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THE COUNCIL OF THE CITY OF NEW YORK

COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION

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COMMITTEE ON TRANSPORTATION

Hon. Ydanis Rodriguez, Chair

August 26, 2021

INT. NO. 1811-A:

By Council Members Powers, the Speaker
(Council Member Johnson), Vallone, Yeger
and Levine

TITLE:

A Local Law to amend the administrative
code of the city of New York, in relation to
the creation of a theatre district zone

ADMINISTRATIVE CODE:

Adds new section 19-157.1 to subchapter 1
of chapter 1 of title 19

INTRODUCTION

On August 26, 2021, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a hearing to vote on Int. No. 1811-A. Int. No. 1811-A, introduced by Council Member Keith Powers and Speaker Corey Johnson, is a local law in relation to the creation of a theatre district zone. A previous hearing on an earlier version of this legislation was held on May 5, 2021. At that hearing, the Committee heard testimony from the Department of Transportation (DOT), the Department of Buildings (DOB), delivery and logistics companies, transportation advocates, disability advocates, theater district advocacy groups and other interested parties.

On August 26, 2021, the Committee on Transportation passed Int. No. 1811-A by a vote of eight in the affirmative, one in the negative, with one abstention.

BACKGROUND

NEW YORK CITY'S TOURISM INDUSTRY

New York City (NYC or the City) is a top global destination for visitors, with a large number of museums, entertainment venues, restaurants and commerce entwined together by hospitality and transport industries. The tourism industry in NYC supports more than 376,800 jobs, which represents nearly 10 percent of all private sector employment.¹ In 2019, 66.6 million visitors, a record high, visited the City, which generated \$47.4 billion in spending.² Although the most visitors came to NYC in 2019, in March of 2020, with the COVID-19 pandemic shutting down most parts of the world and their economies, the number of visitors to the City dropped by 67 percent, with a decrease of 73 percent in total spending.³ It was estimated by the Office of the

¹ Office of the New York State Comptroller. Reports. *The Tourism Industry in New York City-Reigniting the Return*. April 2021. Available at: <https://www.osc.state.ny.us/reports/osdc/tourism-industry-new-york-city>.

² *Id.*

³ *Id.*

State Comptroller (OSC) that this decline in total spending cost the City \$1.2 billion in lost tax revenues.⁴ In addition, the OSC estimated that the tourism industry lost nearly a third of its employment in 2020, with visitors and their spending not projected to reach pre-pandemic levels until the year 2025.⁵ In order to help reignite the tourism industry in the City, the OSC believes that the City should, in combination with its reliance on vaccinations and reopening steps, “develop a proactive strategy that cultivates and attracts international and business travelers to restore the industry to robust health.”⁶

NYC DOT’S PLAZA PROGRAM

The NYC Plaza Program was created in 2007 in an effort “to transform underused streets into vibrant, social public spaces,” while ensuring that all New Yorkers live within a 10-minute walk of quality open space.⁷ As part of the program, the DOT works with selected organizations to create these neighborhood plazas throughout the City.⁸ Eligible organizations are allowed to propose new plaza sites for their neighborhoods through a competitive application process, with DOT prioritizing sites that are in neighborhoods that lack open space.⁹ Once chosen for a site, DOT partners with community groups in an effort to ensure that these sites are properly operated, maintained and managed.¹⁰

The NYC Plaza Program has offered residents and visitors the ability to access nearby open space, while also allowing for local businesses/economies to flourish. Due to the program’s nature, increases in foot traffic among these areas has aided in the increase in economic revenue for a

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ NYC DOT. Pedestrians. NYC Plaza Program. Available at: <https://www1.nyc.gov/html/dot/html/pedestrians/nyc-plaza-program.shtml>.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

number of industries within the tourism sector. The benefits have been particularly pronounced in Times Square, following the installation of its pedestrian plaza in 2014.

INT. NO. 1811-A

Int. No. 1811-A, sponsored by Council Member Keith Powers and the Speaker, would create a Theatre District zone around Times Square in Manhattan, where the DOT would redesign sidewalks to facilitate the safe travel of pedestrians. Commercial activity – such as solicitation carried out by costumed characters, CD sellers and others – on the sidewalks around Times Square presents a significant problem for the safe flow of pedestrian traffic through one of the City’s most congested neighborhoods. Sidewalks and subway entrances are often obstructed, and entering or exiting theaters, offices, restaurants and other establishments can be difficult. Commercial activity on sidewalks in the area also presents an especially serious problem for people with disabilities, and has contributed to recent safety incidents around Times Square.

ANALYSIS OF INT. NO. 1811-A

Int. No. 1811-A would create a Theatre District zone in Manhattan’s Theatre District, where pedestrians would have space to safely travel. The bill would mandate that DOT create "pedestrian flow zones" that allow for the safe passage of pedestrians where necessary to accommodate the demand for pedestrian space and "designated activity zones" that maintain space for commercial activity, including solicitation of any kind, distribution of anything, entertainment, performances or the taking of pictures, and vending expressive matter, where any form of compensation, donation, or gratuity is requested or accepted. Additionally, DOT may establish rules to set the parameters of and address public safety concerns in the Theatre District zone. The bill would take effect 60 days after becoming law.

UPDATE

On August 26, 2021, the Committee on Transportation passed Int. No. 1811-A by a vote of eight in the affirmative, one in the negative, with one abstention.

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Int. No. 1811-A

By Council Members Powers, the Speaker (Council Member Johnson), Vallone, Yeger and Levine

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a theatre district zone

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended to add a new section 19-157.1 to read as follows:

§ 19-157.1 Theatre district zone. a. Definitions. For the purposes of this section, the following terms have the following meanings:

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. For the purposes of this section, designated activities shall not include commercial activities by vendors who are licensed pursuant to sections 17-307 or 20-453.

Designated activity zone. The term “designated activity zone” means an area designated as such by the department by signage or markings in which individuals conduct designated activities.

Pedestrian flow zone. The term “pedestrian flow zone” means an area designated as such by the department by signage or markings for the safe and continuous movement of pedestrian traffic.

Theatre district zone. The term “theatre district zone” means the areas bounded by (i) the northerly edge of West 50th Street, a line 200 feet west of the westerly edge of the Avenue of the Americas, the southerly edge of West 43rd Street, and a line 100 feet west of the westerly edge Eighth Avenue, and (ii) from the southeast corner of Eighth Avenue and West 43rd Street eastward along the southerly edge of West 43rd Street, to a point 194 feet east of the centerline of Broadway; then south to a point on the southerly edge of West 42nd Street 138 feet east of the centerline of Broadway; then west along the southerly edge of West 42nd Street to Broadway; then south along the eastly edge of Broadway to southeast corner of West 41st Street and Broadway; then west along the southerly edge of West 41st Street to a point 400 feet west of Seventh Avenue; then south to a point 400 feet west of Seventh Avenue on the southerly edge of West 40th Street; then west along the southerly side of West 40th Street the southeast corner of West 40th Street and Eighth Avenue; then north along the eastly edge of Eighth Avenue to the southeast corner of 43rd Street and Eighth Avenue.

b. Pedestrian flow zones. The department shall establish pedestrian flow zones within the theatre district zone where necessary to accommodate the demand for pedestrian space. The department shall consider establishing such zones on streets including, but not limited to, West 42nd Street, Seventh Avenue, and Broadway.

c. Designated activity zones. The department may establish designated activity zones within the theatre district zone where necessary to accommodate the demand for designated activities.

d. Rules. The department may promulgate rules applicable to pedestrian flow zones and designated activity zones within the theater district zone, including, but not limited to, establishing the parameters of such zones and setting general rules of conduct.

§ 2. This local law takes effect 60 days after it becomes law, except that the commissioner of transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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