

**NYC Department of Transportation Testimony Before the
City Council Committee on Transportation and Infrastructure
November 24, 2025**

Good morning, Chair Brooks-Powers and members of the Committee on Transportation and Infrastructure. I am Ydanis Rodriguez, Commissioner of the New York City Department of Transportation. With me today are Margaret Forgione, First Deputy Commissioner, Paul Ochoa, Executive Deputy Commissioner, and Michelle Craven, Associate Deputy Commissioner for Cityscape and Franchises. Thank you for the opportunity to testify on behalf of Mayor Adams on the Administration's work on New York City's outdoor dining program.

Roadway and sidewalk dining grew in popularity during the COVID-19 pandemic and continues to provide New Yorkers with new opportunities to enjoy and appreciate dining outdoors. Not only was outdoor dining a critical lifeline to revitalize our economy when indoor dining was prohibited, but it reaffirmed the vibrancy of our streets. Overseeing one of the most complex urban transportation networks in the world – including more than 6,300 miles of streets and highways and over 12,000 miles of sidewalk – we are proud of the creative work our outdoor dining team has done, which expands on our mission to create public spaces that strengthen our communities across the five boroughs.



Open Restaurants at Ditmars Blvd, Astoria, Queens

Our permanent program is built around insights from the pre-pandemic Department of Consumer and Worker Protection (DCWP) sidewalk cafe program, as well as the temporary Open Restaurants program. The pre-pandemic regulations were confusing, costly and restrictive, resulting in only 1,200 restaurants participating in the sidewalk cafe program managed by DCWP. Next, the temporary Open Restaurants program during the COVID-19

pandemic introduced an urgent necessity to balance public health guidelines with saving the city's beloved restaurant industry. By reimagining the use of public space, the temporary program had between 6,000 to 8,000 restaurants participating and saved 100,000 jobs. By learning from these two programs, we are making Dining Out NYC an equitable and inclusive program while simultaneously maintaining quality of life for local residents.

Today's permanent Dining Out NYC program, created in partnership with the City Council in Local Law 121 of 2023, is **the largest outdoor dining program in the country** and second only to Paris globally. As the first season of roadway dining comes to a close at the end of the month, we're pleased to share the tremendous work our team has done to reimagine our public space.



Owner of Sunday to Sunday Cafe in the Lower East Side speaking to city officials

First, we strive to make participation as accessible and streamlined as possible. Within our first season, which began on April 1, 2025, over 3,000 restaurants were allowed to operate. Essentially, all applicants were able to operate through conditional approvals. Working in partnership with the Council, we achieved this by reducing fees from the pre-pandemic sidewalk cafe program and having rates vary by location and setup size. Simultaneously, a Zoning Text Amendment also removed the pre-pandemic program's numerous geographic restrictions, allowing restaurants to participate in areas of the city where outdoor dining was previously not allowed. This level of retention from the temporary program exceeded the rate of retention from the program in Paris.

While Local Law 121 of 2023 provides for a robust application review process to incorporate public feedback from local communities, DOT also sought to balance the Council’s desire for ample community feedback with helping restaurants – most of which are small businesses – get up and running quickly. That is why **we cut red tape by granting conditional application approvals** to all roadway and sidewalk dining applicants after completion of the application’s mandatory public comment period. This expedited the process and ensured the vast majority of applicants were able to operate when the first outdoor dining season under the new rules began earlier this year.

DOT has also prioritized addressing the quality of life concerns that had been raised during the temporary program, and we have worked within the Dining Out NYC law to be incredibly responsive to the complaints we receive and enforce when necessary. Our Highway Inspection and Quality Assurance (HIQA) unit removed over 200 illegal enclosures, and with the new requirements of the program—higher quality material for set-ups, weekly cleaning requirements, and water-filled barriers instead of sand-filled barriers—we now receive far fewer 311 complaints. In 2025, our inspection unit issued nearly 3,500 summonses, 85% of which were for unlicensed activity. I am sure when you walk around your own neighborhoods or dine out at your favorite establishment, you can see the dramatic improvement to the outdoor dining experience.



Compliant outdoor dining setup in Queens.

Our team does not stop working once we approve an application or issue a license. Our outdoor dining team continues to engage with businesses after application approvals and offers ongoing

assistance throughout the implementation season. **We meet businesses where they are** by offering individual, on-site assistance in the language of their preference to measure and draw site plans without the need for a costly third-party architect, which alleviates the financial burden from small businesses. We have seen these measures become incredibly helpful with increasing outer borough participation. Our team continues communication with businesses by sharing important news related to the program, new information, and extreme weather updates. We also continuously update the Dining Out NYC website to share helpful resources for participants and include step-by-step guidance. This includes the Marketplace, which serves as a directory of companies that sell or rent outdoor dining set-ups and services.

We are proud that Dining Out NYC is now a permanent program serving millions of New Yorkers and increasing jobs across the five boroughs. We are thrilled to see the program grow significantly larger than the pre-pandemic program, and we continue to receive new applications daily. As our first-ever season comes to an end, we look forward to listening to the interests of restaurants and working with the Council and other stakeholders, to build upon the lessons learned and make outdoor dining more accessible, safe, and inviting for many years to come.

Legislation

Turning to the legislation before the Council today.

Introduction 1142

First, Intro. 1142, sponsored by Council Member Ariola. This bill would require DOT to install, at the request of a child's parent or legal guardian, warning signs with plaques to warn a motorist of the presence of a child with autism.

Being an attentive and safe driver, cyclist, or pedestrian is extremely important for everyone sharing the street in any neighborhood. Guided by the federal Manual on Uniform Traffic Control Devices (MUTCD), we use signage carefully, since too many signs can start to distract drivers from observance of other needed requirements. It's important to acknowledge some concerns we have with research showing that these types of signs don't make streets safer. Also, it's been demonstrated that when we have too many signs, it may become visual clutter and increase chances that drivers will ignore signs with critical information. We would also want to note that the system proposed would require substantial new staffing and funding. We are happy to have further discussions with the Council about this bill and our rigorous process for street safety design interventions.

Introduction 1320

Next, Intro. 1320, sponsored by Council Member Feliz. This bill would create a maximum civil

penalty of \$250 if a property owner fails to timely repair sidewalks abutting their property as directed by DOT. It also would subject the owner to that same maximum penalty if the owners knew or should have known that the defect was an immediate danger to the public.

For 1-3 family properties, if a sidewalk is damaged or in poor condition, DOT will issue a violation to the property owner if the defects are not due to City-owned trees. If the property owner does not make the repairs, then the City may make the repairs and bill the property owner, except for the City-owned tree root portion of repairs.

As written, this bill may become a burden to 1-3 family property owners, and add to the existing affordability issues facing New Yorkers. Where we do see this policy having some potential value is targeting those sidewalks abutting 4+ family buildings or commercial properties, as the City does not repair these properties. For context, the work to repair flags can be several tens of thousands of dollars for larger properties and a penalty should be large enough to incentivize timely repair of the sidewalks. We look forward to further discussions with the Council to craft a thoughtful policy and bill.

Introduction 1421

Next, Intro. 1421, sponsored by Council Member Restler. This bill would expand the City's outdoor dining program by allowing grocery stores to apply for a sidewalk cafe license, removing seasonal restrictions on roadway cafe operation, and providing the option to expand frontage for certain cafes upon consent. This bill would also streamline the review process for restaurants applying to operate a sidewalk or roadway cafe by restricting Community Boards from requiring applicants to supply additional materials.

We are particularly interested in identifying ways to increase program participation and remove barriers to access. Although we haven't heard this as an issue, any business that has a Food Service Establishment Permit from the Department of Health can already participate in our program, and we have several grocery stores, delis, and bodegas that fall into this category. Further, any establishment with a New York State Department of Agriculture license is eligible to apply for a Food Service Establishment Permit, and is then eligible to participate in our program. We have a few ideas already to help streamline the application process, and are eager to discuss improvements that can be made in the law to streamline and quicken the application process.

As we look towards the end of the first full permanent Dining Out season, DOT will continue to coordinate closely with FDNY in the review of applications and efforts to ensure our emergency responders have the clearance they need on our streets. With roadway setups set to go down for the winter this coming weekend, we will also use this break to look critically at setups that may need adjustments based on feedback from our partner agencies. We are happy to have more discussions with the Council and stakeholders about adapting our program processes.

Introduction 1423

Next, Intro. 1423, sponsored by Council Member Stevens, would require DOT to post an annual inventory of all City-owned retaining walls under DOT's jurisdiction, including the location of each retaining wall, as well as the date when maintenance or inspection was last performed.

In accordance with Department of Buildings (DOB) regulation, DOT already inspects its inventory of over 638 retaining walls every five years and if deficiencies are found then repair actions are taken. DOT looks forward to working with the Council on the legislation.

Introduction 1426

Next, Intro. 1426, sponsored by Council Member Bottcher. This bill would require newsrack owners to provide email addresses to DOT when registering and permit DOT to communicate with them electronically. It will also expand DOT ability to seize newsracks that are in violation of the regulations governing newsracks if owners fail to correct their violations.

While newsracks provide an important service for the distribution of newspapers or other printed material, unsightly newsracks can be a visual blight on neighborhoods. When newsracks are not taken care of, they have the potential to cause safety hazards, attract graffiti, or become receptacles for trash and home for vermin. This bill gives DOT better ability to regulate newsracks and improve quality of life in the public realm. We look forward to working with Council on a bill that balances these concerns with the important service newsracks provide.

Introduction 1444

Next, Intro. 1444, sponsored by Council Member Powers. This bill would limit any clear path requirement for pedestrian paths in front of sidewalk cafes to no more than 8 feet in width. With sidewalk space becoming more competitive than ever, we need to make sure the sidewalk still remains a safe place for New Yorkers to walk, use a wheelchair, or push a stroller or shopping cart. Our planners must ensure sufficient clear path requirements for sidewalks to meet various needs. Along with our various programs installing bike racks, Citi Bike stations, bus shelters, and other street furniture, it is also imperative to maintain sufficient space for pedestrian access and people with disabilities.



Outdoor Sidewalk Dining, Hamilton Heights, Manhattan

Currently, there are three tiers of clear path in the Dining Out NYC program based on DOT's innovative Pedestrian Mobility Plan: 12 feet on Global Corridors, 10 feet on Regional Corridors, and 8 feet on all other streets. The Global and Regional corridors exist largely in the Central Business District in Manhattan – the most heavily foot trafficked part of the city.

We are thrilled with the significant interest in expanding the program, but we are also wary of creating congestion and compromising the accessibility needs for New Yorkers in the busiest sections of the city. The outcome we must avoid is people resorting to walking into a traffic lane to get by. We are happy to discuss our current clear path requirements and see what adjustments can be made to support Dining Out NYC while still maintaining our commitment to making our pedestrian space safe and accessible for all.



Pedestrians at 8th Avenue, Midtown, Manhattan



Pedestrians at 8th Avenue, Midtown, Manhattan



Pedestrians on 5th Avenue pass a restaurant with sidewalk and roadway dining .



Pedestrians pass by a 5th Avenue restaurant with sidewalk and roadway dining.

Introduction 1446

Next, Intro. 1446, sponsored by Council Member Restler. This bill would require DOT to issue and receive applications to operate a sidewalk cafe and roadway cafe online and at a physical location accessible to the public. This bill would also allow applicants to save partially filled-out online applications in order to complete the application at a later date.

In partnership with our sister agencies, we already offer robust resources to support businesses throughout the application process. Applicants can receive free services from the Department of Small Businesses Services' (SBS) borough locations and may submit applications in-person at these locations. We also assist with application preparation both in-person and virtually based on applicant preference. We are continuously exploring how to improve our online application portal, including the function to save in-progress applications, and look forward to continuing the ongoing work of enhancing our application process. Applicants can currently apply online or in person. We look forward to working with the sponsor on the bill.

Conclusion

In conclusion, I would like to thank the Council for the opportunity to testify before you today. We would now be happy to answer any questions.