term “LPC Rules” means the rules of the Landmarks Preservation Commission as promulgated and codified at Title 63 of the Rules of the City of New York.

New York State Metropolitan Transportation Authority (MTA). The terms “New York State Metropolitan Transportation Authority” and “MTA” refer to the Metropolitan Transportation Authority.

(3) *Installation of a Bus Shelter.* Except as indicated in this paragraph and in paragraph (4) of this subdivision, no application to the Landmarks Preservation Commission, and no certificate, permit, report, or approval is required for installation of a Bus Shelter where:

(i) the Bus Shelter complies with the design, dimensional and material specifications approved by the Public Design Commission, or its predecessor the Art Commission, including the number, size, and placement of advertising panels;

(ii) the Bus Shelter is to be installed and operated at a Bus Stop in compliance with all requirements of DOT and the CSFF, including all siting and clearance criteria, except that a Bus Shelter proposed to be installed on Historic Paving requires an approval from the LPC pursuant to subdivision (4); and

(iii) Removal of a Bus Shelter. The Franchisee must remove a Bus Shelter if DOT determines that the Bus Shelter is no longer required at a Bus Stop or if DOT orders its removal. Upon removal of a Bus Shelter, the Franchisee must restore the site to the condition prior to the installation of the Bus Shelter, or, with respect to installations on Historic Paving, must restore the site in accordance with an LPC approval issued pursuant to paragraph (4).

(4) Other Proposals.

(i) All proposals to install a Bus Shelter that do not satisfy the requirements of paragraph (3) of this subdivision must be reviewed and approved by the Landmarks Preservation Commission by a certificate of appropriateness, certificate of no effect, or permit for minor work or report, as appropriate, as set forth below.

(ii) Application Procedures for Proposals to Install a Bus Shelter Requiring a Certificate, Permit or Report pursuant to this paragraph. An application form(s) must be filed for proposed Bus Shelters. The application form must be signed by DOT as owner and the Franchisee as applicant.

In reviewing an application to install a Bus Shelter on Historic Paving, LPC staff will seek to the greatest extent feasible to preserve and reuse the existing Historic Paving but may allow the applicant to modify or replace the Historic Paving in kind where there is no feasible alternative to allow the installation of a Bus Shelter. If the LPC staff approves the modification or replacement of the Historic Paving in connection with the installation of a Bus Shelter, upon removal of the Bus Shelter the applicant must restore the paving to the condition prior to the modification or replacement of the Historic Paving.

(iii) Nothing in this section shall be interpreted to obviate the need to obtain all necessary governmental approvals applicable to the installation of a Bus Shelter, including but not limited to any required DOT approvals.

