

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES
Of the
COMMITTEE ON TRANSPORTATION

----- X

March 30, 2016
Start: 10:21 a.m.
Recess: 3:15 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: YDANIS A. RODRIGUEZ
Chairperson

COUNCIL MEMBERS: Daniel R. Garodnick
James Vacca
Margaret S. Chin
Stephen T. Levin
Deborah L. Rose
James G. Van Bramer
David G. Greenfield
Costa G. Constantinides
Carlos Menchaca
I. Daneek Miller
Antonio Reynoso
Donovan J. Ricahards

A P P E A R A N C E S (CONTINUED)

Polly Trottenberg, Commissioner
NYC Department of Transportation

Captain Robert O'Hare, Commanding Officer
Times Square Unit, NYPD

Michael Paul Carey, Executive Director
Citywide Event Coordination Management

Jeff Lynch, Assistant Commissioner
Intergovernmental and Community Affairs
NYC Department of Transportation

Emily Weidenhof, Director
Plaza Programs
NYC Department of Transportation

Jim Karas
Appearing for Gale Brewer
Manhattan Borough President

Tim King, President
Times Square Alliance

Ellen Baer, President
Hudson Square BID
Co-Chair, BID Association

Laura Hansen, Managing Director
Neighborhood Plaza Partnership

Clayton Smith, Second Vice Chair
Manhattan Community Board 5

Nicholas Patty, Member
Industrial Workers of the World, IWW
National Writers Union, NWUAW Local 1981
Clown Photographer, Times Square

Gary Rothman
United Service Works Union

James Musick, Financial Secretary-Treasurer
TW Local 225

Linwood McCoy, President
Local 225 of the AFLCIO Union

Cora Cahan, President, The New 42nd Street
Member, Times Square Alliance Board of Directors

Dana Amendola, Vice President of Operations
Disney Theatrical Productions

Thomas Carpenter, General Counsel
Actors Equity Association

Leah Oken, Executive Board and Membership of
Theatrical Wardrobe Union Local 764 IATSE

Tom Ferrugi, Director
Government Relations
Broadway League

Paul Roas
Broadway Comedy Club

Keith Albahae
Clown/Joker at Times Square

Adelamin Alcusani (sp?)
Costumed Character at Times Square

Michelin Hall, CEO
Theater Mama

Dan Biederman, President
34th Street Partnership

Phillip Kellogg, Executive Director
Fulton Area Business Alliance

Rachel Thieme, Executive Director
Sunnyside Shines Business Improvement District
Sunnyside, Queens

Jessica Lappin, President
Downtown Alliance

Julia Kite, Policy and Research Manager
Transportation Alternatives

Timothy Wooster, Co-owner
Theater Mama

Sumila Assamad (sp?), Ticket Seller
Gray Line City Sightseeing
Member of TWU Local 225

Mark Ruiz, Ticket Agent
Gray Line City Sightseeing
Member of TWU Local 225

Geneva Tavares
Ticket Sellers Transport Workers Union
Local 225 TWU

Shiela Brian, Dispatcher and Shop Steward
Gray Line New City Sightseeing
Member, Executive Board, Local 226 TWU Union

Oscar Scalamanati
Costumed Character (Batman) Times Square

Greg Charles, Director of Publicity
Caroline's On Broadway Comedy Club

Elizabeth Reiner-Platt
Sexton Law Committee
New York City Bar Association

Alexandria Sica, Executive Director
Dumbo Improvement District

Barbara Blair Randall, President
Garment District Alliance

Eric McClure, Executive Director
Streets Pack

Leanna Jesus, Tour Guide
Grey Line City Sightseeing New York

Chris Barron, Tour Guide
Gray Line City Sightseeing

Craig Buckley, Owner
Street Team Promotions

Richard Concepcion, Producer and Host
Rapid T. Rabbit and Friends

Michael Lambert, Executive Director
Bedford-Stuyvesant Gateway Business Improvement
District

2 [sound check, pause, background comments]

3 [gavel]

4 SERGEANT-AT-ARMS: [off mic] Quiet,
5 please. [background comments, pause]

6 CHAIRPERSON RODRIGUEZ: Good morning
7 everyone. First of all, I'd like to thank my
8 daughter for being with me on her vacation day from
9 the school and now she can get a taste about, you
10 know, how important is the work that not only our
11 office, but all elected and people who work in the
12 agencies, including advocate group play in our great
13 city. The first thing that I would like to say that
14 as a conversation we go forward . We are not in
15 business to hurt any particular group or sectors that
16 interact or some interest--

17 [background comments]

18 SERGEANT-AT-ARMS: Quiet, please.

19 CHAIRPERSON RODRIGUEZ: They're like--we--
20 -I just want to be clear and I--I just hope that
21 everyone regardless if we're sitting in the frame--in
22 the--in the front line. Myself or anyone especially
23 carrying the Disney character, this is s a great
24 opportunity for all to be part of this conversation,
25 and at the end of the day, I hope and I believe and I

2 am confident that we will be able to create a win-win
3 situation for everyone. So I just hope that everyone
4 get engaged in this conversation today, and continue
5 giving our feedback before we move on this bill as we
6 after the hearing today probably with the support
7 that we will get, we'll be ready to vote and sign it
8 by Mayor. But from today to that moment, there's a
9 great window of opportunity to take all feedbacks.
10 [background comments] Please anyone is--first of
11 all, everyone is allowed, you know, to have your
12 characters, but no mask is allowed. If anyone by any
13 chance put a mask, they will be taken out from this
14 room. So I want to be sure that, you know, let
15 express us all with a dressing with the testimony,
16 but we have to be sure that everyone follow the rule
17 that we have in our city. Good morning and welcome
18 to today's hearing of the New York City Council
19 Transportation Committee. I am Ydanis Rodriguez,
20 Chair of this committee, and I'm joined by my
21 colleagues Council Member Garodnick, Van Bramer,
22 Johnson, Richards, Menchaca, Rose and Lander. Before
23 we begin, I would like to thank in advance
24 Commissioner Trottenberg and her Deputy Commissioner
25 for Intergovernmental Affairs Jeff Lynch for their

2 support as we are planning our car-free day, Friday
3 22, Earth Day of this year. As the DOT has worked to
4 transform more of our unused or misused street space
5 into largely plazas, we hope that this initiative
6 will get more people to thinking about how we use our
7 streets, and how we move around our city. Today, the
8 committee will consider Proposed Intro 1109-A, which
9 will provide the Department of Transportation with
10 the authority to regulate pedestrian plazas including
11 the ability to promulgate rules of conduct and to
12 issue event permits. This bill is co-sponsored by my
13 colleague Council Member Johnson, Garodnick, Lander,
14 Torres, Chin and myself.

15 Since the launch of the city's Pedestrian
16 Plaza Program in 2008, plazas have become an
17 indelible part of the streetscape in neighborhoods
18 throughout the five boroughs. We are fortunate to
19 have 53 plazas currently in use with 20 in
20 development and more to come. They often serve
21 important functions as a haven for pedestrians to
22 take a break from the fast-paced world around them.
23 In a city where so much of our street space is
24 devoted exclusively to vehicles, plazas are an
25 important tool that allow the city to reclaim certain

2 areas for the use and enjoyment of pedestrians. As a
3 city which prides itself on being a walkable and
4 pedestrian friendly place, many New Yorkers have
5 embraced plazas in their neighborhood for
6 contributing to the important balance between
7 driving, biking and walking that we are continuously
8 to strike on our streets. Plazas have also been
9 found to contribute to reductions in--in vehicle
10 travel and traffic related injuries in surrounding
11 areas. Therefore, they are very important for our
12 Vision Zero policy. In communities throughout the
13 city, pedestrian plazas serve as valuable outdoor
14 gathering places, and in the exceptionally busy
15 corridors such as Times Squares, they relieve the
16 pressure of large crowds from more condition--for
17 more tradition--traditional narrow sidewalks giving
18 our 8 million New Yorkers, and the 50 million
19 tourists that came here last year, more room both to
20 get where they are going and to enjoy some of the
21 city's most iconic locations. Presently, following
22 widespread attention focused on the wide variety of
23 activities taking place in busy plazas such as Times
24 Square, including the over aggressive solicitation of
25 tips, which sometimes create an unusual atmosphere.

2 A city appointed task force issued a series of
3 recommendations aimed at managing and organizing
4 plazas in ways that would maximize the productivity
5 used in enjoyment of this precious space by all
6 users.

7 These recommendations formed the basis
8 for the legislation we are considering today. By
9 allowing DOT to regulate activities in plazas like
10 Times Square, but also all those around the five
11 borough, we will be giving this treasured spaces the
12 designations they deserve as unique public spaces,
13 islands of calm in the storm of activities. To be
14 clear, this legislation is not directed toward any
15 particular groups or set of individuals. I know that
16 that's what the media is buying. The line for the
17 media is about that we are going after Elmo. It's
18 going after Batman. You're going after all those
19 characters, but this discussion is about regulating
20 our plazas. We will not be putting anyone out of
21 business, nor will we harshly limit the extent of
22 activity that many engage in to support themselves or
23 their families. We know that the majority of the
24 costumes, characters, all that is new to us and all
25 others who have graced the front page of our city's

2 tabloids are hard-working New Yorkers as well.
3 However, we know that there are a number of bad
4 actors whose actions have prompted concern for our
5 residents and visitors, and for this reason, we find
6 that passing this bill we provide for greater
7 structure and regulatory framework to support all
8 those who use our busiest and even not so busy plazas
9 across our great city. Therefore, I hope that the
10 majority of the Disney character they will come and
11 support this bill because this is no against the
12 majority of the them. This is about regulating those
13 that engage in non-acceptable activity in our city.

14 I understand that the narrative around
15 this legislation has focused primarily on the Disney
16 outside City 4 (sic) and other costumed characters in
17 Time Square. Small numbers of these individuals have
18 hurt the reputation of the many hard-working men and
19 women that help to make Times Square an interesting
20 and exciting place. We believe that--we believe it
21 will fat (sic) help in the end as more people will
22 feel comfortable knowing they are in a well regulated
23 and safe space. But I also want to stress that today
24 we are talking about all of our plazas, how to
25 protect and support them, and how to make them even

2 more attractive to New Yorkers and the 59 million
3 tourists. We look forward to hearing testimony on
4 the proposed legislation for the wide variety--
5 variety of organizations and individuals to day.
6 Before we do, I would very much like to thank all of
7 the stakeholders who have worked tirelessly on this
8 important issue over the past few months including
9 the de Blasio Administration Speaker Mark-Viverito,
10 the Times Square Alliance, the BID Association, and
11 my colleagues and co-sponsors of this bill. I now
12 would like to invite Council Member Johnson, the
13 prime sponsor of this bill to deliver his opening
14 statement.

15 COUNCIL MEMBER JOHNSON: Thank you, Chair
16 Rodriguez. Good morning. I want to thank you for
17 holding this hearing today, and I want to thank you
18 for your partnership on this important issue. This
19 is not an issue that I've worked on alone. I want to
20 recognize before I say anything that Council Member
21 Dan Garodnick and I have been total partners on this
22 work for many, many months now, and this has been a
23 complete joint effort. My name may be first on the
24 bill, but it doesn't really deserve to be first. Dan
25 and I should be first together on this.

2 When people around the world hear the
3 words New York City, chances are they'll immediately
4 think of or picture Times Square. It's one of the
5 great symbols of our great city. It encapsulates its
6 energy, its scale, its diversity, its quirkiness in a
7 good way. It's craziness. It's a frantic scene
8 with plenty of characters in all senses of the word.
9 It can feel like the wild west out there, and not
10 just because of any cowboy who I saw here today. As
11 public amenities, Times Square and other pedestrian
12 plazas enhance quality of life in New York City and
13 help attract tourism by providing a place for
14 community gathering, entertainment and enjoyment of
15 unique urban spaces in our city. However, there is a
16 need to coordinate the wide variety of sometimes
17 conflicting civic and commercial uses of these finite
18 spaces. As well as to create an ambiance that will
19 enrich local communities, and attract tourists who
20 are vital to our city's economy, and who have
21 fostered economic development. Among other concerns,
22 some pedestrian plazas face high levels of pedestrian
23 congestion and/or commercial activity that interfere
24 with residents' and tourists' ability to enjoy these
25 spaces and their unique qualities.

2 This morning we are considering an
3 important bill, Introduction 1109-A, as Chair
4 Rodriguez mentioned, which would establish, I
5 believe, a constitutionally sound and content neutral
6 framework to--to address the congestion and activity
7 in these plazas while preserving the diversity that
8 make New York City and its public spaces so special.
9 Given the wide diversity of pedestrian plazas across
10 the city, this law will allow the Department of
11 Transportation to draft rules appropriately tailored
12 to the individual pedestrian plazas and the
13 communities they serve. With this framework in
14 place, it will be easier to enforce the laws that are
15 already on the books. Pedestrians will have a safe
16 and enjoyable experience. Entrepreneurs will be able
17 to exercise their constitutional right to sell wit--
18 to sell wares and services, and ultimately this plan
19 allows for all of the same uses that currently exist,
20 the same forms of expression that we currently see.
21 It simply does so with an eye towards safety, and
22 trouble shooting the problems that too many people
23 are experiencing on some of the--these plazas.

24 I want to thank Manhattan Borough
25 President Gale Brewer for her partnership on this.

2 Again, I want to thank my partner and colleague in
3 this effort, Council Member Dan Garodnick, our
4 Transportation Chair Ydanis Rodriguez, and I
5 especially want to thank Tim Tompkins and the Times
6 Square Alliance who have played a leading role in
7 helping get us to this day. They spent an enormous
8 amount of time, and they have been very sensitive to
9 all of these issues that we're looking towards. They
10 have not been reactionary. They have not been
11 vitriolic. They have been measured, and they have
12 been open to compromise, and to finding a way forward
13 with the Department of Transportation and the City
14 Council. These are all leaders who care deeply about
15 their city, and who came together to find a creative
16 solution to a very tough issue. I also want to thank
17 the Mayor and his team for their work on this issue.
18 Particularly, I want to thank our Department of
19 Transportation, Commissioner Polly Trottenberg, our
20 First Deputy Mayor Tony Shorris, and all other
21 members of the Mayor's task force. This is a plan
22 that we all should be proud of. Thank you very much.

23 CHAIRPERSON RODRIGUEZ: From the other
24 co-sponsor Council Member Dan Garodnick.

2 COUNCIL MEMBER GARODNICK: Thank you very
3 much Mr. Chairman and I--I want to reciprocate the
4 good feelings from Council Member Johnson. It has
5 been a pleasure working with on this as well with the
6 Times Square Alliance, and the Borough President Gale
7 Brewer, and thank you Chairman for your--your support
8 of this. You know, Times Square is an important
9 place for New York City. It is loud. It is busy.
10 It is edgy. It is fun, and that is why it is one of
11 the first things so many people think of when they
12 imagine New York City. Yes, Times Square has always
13 been kind of weird, and everyone knows it, and that
14 is a good thing. You want to come to Times Square
15 and hug an Elmo or take a chance on a CD from an
16 unknown artist, or take a picture with a naked lady,
17 go for it. More power to you, but we're also going
18 to give you a safe space if you don't want to be a
19 approached or harassed or solicited. Let's face it,
20 the pedestrian plazas have helped to protect people
21 from the crush of traffic, but they also have
22 increased the space for hucksters and solicitors of
23 every type to simply take over Times Square, and they
24 have done so, and they are now simply ruining the
25 experience for too many people. We've got bad actors

2 who harass tourists. They aggressively solicit tips,
3 and if you refuse they won't leave you alone. One of
4 the goals of this legislation is to bring an end to
5 that kind of harassment, and to bring some order out
6 of the chaos. Of course, Times Square is not the
7 only pedestrian plaza in New York City, and we cannot
8 try to implement one-size-fits-all solutions here.
9 There are currently either 49 or 53 pedestrian plazas
10 in the city. We'll talk about that with the
11 Commissioner in a moment, and another 22 are expected
12 to open in the near future. These plazas are treated
13 in the law as regular streets, and not public spaces
14 denying DOT the ability to set some common sense
15 rules about how best to use the spaces. We probably
16 can still set the speed, but perhaps not all of the
17 other things that we need to do. Each plaza is
18 unique, and will require its own set of rules to
19 account for the site-specific conditions. That's why
20 the bill lays out what the DOT should be taking into
21 account when determining how to regulate each plaza.
22 In some plazas DOT's touch will be felt lightly, and
23 appropriately so. Whereas in Times Square where the
24 unique needs are very well known, these rules will
25 provide exactly what we need, a simple framework to

2 let people enjoy the benefits of the plazas without
3 being subject to the harassment that has un--
4 unfortunately has become too commonplace. These
5 plazas are not streets. They are public spaces and
6 they need to be regulated as such. This bill gives
7 us the ability to crack down on bad actors and
8 protect tourists and New Yorkers alike from unwanted
9 harassment and solicitation. It is a crucial piece
10 of regulation, and I look forward to hearing the
11 testimony from the DOT, and everybody else who is
12 here to speak today. Thank you again, Mr. Chairman.

13 CHAIRPERSON RODRIGUEZ: [coughs] Before
14 we continue--I mean before we get--we hear the
15 testimony from the Administration, I would like to
16 thank my committee staff Counsel Kelly Taylor, Policy
17 Analyst Jonathan Masserano, and Gafar Zaaloff as well
18 as my Chief of Staff Carmem de la Rosa, and my Deputy
19 Chief of Staff Rosa Murphy, and I would like to ask
20 our Committee Counsel to please swear in the
21 representative of the Administration here today, and
22 then we will welcome them to offer their testimony.

23 LEGAL COUNSEL TAYLOR: Would you please
24 raise your right hand. Do you affirm to tell the
25 truth, the whole truth and nothing but the truth in

2 your testimony before the committee today, and to
3 respond honestly to council member questions?

4 COMMISSIONER TROTTEBERG: [off mic] I
5 do.

6 LEGAL COUNSEL TAYLOR: Thank you.

7 [background noise]

8 COMMISSIONER TROTTEBERG: Thank you, Mr.
9 Chairman. Good morning Chairman Rodriguez and
10 members of the Transportation Committee. I'm Polly
11 Trottenberg, the Commissioner of the New York City
12 Department of Transportation. I'm joined today by
13 Captain Robert O'Hare Commanding Officer of the Times
14 Square Unit for the NYPD. Michael Paul Carey,
15 Executive Director of Citywide Event Coordination
16 Management and Jeff Lynch, DOT's Assistant
17 Commissioner for Intergovernmental and Community
18 Affairs. We're here today on behalf of Mayor Bill de
19 Blasio both to give an overview of DOT's Plaza
20 Program and to offer our support for Intro 1109-A,
21 which seeks to provide a regulatory framework to
22 ensure all of our plazas function as safe, enjoyable
23 public spaces. Intro 1109-A will also allow us to
24 tackle the unique challenges of Times Square in a
25 manner that fairly balances the needs of all users,

2 commuters, tourists, local businesses, performers,
3 ticket sellers and everyday New Yorkers. Since 2008,
4 the Plaza Program has created high quality public
5 spaces in underutilized roadways throughout the city
6 especially in neighborhoods that lack open space. T
7 he growth of public plaza is one of New York City's
8 great success stories in recent years, and I want to
9 thank the Council for their partnership on the Plaza
10 Program including investing over \$8 million in
11 capital funding which has helped so many of these
12 plazas thrive. Right now, New York City has 53
13 plazas open to the public and another 20 in planning
14 our construction. These range from major plazas like
15 Times Square or Flatiron, which attract millions of
16 visitors each year to more local plazas like
17 Diversity Plaza in Jackson Heights and Zion Triangle
18 in Brownsville, which function as neighborhood
19 gathering places. And our Plaza Program continues to
20 grow throughout the city. DOT regularly considers
21 new plaza sites when potential partner organizations
22 submit proposals through our competitive application
23 process. Applications are reviewed for neighborhood
24 support and impact, safety benefits, and partner
25 capacity. DOT then works with the selected

2 organizations to create plazas that best serve the
3 needs of their neighborhoods. These organizations
4 typically business improvement districts or local
5 development corporations commit to operate, maintain
6 and manage these spaces. It is a system that has
7 worked well by pro--by promoting local leadership and
8 accountability, community buy-in, and an ability to
9 respond quickly to neighborhood needs. However,
10 about half the organizations typically outside the
11 city's main business core, have limited financial
12 resources and public space management expertise and,
13 therefore, often struggle to meet the demands of
14 maintaining and programming a high quality plaza. To
15 address this issue, Mayor de Blasio and DOT created
16 the One New York Plaza Equity Program with \$7 million
17 to be allocated to lower capacity plaza partners over
18 the next five years. These funds will help maintain
19 these plaza spaces as well as provide technical
20 assistance and management expertise enabling many
21 more communities in the city to have successful
22 public space.

23 Last November I stood with the Chairman
24 to announce the opening of Plaza De Las Americas, a
25 beautiful new plaza and cultural center in Washington

2 Heights. Then in January, we opened Fordham Plaza in
3 Council Member Torres' district. I'm happy to say
4 that Fordham Plaza, a vital transit hub connecting 15
5 bus lines in the city's third busiest Metro North
6 station has become a very popular local destination.
7 This summer we'll start the permanent construction of
8 Corona Plaza in Queens with our partners the Queens
9 Economic Development Corporation, the Queens Museum
10 and Council Member Ferreras-Copeland. We've
11 transformed a low-volume space into a lively
12 neighborhood gathering place featuring the best of
13 the community's food, art and dance. Now, onto Time
14 Square. An icon for over a century in the heart of
15 the New York City, its bright signs, 40 theaters and
16 other attractions and thronging crowds are recognized
17 across the world, and as you've--as you've heard some
18 of the council members, it's no surprise that Times
19 Square's plaza has gotten the lion's share of the
20 public attention of our Plaza Program. It's an
21 incredibly diverse and busy destination. It's hard
22 to overstate the importance of Times Square.
23 Approximately 82 million annual subway riders pass
24 through the system's busiest station, which is 42nd
25 Street, and approximately 39 million tourists from

2 all over the globe visited Times Square last year
3 with about 3 to 400,000 people walking through the
4 Square daily. Times Square also contributes tens of
5 billions of dollars to the city's economy each year.
6 And it has only grown more popular with the
7 installation of five plaza spaces in 2009. The
8 roadway on Broadway between 42nd and 47th Street was
9 closed to vehicular traffic and almost 112,000 square
10 feet was opened to pedestrians, nearly the size of
11 two football fields. At any given moment
12 pedestrians make up 90% of Times Square's users, but
13 until 2009, they were only given about 10% of the
14 space. That made for a dangerous environment for
15 pedestrian cyclists and motorists. As James Traub
16 writes in his 2004 History of Times Square: The
17 Devil's Playground, Times Square was not safe to
18 cross on foot, and was the least serene place in the
19 western hemisphere. Opening the Times Square Plaza
20 addressed these challenges on many levels with
21 improved roadway safety for pedestrian cyclists and
22 motorists are helping to bring record business to
23 neighborhood theaters, hotels and restaurants. But
24 even with the success of Times Square Plaza, new
25 challenges have arisen, most aggressive--most notably

2 aggressive or unwanted solicitation from entertainers
3 and ticket sellers as well as severe pedestrian
4 congestion. The ongoing construction of the plazas
5 has unfortunately also exacerbated traffic congestion
6 in the area. In addressing these challenges, we and
7 our colleagues from NYPD have faced a lack of an
8 explicit regulatory framework for plazas, which are
9 still a relatively new construct including rules that
10 would help govern both pedestrian circulation and
11 other activities.

12 Last year, the de Blasio Administration
13 and local elected officials and stakeholders strongly
14 committed to making Times Square a safer more
15 enjoyable space with the creation of a task force co-
16 chaired by Police Commissioner Bill Bratton and City
17 Planning Chair Carl Weisbrod. The task forces met
18 with Times Square business owners, elected officials,
19 and other stakeholders to create a series of
20 comprehensive recommendations, which the city has
21 been aggressively implementing. Starting in October,
22 NYPD deployed a new dedicated unit of 100 officers to
23 patrol and help solve the unique enforcement issues
24 in Times Square. The Administration has also taken
25 steps to improve traffic flow during construction by

2 adding traffic enforcement agents, limiting street
3 fares and allowing DW--DOT to remove unnecessary
4 obstructions in the area such as unneeded equipment
5 and duplicate signs. DOT and DDC are also working
6 closely to accelerate the plaza construction and plan
7 to see its completion by year's end. We believe
8 these steps have helped, but we share the Council's
9 belief that more action is needed.

10 So I'd now like to turn to Intro 1109-A.
11 First, I want to thank Council Member Johnson and
12 Garodnick for introducing this bill and for their
13 leadership along with Manhattan Borough President
14 Gale Brewer, the Times Square Alliance and other
15 stakeholders. This bill authorizes DOT to make rules
16 regulating plazas to be enforced by NYPD. Rulemaking
17 allow us--will allow us to work with interested
18 parties through the city--through the City
19 Administration Procedure Act, known as CAPA, process
20 to design a system to better manage the plazas for
21 commuters, tourists, entertainers and others passing
22 through the space. The CAPA process requires DOT to
23 publish our Draft Rules for a 30-day public comment
24 period and then we will hold a public hearing where
25 all will be invited--invited to testify. DOT will

2 then consider all this public input as we prepare our
3 final rules. Under the bill, DOT will be authorized
4 to promulgate general rules for all plazas, which
5 will cover conduct, litter and quality of life issues
6 complementing the signage we currently post in our
7 plazas as well as codifying the Plaza Program
8 application process. The bill also authorizes DOT to
9 create plaza specific rules as needed. At this time
10 we're developing plaza specific rules for Times
11 Square Plaza, but we stand ready to work with other
12 plazas throughout the City to address any specific
13 challenges that they face. When create plaza
14 specific rules, the bill directs us to consider the
15 individual needs of each space, pedestrian traffic,
16 public safety, tourism and maintaining the special
17 character of a plaza. During rule making we can also
18 consider the need to regulate commercial activities,
19 solicitation, entertainment or expressive matter
20 vending in a given pedestrian plaza.

21 Should the Council pass the bill and the
22 Mayor sign it into law, DOT will be ready to act
23 quickly. In order to fully understand the conditions
24 of Times Square, DOT has analyzed pedestrian flow and
25 activity in the plaza to develop an organizational

2 layout for the spaces. This data will allow us to
3 create a two-prong approach in our proposed rules.
4 First, we expect to proposed flow zones to establish
5 a clear path for the safe and continuous movement of
6 pedestrian traffic. The flow zones will be marked
7 initially with reflective white tape, and you can see
8 them here on the rendering to my left, and will
9 basically follow the paths of the former sidewalks.
10 We will also install signs to demarcate the flow
11 zones. Secondly, in addition to the flow zones, we
12 are working with NYPD to proposed designated activity
13 zones in our forthcoming roles that will be defined
14 highly visible areas providing ample space for
15 commercial activity, entertainment, expressive matter
16 vending and solicitation without impeding those
17 passing through or who simply wish to enjoy Times
18 Square. The size and placement of the DAZAs and
19 we've come up with a potential scheme here--you can
20 see behind me--will be based on volumes and behaviors
21 that DOT and NYPD have observed in the plazas. Using
22 temporary materials to distinguish the DAZAs from
23 other parts of the plaza will allows us to work with
24 NYPD to observe the use and make adjustments as
25 needed. We anticipate some trial and error as the

2 seasons change and special events occur, and with
3 construction starts and stops. The remaining space,
4 the heart of the plaza, is now surrounded by these
5 flows zones is intended to be fully available for all
6 to use to take in the billboards and crowds, to sit
7 and talk with friends, to snap photographs and to
8 view artwork installations and events.

9 Lastly, the bill as introduced today,
10 creates a new Plaza Event Permit, and authorizes DOT
11 to be the issuing agency. We strongly agree with our
12 plaza partners that there should be a distinct Plaza
13 Event Permit that addresses the particular challenges
14 plazas face and their unique needs and
15 characteristics. However, the Administration
16 believes that this type of permitting is better
17 suited for the Street Activity Permit Office, SAPO.
18 SAPO already has the experience, expertise and
19 resources and the ability to coordinate multiple
20 agencies to manage permits and logistics for all
21 types events while DOT does not. We've been in
22 active discussions with the Council, community boards
23 and the BID Association about the most effective way
24 to permit events within the plazas, and we look
25 forward to continuing that dialogue. We also look

2 forward to continuing to work with the NYPD, the
3 Times Square Alliance and other stakeholders to
4 maintain a lively, safe and enjoyable public space
5 for all visitors while ensuring that performers and
6 others can exercise their rights to express
7 themselves or pursue their livelihoods. Thank you
8 for the opportunity to testify today, and I look
9 forward to your questions.

10 CHAIRPERSON RODRIGUEZ: Thank you,
11 Commissioner. I have a few questions, but before
12 that, I'd like to recognize Council Member Miller and
13 also Constantinides who are here with us now. My
14 first question is can you give us like your update on
15 how and--and--and what it--on--on--on the task force
16 recommendation and what--what are we have--are we
17 just waiting to pass this bill to work on those
18 recommendations, or have DOT or other agencies
19 started implementing some of those recommendations
20 produced by the task force?

21 COMMISSIONER TROTTEBERG: Well, yes.
22 As--as I said in my--in my testimony, the
23 Administration has started to aggressively pursue a
24 number of the recommendations particularly we have a
25 new NYPD detail, 100 new officers and Captain O'Hare

2 can speak about that. I know the Department of
3 Consumer Affairs has started to put out more
4 information about how visitors can safely enjoy Times
5 Square. At DOT we've been working very closely with
6 the Department of Design and Construction to clean up
7 the construction area as best we can to improve
8 pedestrian and traffic flow, and to try and
9 accelerate the construction process, and get it done
10 this year. I think that's something everybody has
11 been looking forward to. And meanwhile, we've also
12 been working closely with SAPO to continue our
13 dialogue with the Council and with the BID
14 Association and Times Square Alliance on coming up
15 with what we've come up with today, which is a
16 proposed bill to allow us to have a regulatory
17 scheme, and to also work very much on permitting
18 issues. I think we've aggressively pursued a lot of
19 the big findings of the task force, and we pledged
20 also to continue to meet on a regular basis because
21 obviously the needs of the plazas all over the city
22 are always changing. So we want to make sure we
23 continue our dialogue with you all.

24 CHAIRPERSON RODRIGUEZ: [off mic] the
25 perspective how--which recommendations produced by

2 the task force have the NYPD been implementing so
3 far?

4 CAPTAIN O'HARE: Well, starting with the
5 October 14th of last year, we started the first wave
6 of our officers that are permanently dedicated to the
7 Times Square area. That was supplemented with
8 additional officers on January 12th of this year, a
9 component of a 105 police officers dedicated day in
10 and day out to the Times Square area.

11 CHAIRPERSON RODRIGUEZ: [off mic] Since
12 they--[on mic] Since the--the--the effort that we are
13 working on right now is to take a holistic approach
14 of the plaza known as Times Square, what is your plan
15 on also improving, continue improving the same level
16 of safety throughout the plaza, throughout the city?

17 CAPTAIN O'HARE: Our plan going forward,
18 and it has been from the--from day one is the
19 visibility of our officers day in, day out
20 interacting with the community, interacting with
21 business associations. Everybody that travels
22 through Times Square on daily basis, and this would
23 include the tourists from around the world, it--it--
24 it encompasses our officers' boots on the ground
25 being out there daily observing the conditions in the

2 Times Square area. Conditions in Times Square can
3 change by the hour depending upon the day of the
4 week, time of year, weather conditions. So they're--
5 they are intricately involved in seeing what develops
6 as a tour--you know, as our tour goes forward, and
7 day in and day out being out there.

8 CHAIRPERSON RODRIGUEZ: Okay. So, is
9 your--the units that you are in charge is--are you
10 affiliated with any particular--the local precinct or
11 it's like a separate independent unit that only are
12 assigned to oversee the safety in--in the plazas?

13 CAPTAIN O'HARE: Well, we're deployed--we
14 encompass two precincts, and we patrol all Manhattan
15 South. We encompass Midtown South as well as the
16 Midtown North. Our officers' interactions with
17 people are with everyone I--as I just described. We
18 interact with everybody that's out there. You know,
19 there are daily--people that come there daily whether
20 they're working or they have business in the area, or
21 as I said, tourists from around the world who are
22 just passing through.

23 CHAIRPERSON RODRIGUEZ: How many police
24 officers are assigned to that--to that--

1 COMMITTEE ON TRANSPORTATION

33

2 CAPTAIN O'HARE: 105 police officers, 13
3 sergeants, two lieutenants and myself. That's 121.

4 CHAIRPERSON RODRIGUEZ: To the Times
5 Square Plaza?

6 CAPTAIN O'HARE: To the Times Square
7 Unit.

8 CHAIRPERSON RODRIGUEZ: Okay.
9 Commissioner, as--as we are looking at the safety
10 impact of the, you know, recommendations of the task
11 force and also how the, you know, through the
12 different agencies, in this case the NYPD and the
13 Consumer Affairs they've already been working on some
14 implementation. What is the economic impact that we
15 can share with New York City that Plaza produced?

16 COMMISSIONER TROTTEBERG: I--I mean I
17 have the figure. I think it comes from the Times
18 Square Alliance what they say. I think the impact of
19 the entire greater Times Square area to the city in
20 2014 was \$110 billion. I think--as I said in my
21 testimony I--I said tons and tons events. I mean
22 clearly it is a major tourist mecca of the theater
23 industry. I'm--I think we're all happy to know it's
24 thriving in the city right now. So--and I think one
25 of the things we're proud about in the creation of

2 the plaza space is we definitely saw the business
3 activity really increased. And so I think the plaza
4 has really enhance the economic value of that area,
5 and obviously that's been good for the city.

6 CHAIRPERSON RODRIGUEZ: Okay. Putting
7 aside Times Square Plaza and moving us where we as a
8 city want to reorganize the regulation of the plaza.
9 Can we say or do we have a number or are you looking
10 to do some study where we can compare how public--how
11 the plazas can reduce--play a role on Vision Zero,
12 how accidents happening less percentage in those
13 plazas compared to other major intersections putting
14 aside Times Square?

15 COMMISSIONER TROTTENBERG: I mean we--we--
16 -we very much try with our plazas to do before and
17 after--well, before and after--after crash analysis
18 and--and certainly one of the key objectives is the
19 key objective in Times Square, but it's true for many
20 of our plazas around the city is to also improve
21 traffic safety around the areas as part obviously
22 predates Vision Zero, but it's now very much in our
23 thinking on Vision Zero. We do believe plazas around
24 the city have definitely improved traffic safety.

2 CHAIRPERSON RODRIGUEZ: Okay, how--how do
3 you think that--what are the challenges that we have
4 to improve the use of plazas? Again, I get--I know
5 months (sic) are limited right now in the Times
6 Square, but just plazas in general including the
7 plaza that we got there, Plaza Las America, other
8 plazas in Brooklyn, Queens. How can we increase the
9 programming in those plazas so that there's more
10 educational and artistic events in place so that the
11 tourists also going to the Times Square and the
12 tourist commuter that can say we can refer tourists
13 who come to Times Square also to look for other
14 options if they want to discover the outer borough
15 areas?

16 COMMISSIONER TROTTEBERG: Well, I'll--
17 I'll mention a couple of things the Administration is
18 doing. I mean as I mentioned in my testimony, I
19 think we're very proud of our Plaza Equity Program,
20 which is providing resources to those lower capacity
21 plazas, some of the ones you're mentioning there in
22 the more outer borough parts of the city that see
23 less tourist traffic. We want to help them make sure
24 that their spaces are clean and safe, and that they
25 have the expertise and technical capacity to run the

2 plaza well, to be able to do some of the high quality
3 programming which is so important. So we're being
4 very hands-on there in providing some resources, and
5 --and the Council help is there as well, thank you.
6 I think also we have been--I think part of the--this
7 process of working on Times Square has also made us
8 connect also with NYC and Company, which as you know
9 is now really focusing on promoting outer borough
10 tourism, and they've done a wonderful advertising
11 series. And we're certainly talking to them about
12 how we can make sure that plazas all over the city
13 are part of what they are promoting to tourists who
14 are coming here. Because clearly, we have wonderful
15 spaces all over the city that we know tourists would
16 enjoy not just the big ones in Manhattan.

17 CHAIRPERSON RODRIGUEZ: I--I just hope
18 that as we with the leadership of the Mayor and
19 involving others, EDC, are expanding the water
20 transportation. They're expanding with the Citi
21 Bike. Also, we plan how to take advantage bringing
22 tourists to other places even if it's on beaches.
23 (sic) Even if it went--less--less than 10% of the
24 tourists say besides being around Times Square and
25 Midtown, we would like also at some point, you know,

2 in that second trip to the city we would like to go
3 out and discovery Washington Heights, discover the
4 South Bronx. Go to Queens and go to Brooklyn. Like
5 I just hope that again now that you will be playing a
6 major role not only in the Times Square Plaza. How
7 can the city take advantage of this opportunity, and
8 connect the business community of Times Square to
9 increase the partnership level? So that they also
10 can help not only the Times Square, but also
11 spreading the resources and initiatives that they
12 have in Times Square in the other plazas that we have
13 in the city. How do you think that we can accomplish
14 that goal?

15 COMMISSIONER TROTTEBERG: Well, as I
16 say, I think the--part of this whole discussion on
17 plazas has been very good at least from the
18 Administration's point of view to continue thinking
19 about how we ensure plazas throughout the city have
20 the resources and the technical expertise they need
21 so they can be well managed. They can have great
22 programming. As I say, we're working with New York
23 and Company, and I'm sure we'll get some great ideas
24 from Times Square Alliance. They are creative
25 marketers about how we can encourage tourists to go

2 to other parts of the city. We agree although I'm
3 happy to say I think it's interesting there were 58
4 million in New York City last year. Thirty-nine
5 million of them went to Times Square. So a big chunk
6 of them hopefully they're also going to other parts
7 of the city.

8 CHAIRPERSON RODRIGUEZ: [pause] Look, I
9 give a lot of credit to the--to the--even though that
10 area would have--have disagreements with the previous
11 Administration, but when it comes to process, I give
12 credit to the previous and, of course, to the current
13 Administration led by the Mayor himself. When it
14 comes to making our city a more walkable city, and I
15 believe that no doubt the plaza is in the heart and
16 center of our heart. And I know that the Times
17 Square Plaza is very important, is very valuable to
18 the business community. I just hope that from this
19 Disney to any other partner who rely on plaza when
20 they do their whole business plan for the next ten
21 years because being able to bring the tourism and
22 just walk up, bring the money in the area. That has
23 a value, and that's important for us because we can
24 raise more revenue as a city. My challenge--the
25 challenge that I see, and I hope that in the table we

2 can accomplish, is to increase that levels--the level
3 of partnership for that business community to say
4 talk to us about ten more plaza. So as the Time
5 Square we can give more life after 6:00 p.m. We can
6 give more life on expanding the cultural performance
7 that we have in Times Square to other places. So
8 have the conversation--has the Administration engaged
9 in some conversation with those business community
10 that are in Times Square so that we can look at
11 Brooklyn or Queens in the Bronx, and ask them can you
12 from the business perspective see some opportunity to
13 express and bring some of, you know, business
14 opportunity also to our--our whole area?

15 COMMISSIONER TROTTEBERG: Well, we are
16 certainly talking regularly to Times Square and also
17 to the BID Association, which represents a lot of the
18 plazas large and small. So I think this is certainly
19 a topic we can continue to pursue. I think there is
20 a great level of partnership and cooperation amongst
21 a lot of the plazas throughout the city, which has
22 been great to see, and I--I think we can continue
23 that.

24 CHAIRPERSON RODRIGUEZ: Okay, and--and
25 if--if you will look at-- You know, I always come

2 from the perspective that even though if we're doing
3 great things, there's always space to grow. For me
4 as a person, for us as an institution. If we look at
5 three new things that you would like to see happening
6 in your leadership as an institution that we've been
7 in charge to be running the plazas in our city. What
8 would be the new three elements that you would like
9 to suggest for those plazas, Time Square and others
10 to incorporate, to be more alive, to attract more
11 visitors and more residents to those common walking
12 areas?

13 COMMISSIONER TROTTEBERG: Well, I--I
14 think Mr. Chairman you mentioned one that's very much
15 at the top of my list, which is high quality
16 programming. I mean one thing that is true in every
17 neighborhood in the city we have such an incredible
18 diversity of cultural and artistic and culinary
19 products and offerings. And that's again one of the
20 things through the Mayor's Plaza Equity Program we
21 really want to try and help plazas with. We just
22 have so many remarkable things in the city that we
23 can showcase in our plazas, and it's part of what
24 really makes that space very special. And number two,
25 you know, also an element in the One Plaza Program is

2 just to help these--these plazas with the very basic,
3 the very important maintenance tasks, making sure
4 that plazas are clean and well tended, that they are
5 safe public spaces that people feel safe and
6 comfortable being there day and night. That's also I
7 think an incredibly important thing to make sure of
8 in public space in New York City public space, and
9 New York City needs to be very well cared for or can
10 quickly become an area where problems arise. And
11 then again, I think we just want to continue to see
12 the program grow. We--we see the big plazas in the
13 big commercial areas of the city, but we see again
14 some wonderful neighborhood plazas that have really
15 just helped created open spaces, and neighborhood
16 gathering places. And I think we'd just like to see
17 the program continue to grow.

18 CHAIRPERSON RODRIGUEZ: My last question,
19 Commissioner and before I move on--I turn it over to
20 my colleagues who have a question, it's about the
21 Disney characters. Your authority [speaking Spanish]
22 I have been a witness walking, coming from the
23 Victory Theater walking in Times Square with my
24 daughters and my family, being approached by some
25 hard-working Disney character. They're the ones that

2 first came to me and say we need to do something
3 because the first group of workers that came to using
4 the Disney character we've been respecting tourists.
5 We've been respecting New Yorkers that come here.
6 However, we've been addressing some bad actors. And
7 it was through a bad experience of my own I know that
8 my colleagues represent that area, Councilman--
9 Council Member Johnson and Garodnick they can have a
10 different experience. But what I have seen is that
11 most of the hard workers, men and women, many of them
12 immigrants who work in those place, they have concern
13 because of the mix of bad actors in that group. How
14 can we assure that with the new regulation as we are
15 working with the Times--with Times Square Alliance
16 the business community, the BID and you as an agency
17 in charge we can send a message that they good hard-
18 working men and women that they are relying form
19 those hours being in Times Square, they will not be
20 punished because of the bad actors? That at the end
21 of the day, this even can be the best thing that can
22 happen to them because they could be in the best
23 situation where even tourists that can have some idea
24 that they can be asked to give some suggestions for
25 people who work those hours to--to support the

2 family. So what is the message that we are sending
3 to the good men and women that use the Disney
4 characters?

5 COMMISSIONER TROTTEBERG: Yeah, and I'll
6 take it as with that note. I'm sure Captain O'Hare
7 would probably like to comment as well, and I--I
8 think you put it very well, Mr. Chairman. The goal
9 here is not to impinge on anyone's livelihood. We
10 agree that most of the folks in Times Square they are
11 wonderful characters just earning a living, and
12 certainly tourists love to come and see them. And we
13 in no way want to impinge on those activities. What-
14 -what we're--I believe this is the Council's intent
15 in this bill responding to the feeling, though, that
16 some people are feeling that they are getting
17 unwanted and aggressive solicitations, and we want to
18 find a way to create a space where people can
19 continue to ply their trade, and express themselves
20 and perform. But tourists and others walking through
21 the space can do so in a way that they don't feel
22 they are being impinged upon. Captain O'Hare, if you
23 want to-- [pause]

24 CAPTAIN O'HARE: I echo the
25 Commissioner's statement. This is all about--we're

2 talking about a very large--an area with a large
3 amount of population, people traveling through. One
4 of the ideas behind is space management, and as the
5 Commissioner stated, to afford people the opportunity
6 to interact with the actors and/or on the other--on
7 the other side to not interact, to have that ability,
8 and I think that's really what the--what we're
9 looking for here.

10 CHAIRPERSON RODRIGUEZ: So, now let's get
11 into the council member questions. Let's put the
12 clock in five minutes. The only two that are going
13 to be flexible is Council Member Johnson and Council
14 Member Dan Garodnick. For the rest of my colleagues
15 because other questions that my colleagues have, and
16 the large list of panelists, we will have five
17 minutes. Please any of you who do what I have done
18 before, which is to wait for my last 15 seconds to
19 add the four or five questions. We just ask you only
20 answer one question. So we want to be sure again
21 Council Member Johnson, Corey and--and Dan they will
22 have more flexibility with their five minutes, but
23 the rest of my colleagues you'll just taking five
24 minutes. The first one is Council Member Johnson.

2 COUNCIL MEMBER JOHNSON: Thank you, Chair
3 Rodriguez. Thank you, Commissioner for your
4 testimony today. I think it was very well reasoned
5 and thought out. I know that you and your team has
6 spent an enormous amount of time on this issue. I
7 also want to thank the NYPD for being here today, and
8 for your service for making Times Square a safe and
9 enjoyable place. And I know that the unit that has
10 been put together has done an enormous amount of work
11 of really--I mean that there are officers that were
12 working in the area before, but getting to know the
13 area and the folks that are there I think has been
14 very, very key to the success we've seen. So I want
15 to thank you. Commissioner, I wanted to ask if they
16 plan goes forward as the bill intends, and as you
17 testified, you hope to see it goes forward, what
18 steps will be taken by the department to monitor and
19 make sure that some of the costumed characters, and
20 not just costumed characters, but any folks that are
21 engaging in commercial activity do not get pushed to
22 42nd Street. Which is really congested, and it's an
23 area that we've talked about. Will there be some
24 monitor in place that will ensure that we're looking
25 at what's happening 42nd Street?

2 COMMISSIONER TROTTEBERG: Yeah, well,
3 and let me make clear I just want to say I think
4 we're going to have a very strong partnership with
5 NYPD. Obviously they have the--the men and women on
6 the ground there. So they know immediately everyday
7 what's happening, what the--what the state of the
8 characters are, the sellers, who's migrating where.
9 So I think we'll be working in partnership on that.
10 The bill we're discussing today is really focused on--
11 --you can see the map here. This area that was
12 created on the plaza, which was basically the area
13 where we took out those--those five blocks of
14 Broadway from 42nd to 47th, and I think-- As I said
15 in my testimony, I think it's going to--I think we've
16 come up with a possible proposal that we think is
17 going to work well. Obviously, we're going to have a
18 public comment period, and a public hearing. So
19 we'll get to take everybody's input on it, and then
20 put out our final rules. But I think there is going
21 to be trial and error, and I don't want to predict
22 yet where--where characters might go or what might
23 happen next. I think this is going to give us a good
24 opportunity. There's a reason folks like to go to
25 Times Square. I think--I think you and your co-

2 sponsor put it well, it--it is a--it is a fund
3 magnetic area that draws tourists, and--and that's
4 usually where I think characters and ticket sellers
5 and others want to be. But I think this is--this is
6 going to be a good start for us, but again I think
7 it's working with PD, we're going to have to-- I
8 think there'll be some adjustments we'll have to make
9 as we see potentially where it's working well, where
10 we need to--to take a fresh look, but I think step
11 one is focusing these, you know, we would call these
12 five plaza blocks.

13 COUNCIL MEMBER JOHNSON: That's--that's
14 helpful to hear, and--and I agree with you. I mean
15 some of the--what we're going to see in the aftermath
16 of whatever the final bill says, and whatever the
17 final rules are is going to be trial and error, and
18 we're going to have to adjust to see where we need to
19 make some improvements. But given 42nd Street and--
20 and the enormous amount of pedestrian traffic that we
21 see there, and in some places how narrow it is. Will
22 DOT be open to--to doing a--a study? Not
23 immediately, but just to look at what the pedestrian
24 flow looks like on 42nd Street in the aftermath of
25 these being implemented?

2 COMMISSIONER TROTTEBERG: Absolutely.

3 COUNCIL MEMBER JOHNSON: Thank you very
4 much. I also wanted to ask Michael Carey, who's here
5 whose been a great partner in this effort as well
6 dealing with special events, what the timeframe looks
7 like for coming up with special event regulations,
8 and not just for Times Square. I mean for Times
9 Square but also other places where there have been
10 concerns. You know, Council Member Mendez and I
11 border on the--the Flatiron BID area. There were
12 concerns we were going get there. I know Union
13 Square has had some issues, which is outside of my
14 district. The meat packing district I think is
15 actually done a pretty good job at managing their
16 events, but I think there's some uncertainty amongst
17 some of the--the BIDs on what the regulations are
18 going to be for special events moving forward, and
19 what the time frame is form those.

20 MICHAEL CAREY: Yeah, obviously currently
21 in the bill I'm not in charge of doing something, but
22 my hope and goal is to have rules in place within 120
23 days of signing of the bill.

24

25

2 COUNCIL MEMBER JOHNSON: 120 days coming
3 up with some framework of regulations, not just for
4 Times Square, but other plazas as well?

5 MICHAEL CAREY: Correct and we've already
6 begun mainly even starting last year having these
7 conversations. When I started there was some
8 background already on sort of where we are going with
9 said rules that we've had discussions with the BIDs
10 and outside partners as well to sort of begin that
11 process and a conversation.

12 COUNCIL MEMBER JOHNSON: Thank you. I--
13 Polly, I want to come back to--to Times Square. I
14 know the renderings behind us are--as it says on the
15 top a Draft Proposal of Flow Zones, Designated
16 Activity Areas and then Gen--then we'll just--then
17 general just plaza areas. The--the designated
18 activity zones, which are the blue strips that we're
19 seeing [coughs] can you just talk a little bit about
20 [coughs] the size and width of those, and what types
21 of activity we are--we--we think it's going to be
22 taking place in those activity zones?

23 COMMISSIONER TROTTEBERG: Yes, happy to,
24 and again, I do want to emphasize this is--

2 COUNCIL MEMBER JOHNSON: [interposing]

3 It's a draft.

4 COMMISSIONER TROTTEBERG: --this is a
5 draft--

6 COUNCIL MEMBER JOHNSON: [interposing]

7 Yes.

8 COMMISSIONER TROTTEBERG: --proposal.

9 Just we sort of felt we would put something up to
10 give folks a sense of what we were thinking, but
11 we're I think still in discussions with NYPD, and
12 obviously we want to hear comment. We-we started
13 from the point of view of what do you we think is the
14 maximum number of performance and ticket sellers, et
15 cetera, and we want to make sure that we had ample
16 room to accommodate them, and to accommodate the
17 tourists that want to come and interact with them.
18 We--on our highest count days between with the NYPD
19 has take a look a look at, and Times Square Alliance
20 it looks to be in the vicinity of around 300 people
21 perhaps. So these--they--they look kind of small in
22 this picture, but these proposed zones are going to
23 be probably 8x50 feet or 10x50 feet, which is bigger
24 than a city bus, and a city bus can accommodate
25 around 50, 55 people. So, for the moment we're

2 proposing eight of them, and we just--we just spaced
3 them throughout the different plazas where they would
4 they not conflict with benches or other hardware or
5 other installation. So that was our--our general
6 thinking on it. Again, to make sure they were
7 capacious enough to accommodate all the performers,
8 sellers, et cetera, and--and have a place to interact
9 with tourists, and just put them in places where they
10 would work with all the other street furniture and
11 layout of the plazas.

12 COUNCIL MEMBER JOHNSON: See, that--
13 that's very helpful. I mean I know this is a draft
14 proposal and that we are going to go through the--the
15 CAPA Rule Making process, and that will eventually
16 dictate where the final zones are located. But I
17 think it's important to--to just repeat what the
18 Commissioner said, which is these are not tiny little
19 areas that no one can fit in. These are--each one of
20 them the size of a city bus, which could fit between
21 50 and 55 people in eight places across many of the
22 plazas with the exception of the Military Recruiting
23 Station Plaza currently just on the draft proposal.
24 And so that could fit approximately 400 individuals
25 who wanted to engage in some type of commercial

2 activity. So there in no way is anyone trying to
3 tamp down or limit expression or free speech or the
4 ability to make a living in Times Square [coughs],
5 and no one is saying that people can't be on the
6 plazas at all. It is just that we are trying to
7 bring a little bit of order on the plazas themselves
8 while still allowing flexibility for a high number of
9 individuals to still be able to engage in lawful
10 activity, which is currently the case right now.
11 We're not trying to put anyone out of business.
12 We're just trying to create a little order.

13 COMMISSIONER TROTTENBERG: And that's--
14 that's absolutely correct. We--we do not want to put
15 anyone out of business, and--and part of what I think
16 will be particularly the trial and error is getting
17 the size and the--you now, again this is kind of a
18 notional scheme we have here, but we recognize
19 getting the size and the placement of these activity
20 zones, getting it right so that it works for
21 everybody, that's going to be the--the central piece
22 of what we'll need to do. Again, we're going to work
23 very closely with PD because we wanted to work
24 through all the performers and sellers, et cetera,

2 but it has to work for them from the enforcement
3 point of view as well.

4 COUNCIL MEMBER JOHNSON: So, Mr. Chair, I
5 just have a couple more questions, and then I'll turn
6 it back to you. Thank you for your patience. I mean
7 I just want to--I want to say I think it's important,
8 you know, this discussion predated tabloid fueled
9 headlines related to topless painted women in Times
10 Square, and topless painted women in Times Square
11 were never the problem. They were not what caused
12 this. They were not what fueled this. The problem
13 was that Times Square has become a victim of its own
14 success. It has become a--a mecca and a beacon for
15 tourists to come to. It's surrounded by large
16 commercial office buildings, which many New Yorkers
17 live in. It's surrounded by Broadway theaters and
18 off Broadway theaters, which New Yorkers and tourists
19 want to come to, and this is an issue that predated
20 last summer's tabloid headlines related to desnudas,
21 but I think that that was the catalyst for us to have
22 a mature thoughtful conversation about what the city
23 should be doing to improve Times Square. I don't
24 think that the topless women were ever the problem.
25 I don't think the costumed characters were ever

2 really the problem. I don't think the ticket sellers
3 were ever the problem. I think the problem was that
4 there was no order at all, and that it was just a
5 free zone that was causing too many problems with
6 some bad actors. My final question is--is to the
7 NYPD. I wanted to just ask with the current proposal
8 and scheme that we just laid out, that the
9 commissioner just laid out with the designated areas
10 [coughs] currently this is not in place. Currently
11 plazas people can be walking around doing whatever
12 they want engaging in commercial activity, sitting
13 around doing whatever, walking, whatever one chooses.
14 Do you believe that if we come up a scheme like this,
15 it's going to make it easier for your officers in the
16 area to actually be able to tamp down on people that
17 are engaging in illegal activity and also seeing the
18 folks that aren't engaging in act--in illegal
19 activity that are abiding by the law, that are just
20 trying to make a living. Do you think it's going to
21 create some more order?

22 CAPTAIN O'HARE: We absolutely believe
23 that this is a step in the right direction where
24 we're going with this, and to echo your sentiments,
25 yes we believe this is going to greatly assist us.

2 And again, it's not only the concern for the bad
3 actors. It's also what we've been talking about is
4 space management, and pedestrian flow of traffic.
5 And I think we're accomplishing with this plan each
6 of those specific points. So I--I think it's a win-
7 win all around for us.

8 COUNCIL MEMBER JOHNSON: And--and I--I
9 want to just also say I don't want to throw this
10 fully into the discussion here because it's a
11 discussion we also have to have in the context of the
12 rule making process, and also other things that the
13 City Council is working on related to vending issues.
14 But I would say that--that the vending regulations in
15 Times Square are crazy. They're out of date. Police
16 officers should not be the ones who are actually
17 enforcing vending regulations. You have much more
18 important work to do on much more serious crimes,
19 potential terrorism related activity, and other
20 things that have happened in Times Square. I don't
21 really think it's appropriate that you are over 120
22 officers have to know how far from a pole or from the
23 front door or from the sidewalk vendors are allowed
24 to be. And I also think that there are plenty of
25 vendors that have been working in Times Square for a

2 very, very long time who are immigrants, who are just
3 trying to express themselves artistically and sell
4 their goods and wares. And I would ask that--I'm not
5 saying that this isn't happening around, but that
6 [coughs] we ensure that we're not criminalizing
7 vendors, small business owners that are just trying
8 to make ends meet in the Times Square area who do
9 want to be cooperative with the NYPD, and do want to
10 just make a living, and want to actually understand
11 what's allowed and what's not allowed. And so, I
12 know that your unit just currently has to look at
13 vending issue, but I would love the opportunity to
14 have a discussion with you about the best way to do
15 that so that we are fair and thoughtful in how we
16 deal with vendors in Times Square.

17 CAPTAIN O'HARE: We would--I would look
18 forward to doing that with you. I--we're--we're not
19 to criminalize the people that are making money out
20 there. That is not the goal of what we do day in and
21 day out. A lot of what we do is just having
22 discussions with people, and explaining the rules to
23 them, educating them about the rules, and getting
24 their compliance. That's our goal day in and day
25 out. Times Square I--I consistently say is bigger

2 and better than all of us. It's going to be here
3 long after I'm gone, long after my officers leave and
4 replaced future officers, and it's a-- You know, the
5 economic package that Times Square brings to New York
6 City is undoubtedly unique to not only the city, I
7 would argue around the world.

8 COUNCIL MEMBER JOHNSON: I want to thank
9 you very much, Captain. Thank you, Commissioner.
10 Thank you Michael and to Jeff. Thank you, Mr.
11 Chair.

12 CAPTAIN O'HARE: Thank you.

13 CHAIRPERSON RODRIGUEZ: How much--[pause]
14 happened last year?

15 CAPTAIN O'HARE: Specifically, what type
16 of arrests are you referring to, sir?

17 COUNCIL MEMBER JOHNSON: In that--in the
18 Times Square bad characters?

19 CAPTAIN O'HARE: If you--if we're going
20 to talk specifically about bad characters, okay,
21 last--

22 CHAIRPERSON RODRIGUEZ: [interposing]
23 Because I know that the good characters they support
24 any arrest of the bad ones. So, how many bad ones
25 have you--

2 CAPTAIN O'HARE: [interposing] Well, I'll
3 go right now from this year alone, we have 16 arrests
4 of bad characters.

5 CHAIRPERSON RODRIGUEZ: This year?

6 CAPTAIN O'HARE: This year.

7 CHAIRPERSON RODRIGUEZ: Okay, great.

8 Thank you and--and I'd like before calling Council
9 Member Dan Garodnick to say that even though I've
10 been expressing the need to continue expanding
11 programs in the plaza to go to the five boroughs, you
12 know, as I mentioned in Queens and Bronx, and--and
13 they whole area of Staten Island also should be in
14 the housing. I didn't mention it before. So I hope
15 that as you carry that role, you know, on the whole
16 plaza throughout the city, we work with my colleagues
17 or Staten Island even so and the officers. I hope
18 that also we put some ideas on how we're improving
19 programming in the plaza. We have one in Staten
20 Island. So I also hope to see more come there.
21 Council Member Dan Garodnick.

22 COUNCIL MEMBER GARODNICK: Thank you, Mr.
23 Chairman and I'm not going to retread any of the
24 ground that Council Johnston--Johnson already pursued
25 with you all, and I think he asked a lot of the

2 question that I wanted to ask, which is good. But I
3 wanted to follow up on a couple of points. The first
4 is the number of pedestrian plazas that exist today.
5 We were operating under a 49 existing and 22 in the
6 pipeline. Your testimony was 53 existing and 20 in
7 the pipeline. Would you be willing to provide to
8 this committee a list of what plazas are included in
9 your numbers?

10 COMMISSIONER TROTTEBERG: Happy to. I--
11 I think our Emily Weidenhof runs our Plaza Program.
12 They have a copy. She can---

13 COUNCIL MEMBER GARODNICK: Terrific.

14 COMMISSIONER TROTTEBERG: --have it for
15 right now.

16 COUNCIL MEMBER GARODNICK: If you have it
17 even--

18 COMMISSIONER TROTTEBERG: [interposing]
19 Yeah.

20 COUNCIL MEMBER GARODNICK: --
21 contemporaneously, that would be--that would be even
22 better.

23 COMMISSIONER TROTTEBERG: Okay.

24 COUNCIL MEMBER GARODNICK: Thank you.

25 Also, on the subject of--of vendors, just to follow

2 up on that, just to confirm that this bill does not
3 change the current status quo with respect to vending
4 in plazas, is that correct?

5 COMMISSIONER TROTTEBERG: Correct.

6 COUNCIL MEMBER GARODNICK: Okay. The
7 trial and error that you noted about getting this
8 right, obviously DOT has to go through its rulemaking
9 procedure. [coughs] You will hear a comment from us
10 from anybody affected, anybody interested. Your
11 trial and error were you talking about during the
12 rulemaking process or were you talking about trial
13 and error once you have rules in place?

14 COMMISSIONER TROTTEBERG: No, I'm--well,
15 what I was referring to is particularly again you--
16 you see this map here. I think the trial and error
17 as to how our--both our flow zones and our designated
18 activity zones where we're placing them, how well
19 they're working from both--work for the--the folks
20 who are using them for expression of livelihood or
21 walking around the plaza or just enjoying the plaza
22 and from PD enforcement. I think we've talked and
23 we've thought a lot about what we think is a proposal
24 that's going to work, but I think--I think we're
25 humble enough to know Times Square I--I like what--

2 what Captain O'Hare said, it's bigger than all of us.
3 It's--it's full of surprises. It changes with
4 seasons, different construction. Different things
5 always happening there. So I think we'll--we'll--
6 we're going to use again temporary materials to start
7 with as we put out our designated activity zones and
8 our flow zones, and we'll see how well they operate.

9 COUNCIL MEMBER GARODNICK: I can--I
10 understand. Okay. Now, in--in terms of the rules
11 that you will be advancing, just want you have here
12 is a conceptual proposal as to where it might go, and
13 by the way, I think it's very thoughtfully done. As
14 a preliminary matter, we may have some thoughts or
15 feedback, but it is consistent I think with what
16 Council Member Johnson and the Borough President and
17 I and Times Square Alliance were looking to have you
18 do. So thank you for that, but the question that I
19 have is in your rulemaking procedure will you be
20 citing a specific 8x50, 10x50 area or will you simply
21 say we will identify--we--we will be empowered to
22 identify eight 8x50 or 10x50 zones for designated
23 activities?

24 COMMISSIONER TROTTEBERG: You know, I--I
25 think we--we don't want a--a--we--we don't want to

2 give you the specific math in the rulemaking because
3 if we give you a specific math and we discover for
4 whatever reason operationally we need more space or
5 NYPD needs a different configuration, we'd have to go
6 through another rulemaking to fix that. So I think
7 we will in our rulemaking give ourselves the general
8 ability to create the scheme. And we will certainly
9 obviously present something very concrete, but I
10 think it's in all our interests to allow DOT and NYPD
11 together to have the flexibility to adjust what we do
12 here as needed.

13 COUNCIL MEMBER GARODNICK: Agreed. How
14 about minimum, though? Where you have minimum size
15 for designated activities there?

16 COMMISSIONER TROTTEBERG: That's fine.
17 Yeah, we probably can. You know, I guess again I
18 think the one thing about minimum size is--one
19 question I think we haven't figure out yet is it--is
20 it going to make sense to have a bunch of them spread
21 out throughout four of the five plaza islands? Maybe
22 we want fewer that are bigger. Maybe we want more
23 that are smaller. It's--the one thing I think is
24 again perhaps part of what we will be experimenting
25 with a little bit to see, you know, maybe some of

2 these will have a lot of folks who want to stand in
3 them, and some of them will have not so many people
4 who want to stand in them. And then we may want to
5 adjust accordingly?

6 COUNCIL MEMBER GARODNICK: Okay, got it.
7 Okay, let's talk about the--the rulemaking process
8 and the speed with which we might be able to see some
9 of these rules implemented. You talked about a 30-
10 day period with noticed comment, public
11 participation. You know, we have an opportunity to
12 pass this bill as soon as next week. You obviously
13 as DOT have given some thought to what the rules
14 might look like, and even to where some of the zones
15 might be. Help us with the--the soonest case
16 scenario as to when we might be able to have
17 something like this in--in place consistent with your
18 rulemaking procedure.

19 COMMISSIONER TROTTEBERG: I mean I--I
20 think again if--if--if the Council if you pass your
21 bill April--I think the soonest you could do it would
22 be April 7th, if it--if it ripened this evening.
23 Let's assume the Mayor signs it in the next week, we
24 would then and very quickly we'll--we'll--we'd be
25 ready to go with our draft rules. They have to be

2 published in the city record. They're published for
3 30 days. We take comments for 30 days. We'll hold a
4 public hearing. I think we'll have to see what--what
5 is the volume and complexity of the comments again--
6 and again we'll--we'll be--as we take them in, we'll
7 be starting to consider them, and--and make a, you
8 know, changes to the rules as we see fit. There is a
9 second 30-day period that comes after the public
10 hearing. The Mayor has the ability to waive that if
11 he chooses to, and I think in this case he would
12 likely do so. But I'm not going to speak for him at
13 the moment. You know, our direction is to get this
14 done as quickly into the summer as we can, and I
15 think sometime between late May and very early June
16 we--we could have this whole process done. Again, in
17 a way that ensures full public participation and our
18 ability to take in all the comments and make sure
19 that they're reflected in whatever our final rule is.

20 COUNCIL MEMBER GARODNICK: Fair enough
21 and I think we do want to range--retain a little
22 flexibility here because as you correctly point out,
23 this is not something that has been done in Times
24 Square before, and we all appreciate the uniqueness
25 of the environment, and it's--it's obvious

2 challenges. So I think that that makes sense. My
3 last question for you, and it may be also a PD
4 question, is let's--let's just go to a scenario in
5 which we have a designated activity zone. You have a
6 variety of different characters who are present in--
7 in the zone, people walking by. Tourists and other
8 obviously have the ability to walk right into a
9 designated activity zone. What will be and how will
10 we monitor and what would be consequence here for PD
11 if you have an Elmo or other costume character who
12 finds him or herself a field of from the designated
13 activity zone? How will it work? If you--if you set
14 one foot outside of the zone, is that going to--what--
15 -what will be the result with PD? What do you
16 anticipate here as a practical basis since, you know,
17 I think it's difficult for some people to really
18 understand or appreciate what--what the reality on
19 the ground will be. Give us a sense as to how that
20 will work, how you expect it to work? What the
21 consequence will be? Tell us a little bit more about
22 that.

23 CAPTAIN O'HARE: Good. From the start
24 if--if this bill does, in fact, get passed, the
25 first part of the--this process for us and for the

2 public out there is going to be the educational
3 process informing them. All right, we're not looking
4 to criminalize behavior. We're informing them what
5 the rules are Okay if someone--if a costume
6 character is walking from one area to another, we're
7 not looking for enforcement action in that
8 circumstance even if the costume character happened
9 to be surrounded by a family who wanted to take a
10 picture. We could speak--simply speak to that
11 person, and ask them to step--step into one that it
12 browses. (sic) When I look at a criminalizer any
13 actions, you know, we're not holding a tape measure
14 that they're, you know, six inches over the line.
15 And I--I think that that's the whole goal of this is
16 just to sort of--sort of get a, you know, designate--
17 just have these designated areas trying to get a
18 little, you know, control of the--the pedestrian flow
19 in there, and we're not looking to criminalize these
20 actions.

21 COUNCIL MEMBER GARODNICK: At some point
22 presumably if somebody does not follow instructions
23 over time I agree with you we're not looking to
24 criminalize this stuff, but we are putting zones in
25 place for a particular reason and ultimately you

2 could find your yourself in a situation in which
3 somebody says yeah, okay, I appreciate that the--the
4 city is interested in--in restricting behavior to
5 certain, you know, designated activity zones. I'm
6 not doing that. What is the--what ultimately is the--
7 -is the--is a consequence that police could employ in
8 that situation?

9 CAPTAIN O'HARE: Well, this bill allows
10 us to take civil action as well as criminal action,
11 and we'd be--it would a road to travel. You know,
12 we're not just looking to effect an arrest, right off
13 the bat. You know as soon as soon as something
14 happens, you know. We're talking about education, of
15 course. You know, I believe that we're going to get
16 a vast majority of voluntary compliance once we make
17 everyone aware of what the rules are, and just
18 continue to reinforce that policy. You know, the--
19 the actors are there day in and day out. You know,
20 they--they're looking to make, you know, they're
21 looking for to earn their livelihood, an--and I--I
22 really--I fully expect, you know, for a large
23 capacity we're going to have voluntary compliance,
24 and coupled--if--if we--we don't have that

2 cooperation then for us civil and criminal
3 ramifications if such if it gets to that level.

4 COUNCIL MEMBER GARODNICK: I think it's a
5 thoughtful and sensible approach and I totally agree
6 with it, and I appreciate that that's the--the way
7 that PD envisions this working. I also do think you
8 will have a high level of voluntary compliance here
9 particularly since the zones as proposed and
10 conceived are significant in size and not simply in
11 one area. It allows for people to be--to have
12 exposure to tourists in all corners of Times Square.
13 So I--I agree with you, and I--I thank you for the
14 thoughtful approach and response.

15 CAPTAIN O'HARE: Thank you.

16 COUNCIL MEMBER GARODNICK: Thank you, Mr.
17 Chairman.

18 COUNCIL MEMBER VAN BRAMER: [coughs]
19 Than you very much, Mr. Chair, and I want to commend
20 my colleagues, Council Member Johnson and Garodnick
21 for their amazing work here, and while I represent a
22 district in Queens, Times Square is the world's
23 playground and so we are all interested in it's
24 welfare. Just this past fall my husband's family was
25 in from their small town in Michigan, and we went to

2 see *An American In Paris*, and as we exited, Dan's 74-
3 year-old mother thought it was very crowded and
4 wanted to go back to Queens. But his sister and
5 daughter thought it was amazing, and I as a life-long
6 New Yorker was proud that there were so many people
7 from all over the world that wanted to be in that one
8 very special place. So, I congratulate my colleagues
9 and the Administration for working to make sure that
10 it continues to be as great an attraction as it
11 always has been. But because I am from a district in
12 Queens and we do have some pedestrian plazas, much
13 smaller and maybe even a little less sexier than
14 Times Square, and maybe we're okay with that in
15 Sunnyside. But I--I do want to ask how you're going
16 to handle it, because these rules apply to all of our
17 plazas including the smallest of them. How are you
18 going to handle the rules there? How are you going to
19 prioritize that? Are you going to handle that on a
20 case-by-case basis or if issues arise or, in fact, is
21 there a systemized approach to how you're going to
22 craft the rules. Obviously we don't need what you've
23 drafted here for Times Square in Sunnyside, but it's
24 no less important to us, and I know Rachel Thieme
25 from Sunnyside Shines, our Business Improvement

2 District is here to testify, and I welcome here. But
3 talk to me a little bit about the outer boroughs and
4 some of our smaller, but no less important pedestrian
5 problems.

6 COMMISSIONER TROTTEBERG: Well, as I had
7 mentioned in my testimony, this bill gives us--it's
8 gives us the ability to do general rules that apply
9 to all plazas and then plaza specific rules. We will
10 be doing the general rules. They're very common
11 sense. If you go to our plazas and see our signs,
12 you basically, you know, don't litter, don't urinate
13 in public, don't camp. Basically behave--behave in
14 a--behave in an appropriate manner in a public space.
15 Those are I think pretty much the rules that are
16 generally going to be applicable in our plazas. Time
17 Square is our first set of plaza specific rules, and
18 I--I think we all know why because obviously as--as
19 you point out it's--it's--it's--it's very much the
20 center of the city in terms of tourism and economic
21 activity and--and a lot going on there, and millions
22 and millions of people. But we--we are also happy to
23 work with plazas throughout the city, Sunnyside,
24 Downtown Brooklyn, wherever it may be where there's
25 an interest potentially in other plaza specific

2 rules. I think we would love in some of those cases
3 to see if we can help work through some of the
4 problems without doing rulemaking. I don't know that
5 we want to do gazillions of rulemakings, but we're
6 certainly ready to do them if people feel that
7 they're necessary. And I think one of the things
8 that's been really a good a part of this process I
9 mean we at DOT we talk a lot to our plaza partners,
10 but it has been nice to have the City Hall and PD
11 and--and SAPO to have this all be a part a part of
12 that conversation. And I think we've already
13 identified a lot of issues that we're going to be
14 working on that I think will help a lot of plazas all
15 over the city. But again, we will--we will, you
16 know, enthusiastically work with those that perhaps
17 think they want to a plaza specific rulemaking, and
18 let's see who comes forward, and--and what we think--
19 what we think they're going to need.

20 COUNCIL MEMBER VAN BRAMER: So just to--
21 to clarify, it sounds like you were saying that you--
22 you won't necessarily be approaching say Sunnyside
23 with a desire to create a set of rules. Instead, it
24 will be responsive if the BID or--or the community
25 board or some other entity comes to you, and then

2 says we have some issues here. Let's work on
3 something. Is that correct?

4 COMMISSIONER TROTTEBERG: Absolutely. I
5 actually really want to emphasize that point. I mean
6 part of why we're doing this Times Square is there
7 has been such a strong interest on the part of
8 elected officials, stakeholders, businesses, et
9 cetera that we do something specific for Times
10 Square. I--I certainly haven't heard from any plaza
11 where there has been such a collective desire for
12 this. If one wants to come to us, we're happy to
13 work with them. We are not going to be proactively
14 going out to plaza and saying we want to make up
15 rules for you. We're not interested in that.

16 COUNCIL MEMBER VAN BRAMER: Terrific and
17 I think it's fair to say that--that our two do not
18 have as many issues confront it as Times Square, but
19 because both of them are connected to the 7-Train
20 stops, we--we have as many people going through them
21 in some--in some cases. So I just want to say thank
22 you again for a job well done to my colleagues and
23 the Administration, and appreciate the chair and his
24 work on this as well. So thank you very much.

2 CHAIRPERSON RODRIGUEZ: And let's hear
3 from another sponsor of this bill, Council Member
4 Lander.

5 COUNCIL MEMBER LANDER: Thank you very
6 much to the Chair for your leadership [bell] and also
7 to Council Members Johnson and Garodnick, and I--I
8 really want to appreciate the work to develop a
9 solution for Times Square that is also thoughtful
10 about the plazas all around the--the rest of the
11 city. As much as I'm also a fan and a regular in--in
12 Times Square my real interest here is the
13 neighborhood plazas. I was proud back when I was
14 Director of Pratt Zone (sic) in 2008, we actually
15 hosted the launch of the Plazas program there, and
16 some of these plazas, you know, you have the--a few
17 of the pictures behind you. I don't know if, you
18 know, people have watched the videos of the kinds of
19 neighborhood energy that's taking place at the
20 community board meeting that Council Member Dromm had
21 in Diversity Plaza, or some of the amazing cultural
22 events that Council Ferreras has had in Corona Plaza.
23 In Kensington, a little postage stamp of sidewalk has
24 become sort of the civic center of the neighborhood,
25 and we're working on an even bigger plaza. They have

2 become some of my favorite places in the--in the
3 city, and I think that's true for a really wide and
4 divers range of New Yorkers. I appreciate that this
5 bill will help clarify the designation and regulation
6 of those plazas together with, as you mentioned,
7 commissioner the One NYC Plaza Equity Grants Program
8 will help support those plazas. While I appreciate
9 the good hard work of the--of the BIDs, many of these
10 neighborhood plazas just have some volunteers who
11 agree to act as stewards and then work with you to
12 try to make them into--into fantastic places. But
13 they place--they face real challenges, and I think
14 it's important this bill helps us move forward on
15 those. We want the plazas to be these open places
16 where people can come and gather and kids can do
17 their homework. Often that attracts challenging,
18 dumping of trash, emotionally disturbed persons or
19 homeless people. So I think the general rules of
20 conduct even though they might be that different than
21 what's posted on the sign, if they help agencies work
22 together to thoughtfully strengthen these spaces as
23 amazing civic spaces, but also ones where rules are
24 followed that that will be really important. So--but
25 I want to ask a few questions about just making sure

2 that it's going to help us really do that because it
3 has been developed, you know, thinking about Times
4 Square. And I know the BIDs have engaged, but I just
5 want to make sure we're also thinking about these
6 neighborhood plazas that will come to have partners
7 through the plazas--you know, have neighborhood
8 partners, we'll even have better ones thanks to the
9 grants program. So I mean let me make--just first
10 ask just can you update us on the timing of that RFP,
11 and then how you see working with those partners? I
12 know some already exist, and some more of them will
13 come into being given this new rules and--and
14 regulations.

15 COMMISSIONER TROTTEBERG: Yeah, I think
16 the RFP we're looking this fall. Am I correct about
17 that?

18 EMILY WEIDENHOF: [off mic]

19 COMMISSIONER TROTTEBERG: Right. Okay,
20 you can--Emily Weidenhof who runs our program.

21 COUNCIL MEMBER LANDER: Well, when is she
22 coming?

23 COMMISSIONER TROTTEBERG: Maybe she can
24 come and sit and give us the timing on it. She's--
25 she's running this effort. While--while she's

2 sitting up there, I will say, look, you raise a very
3 good point. I know have Lauren Hansen here from the-
4 -from the Neighborhood Plaza Partnership. Working
5 with the partners is key. It's one of the things
6 that I--I said it in my testimony that has made--we
7 think has made this program so extraordinary. It's
8 not just about the space. It is about working with
9 local leaders, local civic leaders creating that
10 partnership, creating that local buy-in. It's
11 essential that we get that piece right. That is a
12 key element. You can't just have a space that sits
13 there unattended to. So I don't know. Maybe Emily
14 now can walk through the RFP process.

15 EMILY WEIDENHOF: Sure. So the RFP was
16 just made public. We'll have a free bid with all
17 interested parties on April 4th, and invite you to
18 invite anyone who's interested, and we anticipate
19 that the selection would be made, the contract
20 negotiated, and the vendor up and running by early
21 fall.

22 COUNCIL MEMBER LANDER: And then those
23 plaza--the partners are specifically recognized in
24 the bill as partners who you'll be in dialogue with
25

2 as you develop either plaza specific rules or other,
3 you know, event and other guidelines.

4 COMMISSIONER TROTTEBERG: Yeah, I mean
5 we--we would certainly never be developing a plaza
6 specific rule without a lot of input, and close--I
7 mean Times Square it's basically taking us a--it's
8 taken us a year almost to get to this point, and--and
9 before that year there had been a lot of thought and
10 discussion about it. It's not something we're going
11 to do quickly or without incredible close cooperation
12 with local stakeholders and partners.

13 COUNCIL MEMBER LANDER: I want to ask a
14 little bit about events, and--and Mr. Chair, I
15 apologize, but I hope I could have a little--a little
16 flexibility to--to drill down on--on this because
17 it's a big city and we've got-- So on events, I know
18 that there's been a lot of dialogue with the Council
19 and the Administration, and I sure understand why
20 SAPO, which is set up to issue permits, it makes
21 sense as opposed to DOT, which is--which is not set
22 up to issue those event permits. But I want to think
23 a little bit, you know, for most of us what SAPO has
24 done is it does just the street fares, and you have
25 to ask for those 90 days in advance, and you get one

2 a year, and it's a pretty clunky process because it's
3 a big city and there's a lot of streets. But if
4 you're thinking about these neighborhood plaza
5 partners and their plazas, they want to have Latin
6 jazz Thursday and Bangladeshi music festival weekend
7 and, you know, stand on your soap box political
8 debate or who knows. Like a--a lot more events, a
9 lot more fine grain events, and I mean I know 90 days
10 in advance. Of course other people might want to do
11 events in the plazas besides the partners. So how do
12 you see working with DOT and SAPO and the--and the
13 plaza partners, both the BIDs and the other partners
14 to come up with an event framework that is--that
15 works to--enable all this lively programmatic
16 activity in a more smooth way than I think people
17 ordinarily traditionally associate with the old SAPO?

18 MICHAEL CAREY: Well, again I'll say, of
19 course, it's--once the Council amends the bill to
20 allow us to regulate, I believe the set of rules that
21 are going go be put in place, within the 100--now,
22 120 days will be, you know, a balance of that. And
23 we've looked towards many of the current policies
24 since I came into this position about nine months ago
25 to really working with the BIDs and the partners to

2 ensure that their programming comes first, to be
3 quite honest, and that-- So we have allowed them to
4 sort of again sort of put in their requests early on.
5 They can put a request in for a year in advance. So
6 that they can be sure to, you know, have the ability
7 to have their events. We have worked out the
8 opportunity for many of the BIDs have, of course,
9 done regular, as you spoke about. Regular events
10 that are reoccurring. So we've been helpful in sort
11 of issuing sort of month out, sort of permits to them
12 as best as we can within the confined of the sort of-
13 -sort of law. You don't want to--you don't want to
14 go too far out in case something happens, to be quite
15 frank, a natural disaster or something like that
16 would occur. So we've worked very carefully with the
17 BIDs, and we've gone to I think probably since I've
18 been we've gone to most of the BID partner meetings
19 along with the plaza partner meetings for those outer
20 boroughs as well. And actually been with them to
21 encourage them about programming and how they can do
22 it. Because we do know and realize that there are
23 many instances where there are particular folks that
24 may not actually know the process. In addition, what
25 has been very key is that we have designated one

2 person on our particular team that handles all the
3 plazas. And that is in general about 300 permits,
4 which is a significant, but not heavy. But we
5 believe sort of having this one designated person
6 that is known to everyone allows everyone for much
7 flow of information and communication to be honest.

8 COUNCIL MEMBER LANDER: Mr. Chair, can I
9 explain-- I have a question just on this. Thank
10 you. So--so that's very helpful. What about a
11 scenario where we'd like we'd want to have sort of a
12 citywide day of things in the plazas. The Chair is
13 doing this great car-free--

14 MICHAEL CAREY: [interposing] Yeah.

15 COUNCIL MEMBER LANDER: --Earth Day.
16 That seems like a great time to fill all of the-- You
17 know, so how, you know, is that going to be 53
18 separate applications? Maybe they wouldn't all
19 apply, but 45 applications.

20 MICHAEL CAREY: No, there isn't. I mean
21 we are--actually have worked with the Councilman--the
22 Chair and his staff and all the other additional on a
23 car-free actually to be quite honest. But we are,
24 you know, open to any thoughts and suggestions, and
25 usually, of course, they say there is a sort of city-

2 -sort of run thing, or a Council sort of thing run.
3 We're helpful and we waive fees, and we work with
4 everyone to make it happen.

5 COUNCIL MEMBER LANDER: So we can work
6 together to make those kinds of things happen. And
7 my last question I think Council Member Garodnick
8 spoke to the ways that this bill is not designed to
9 change rules about vending, which is obviously a--a
10 broader and very complicated topic, and I appreciate
11 we're sort of staying away from it in this bill.
12 But, you know, when it's Latin jazz Thursdays you'd
13 like to be able to have a food vendor so that the
14 people in the plazas can enjoy the event or, you
15 know, food truck rally Sunday. There's, you know,
16 there's within very des--defined spaces, food vending
17 and other things can really enhance the kinds of
18 programming and activities. And I just--I'm hoping
19 that we can find some ways again without sort of
20 diving into the whole broader set of issues around
21 vending within the context of the kind of robust
22 programming within the kinds of events we're talking
23 about. I know for BIDs they can use their concession
24 agreements to help guide this. I think for the
25 smaller neighborhood plaza partners, it's hard to

2 become a concessionaire. That's not a simple thing.
3 So I'm--I'm hoping that we can find some ways to work
4 together to keep striking the right balance, but also
5 enable the community board members to get a snack
6 when they have those long community board meetings.

7 COMMISSIONER TROTTEBERG: We--we really
8 want to do that, and look, we recognize that they
9 concession process, which is the one way that you can
10 essentially have say food vending on--on a plaza.
11 It's a--it's a complex onerous process, and--and not
12 for smaller, you know, smaller partners, and we--we
13 created as sort of an interim step basically this 29-
14 day concession, which allows you throughout the
15 course of whatever period of time, 29 days in a row
16 or over the next 10 years to have 29 days where you
17 can basically have what is like a concession, and
18 it's not the onerous process that having a full
19 concession. So I think that's sort that an interim
20 things, but we're--we're also open to continuing to
21 explore. You know we recognize that, you know, food
22 can liven up these plaza events. It can help
23 generate revenue, and--and so--

24 COUNCIL MEMBER LANDER: [interposing]

25 And that's important because especially in the

2 smaller plazas we want there to be enough revenue to
3 pay for the programming.

4 COMMISSIONER TROTTEBERG: Understood.

5 Just--you know, we inherit from the city a
6 complicated set of rules on vending, on concessions.
7 So I think working within that framework we--we
8 certainly want to see if there are ways. And again,
9 this--this 29-day concession idea that we came up
10 with has been helpful for smaller entities that don't
11 want to do the full blown concession to--to get to do
12 some of these food events.

13 COUNCIL MEMBER LANDER: Thank you for all
14 the thoughtfulness that's gone into developing this
15 bill, and thank you, Mr. Chair, for the extra time.

16 CHAIRPERSON RODRIGUEZ: Thank you, and
17 before calling the next colleague, I have two
18 questions. One is about, you know, there's--there's
19 a--one of the best made [Speaking Spanish]. So is--
20 is there, you know, many have said New Yorkers never
21 sleep. I don't--I think that we sleep. It's good
22 that the tourist they don't sleep because they're
23 investing and so, you know, if there's one area that
24 we can describe that we never sleep it's Time Square.
25 How many tourists or how many--what is the number of

2 people based on the DOT assessment if we have any or
3 we planning to do it. Can we show all that typically
4 walk every day in those five or seven blocks of the
5 Times Square blocks.

6 COMMISSIONER TROTTEBERG: I mean our--
7 our counts have been on a daily basis sort of on
8 average somewhere between three to four hundred
9 thousands, but it's highly dependent on time of day
10 and time of year. Obviously, at holiday times, and
11 when the big things are going on in Times Square. I
12 mean I think for--for New Years you're how many? You
13 get two million people I think. When the theaters
14 let out, I--I think it's got, you know, suddenly
15 60,000 people are all on the street, all of a sudden.
16 So it--it clearly on summer nights you're going to
17 have much bigger crowds there than freezing cold
18 winter nights. So it's--it's very--and that's part
19 of again why I think we--we want a little trial and
20 error on this is going to work because there is a lot
21 of seasonality and special events in terms of what
22 happens with crowds in Times Square, and we're going
23 to have to live some months, and--and-- You know,
24 again, we'll be working closely to take I think a
25 careful look at exactly how these spaces and what

2 we're proposing is going to work when we have
3 enormous thronging crowds of tourists, and maybe when
4 we see fewer people.

5 CHAIRPERSON RODRIGUEZ: Do you--and how
6 many Disney characters do we have in the area so far?

7 CAPTAIN O'HARE: For 2015 peak for
8 Disney, well, we haven't just categories these
9 costumed characters who peak at any given--it was
10 123.

11 CHAIRPERSON RODRIGUEZ: How many?

12 CAPTAIN O'HARE: 123.

13 CHAIRPERSON RODRIGUEZ: Okay, do--do you
14 think that the way of how commissioner you are
15 working with the SAPO and--and NYPD and others, SBS,
16 whoever is going to be onboard under your leadership.
17 Do you think that the way of how that area is being
18 reorganized or the way they have envisioned that way
19 to be organized. Because of the large numbers of
20 tourists and New Yorkers that cross through that
21 area, is there opportunity that we can say that those
22 good actors would be able to continue making a living
23 in that area, the way--I mean coordinated with the
24 Times Square Alliance, the BID any plan that is put

2 is in place is that--is that something that we
3 believe--you think that is doable?

4 COMMISSIONER TROTTEBERG: That--that is
5 absolutely our goal, and again it's--it's why we try
6 to when we're thinking of where to put the activity
7 zones, we wanted to put them in areas where we--we
8 would give people who didn't want to stop a chance to
9 work, but we would put them near areas where we
10 thought tourists would want to stop and have their
11 pictures taken or buy tickets. So we very much want
12 to ensure-- I think that we want to make sure the
13 people who want to interact with characters or
14 artists or ticket sellers can do so, and they can
15 express themselves and earn a living, and--and those
16 don't will--will just be able to walk on by.

17 CHAIRPERSON RODRIGUEZ: And--and my last
18 question in this round before calling Council Member
19 Menchaca is about how can we be behind an ongoing and
20 focused (sic) as they have a certain area where when
21 you have large numbers of pedestrians crossing by,
22 they have their barn (sic) style crossing that allow
23 pedestrians to have a light to cross through the
24 whole intersection at the same time. Is that
25 something that DOT can at least, you know, do it

2 feasible study to see if this is something again that
3 is doable in the Times Square area especially in the
4 45 and over?

5 COMMISSIONER TROTTEBERG: Yeah, we--it's
6 interesting we actually have a--we have a barn dance.
7 It's called the barns dance actually right here
8 inside the--right outside the City Hall. Here's the--
9 --and I don't want to--I can't speak too much about
10 London and Paris. The interesting challenge we've
11 had we're tried it here in New York is particularly
12 in Manhattan where you have a--a grid, pedestrians--
13 let's say you're a pedestrian and you're walking
14 along and you're heading northeast. When you come to
15 a corner whichever way the light is green is the way
16 you walk. If--you can walk east or walk west. You
17 can walk north or you can walk--and the problem with
18 barns dance is the way it works is you stop all cars
19 and let pedestrians go. Then you stop all
20 pedestrians and you let cars, but in New York City we
21 just have a problem that pedestrians don't want to
22 stop. And so it seems like a terrific concept, but
23 we just sort of in terms of public acceptance and
24 making it work, the typical New York pedestrian
25 particularly in the grid is used to always having a

2 direction they can move in. And, you know, I get
3 asked this question a lot: Why do you let the cars
4 and the pedestrians go at the same time? It's
5 particularly true in the congested areas of Midtown
6 if we--if we stop cars and let pedestrians go in
7 every phase of an intersection, we would just have
8 tremendous, tremendous congestion. So it is a
9 complicated balancing act. There are certain
10 intersections where we're always willing to
11 experiment, but in general the barns dance has not
12 worked as well here in unfortunately as--as you might
13 hope.

14 CHAIRPERSON RODRIGUEZ: Can--can we do
15 like a panel? Can we do something like a week or a
16 day? Is that technology there on the DOT that we can
17 say we can do like a try out and see how it works?
18 Because for me, you know, I'm coming from having
19 negative experience to having experience. So, in my
20 first four years there was a lot of things that we
21 brought to the attention let's say in my own
22 district. Dyckman and Broadway where we have a lot
23 of pedestrians being victims of crashes. I've
24 brought a lot of suggestions in my first term saying
25 can we reorganize the lighting putting the arrow and

2 I was told the same thing. If we will do it, it will
3 create other problems because it will take some time
4 for those who drive cars, and then it will affect,
5 you know, traffic in the other direction. Working
6 with you and the whole Vision Zero plan of the Mayor,
7 we put the arrow, we put the light and crashes have
8 been reduced in that intersection. No one died. No
9 driver has been saying I'm not able to go around the
10 area. So for me it is knowing that Times Square is
11 so important 24/7. If we--and then I don't--I don't
12 want to put you on the spot right now. All I'm
13 saying that can we at least say can we push on a
14 study do some feasibility, can we do some tryout and
15 see how they work? Because what I believe is again
16 not being a witness in the other areas, but just by
17 watching those videos and--and listening to those
18 experiences I think that it's good at least to put
19 some tryout, at least to do the study.

20 COMMISSIONER TROTTEBERG: Well, one
21 thing, Mr. Chairman, we've committed to do once the
22 construction is done, which will be at the end of
23 this year is to do a comprehensive traffic study to
24 see once the construction is finished how things are
25 working. And look, let's--let's put that in as one

2 of the things we're going to look at. We're not in--
3 in theory we're not against the idea. It's just it--
4 it has proven unfortunately challenging sometimes to
5 get particularly in the dense parts of the city where
6 people are used to crossing on a grid to get the
7 pedestrian compliance that we need to make sure that
8 it is a safe treatment, but happy to work with you on
9 that.

10 CHAIRPERSON RODRIGUEZ: That's fine.
11 Council Member Menchaca.

12 COUNCIL MEMBER MENCHACA: Thank you,
13 chair, and thank you thank you DOT and NYPD and your
14 teams for being here today, and talking about this--
15 this topic. I think with the short time that I have
16 I want to focus on a couple--a couple things leading
17 up to the bill and the kind of work you might already
18 be doing as an agency both with at the NYPD level and
19 DOT. I know the council members have been engaged in
20 real robust conversations with the costume character
21 groups, associations, individual conversations. What
22 has been your overall in--in engaging that population
23 and helping think about some of the rules that are
24 going to be followed--flowing past the legislation

2 where--wherever it lands what--what is your role in
3 engaging that population?

4 COMMISSIONER TROTTEBERG: Yeah, I mean
5 I'm--I think I'm going to really turn to NYPD on that
6 one because they're the ones who are on the ground
7 enforcing everyday, and look I think, you know, we've
8 talked to them a lot and again I think the view has
9 been--and let Captain O'Hare speak to it but, you
10 know, mostly again these are very--very law abiding
11 folks wanting to make a living and--and our challenge
12 is to sort of deal with the cases where we're seeing,
13 you know, unwanted and aggressive behavior.

14 CAPTAIN O'HARE: Yes. We deal with--we
15 deal with the actors just as we would any--any other
16 community or any other entity. You know, we're out
17 there every day. Part of our mission, part of our
18 goal at the Times Square Unit is getting to know the
19 people out there, business people, actors, tourists.
20 We interact with them with daily. So I mean that--
21 that's--that's our--our initial right there, you
22 know, and--and, you know, a lot of my officers know
23 that--know these actors. They know them by name. It
24 doesn't matter what costume they're wearing, and the
25 whole--you know, it all starts with communication day

2 in and day out no matter what the time of year, the
3 weather all my cops are out there.

4 COUNCIL MEMBER MENCHACA: So just to dig
5 a little bit deeper and then interaction. Has there
6 been a--a con--a con--a kind of focused conversation
7 about this legislation or this kind of concept of--of
8 corralling people in--in the plazas and--and kind of
9 speaking to them directly about--about the changes?
10 And I'm just kind of curious to see what--what your
11 role has been. I--I get it. you're interacting with
12 everybody that's--that's the work. Thank you. What
13 about this particular process and this particular new
14 concept?

15 CAPTAIN O'HARE: Me personally I have not
16 had conversations with the actors as far as what the
17 zones may or may--and--and have an effect on them.
18 But the conversation this all starts last summer with
19 the Mayor's Task Force, and I think there's been very
20 multiple entities involved in this--in these
21 discussions leading us up to where we are today, and
22 you know, just our work with DOT. It's just not one
23 person that's got us to this point.

24 COUNCIL MEMBER MENCHACA: Yep. So I
25 guess I--I just recommend maybe that we can kind of

2 work together to figure out communication on this
3 particular issue. Not just in general about Times
4 Square and other pedestrian plazas, but a real
5 concerted effort as we build this bill. Again, the
6 council members have been incredible about--about
7 their engagement in just kind of speaking to Council
8 Member Johnson. But I'm curious as an agency, and
9 you taking on some role and responsibility in doing
10 that as an NYPD force, and then also at DOT as the--
11 as the agency.

12 CAPTAIN O'HARE: So that could be done.
13 That could be done.

14 COUNCIL MEMBER MENCHACA: Okay, wonderful
15 thank you. Next, I want to talk a little bit about
16 how--how you're anticipating understanding the
17 success of this bill. As--as--as you've--as we get
18 to the bill, how are you are anticipating
19 understanding the success of--of what we're going to
20 see? Because I get what we're going? How--how do
21 you as an agency and NYPD manage your success on this
22 proposal? On this like piece of legislation?

23 CAPTAIN O'HARE: Well, the success I mean
24 one of things we could see, you know, hopefully
25 right--right out of the gate, and once everyone is

2 made aware of the process, and the education process
3 is just watching the interactions, and watching the
4 flow of the pedestrian traffic throughout, you know,
5 within the Bowtie itself. I think that's one of the
6 things we're going to gauge the success on. As far
7 as complaints from the public of criminal behavior,
8 hopefully that also drops, and that--that--that could
9 be a gauge move and say this--this was the success.

10 COUNCIL MEMBER MENCHACA: And--and does
11 DOT have any kind of measurements of success?

12 COMMISSIONER TROTTEMBERG: I mean look,
13 I--I think I'll let go with what Captain O'Hare said.
14 Obviously, we're going to look at the crime
15 statistics and complaints. We're going to look at
16 pedestrian zones and traffic. So and--and look
17 again. I think we'll--we'll also--obviously we do
18 want to hear from the performers from ticket sellers,
19 et cetera. I mean we want a feeling of local
20 merchants, their fears. I think, well, I--I think
21 for somebody there'll be a bit of a qualitative input
22 as to, you know, and as I pledged earlier, we're
23 going to continue, the task force is going to
24 continue meeting to sort of keep a hands-on--

2 COUNCIL MEMBER MENCHACA: [interposing]
3 Right.

4 COMMISSIONER TROTTEBERG: --approach to
5 making sure those spaces work, and there are a lot of
6 stakeholders in this.

7 COUNCIL MEMBER MENCHACA: And in my two
8 seconds, [bell] language--language access and kind of
9 speak to how you're engaging, and further can I get
10 engaged, as we just spoke about, in making sure that
11 we're--we're cognizant of--of our immigrant community
12 as we talk about the law. And then, two, the
13 criminalization piece, and how you're expecting that
14 to be a success as well, and does that fit under your
15 success chart of--of not--of--of essentially
16 measuring non-criminalization as we create these
17 zones? So the language access issue and the
18 criminalization and then I'm done. Thank you.

19 CAPTAIN O'HARE: You--you said--you
20 stated about language access. Well, what--many of
21 the officers that I've recruited to this--to this
22 unit itself they--they speak many different
23 languages. That was one of the key assets when we
24 interviewed people. I have officers that speak
25 languages I never heard of, and obviously we have

2 Spanish speaking officers out there. The whole--the
3 whole goal of this is not to criminalize this. You
4 know, we--we're not looking to put people out of
5 business. All right, as I discussed earlier, the
6 education process are expecting from voluntary
7 compliance, but it--in those certain few what I
8 expect to be a few circumstances, there are civil and
9 criminal--criminal ram--ramifications for non-
10 compliance, and I hope we don't get to that level.

11 COUNCIL MEMBER MENCHACA: Thank you.

12 [pause]

13 COUNCIL MEMBER ROSE: Good morning,
14 Commissioner and--and panel. I want to start off by
15 saying, you know, I'm a big fan of the Plaza Program.
16 As you know, Staten Island didn't have any. We are
17 slated to have one. It's taken way too long for us
18 to even get it. So I'm anxious, but I--I--I really
19 appreciate the efforts of the Administration to bring
20 some level of order to the, you know, chaotic
21 situation in development of Times Square. But being
22 a fan of the Plaza Program I really want to want to
23 ensure that, you know, there's a balanced approach
24 that does not have unintended consequences. So, I--I
25 have a couple of process questions and then I have a

2 couple of other, and I'm to try to, you know, get
3 them in within my time, but I'm glad to hear that
4 there's not going to be a cookie cutter approach to
5 regulating all of the plazas. But I'm concerned
6 about what the permit scheme will be to--in order to
7 operate within the designated areas, and how much
8 will they cost, and how would a permit have to be
9 renewed and if, in fact, there will be public input
10 into those types of permitting issues?

11 COMMISSIONER TROTTEBERG: There--there's
12 no permit envisioned.

13 COUNCIL MEMBER ROSE: No. Okay.

14 COMMISSIONER TROTTEBERG: It won't--
15 won't cost you anything.

16 COUNCIL MEMBER ROSE: No--no permit?

17 COMMISSIONER TROTTEBERG: Right.

18 COUNCIL MEMBER ROSE: Okay.

19 COMMISSIONER TROTTEBERG: Not--not--not
20 under this legislation or the rulemaking we're
21 envisioning. I can't speak to what the Council might
22 want to do in the future.

23 COUNCIL MEMBER ROSE: Okay, and is there
24 going to be any flexibility sort of in--in terms of
25 square footage in the flow zones like could one zone

2 sort of encroach upon others thereby diminishing
3 maybe say the space that the costumed characters
4 would have? Is there a possibility that that could
5 happen?

6 COMMISSIONER TROTTEBERG: Well, what--
7 what we tried to do, and--and you can sort of look at
8 the chart here, the--the flow zones it's--it's not
9 too complicated. We've essentially for the most part
10 tracked what were the sidewalks prior to putting in
11 the plazas. The designated activity zones, as I had
12 mentioned in my--my testimony and our dialogue here,
13 this is a--a notional approach we've taken working
14 with NYPD to create zones that we think are big
15 enough to accommodate the maximum number of
16 characters and ticket sellers and others that we've
17 seen on the plazas with room on top of that for
18 tourists and others to come and interact. But--but
19 we are--we are ready and willing to again have a
20 process--

21 COUNCIL MEMBER ROSE: [interposing] But--

22 COMMISSIONER TROTTEBERG: --of trial and
23 error to ensure that both sets of zones are working
24 well, and to adjust those as needed. COUNCIL MEMBER
25 ROSE:

2 COUNCIL MEMBER ROSE: So if the cos--if
3 the costume character's area grew larger than the--
4 the city bus set of space that you've allocated for
5 them, would they then--would you then allocate more
6 space for them thereby diminishing some other area--

7 COMMISSIONER TROTTEBERG: [interposing]
8 Uh--

9 COUNCIL MEMBER ROSE: --ore would you
10 just expand the--the general overall area?

11 COMMISSIONER TROTTEBERG: Well, I think
12 the way we're envisioning it now again the flow zones
13 are sort of the former sidewalks. The general area
14 is what was the roadbed of Broadway, and we're
15 carving out of that general area the designated
16 activity zones. If we need to reconfigure the
17 designated activity zones, move them, make them
18 larger, that will be carved out of what was formerly
19 the roadbed area, which as I've said in my testimony
20 is a--is 112,000 square feet. It is almost the size
21 of two football fields.

22 COUNCIL MEMBER ROSE: Right.

23 COMMISSIONER TROTTEBERG: So we're lucky
24 in that it is a--it is a big space. We think we can-

25 -

2 COUNCIL MEMBER ROSE: [interposing]

3 Substantial

4 COMMISSIONER TROTTEBERG: --we can
5 accommodate everyone's uses here in a way that's
6 fair.

7 COUNCIL MEMBER ROSE: Will demonstrators
8 be included in this regulation, and if so, what area
9 would they be relegated to?

10 COMMISSIONER TROTTEBERG: Yeah, I think
11 demonstrators are allowed to demonstrate wherever
12 they want. They have First Amendment Rights, but
13 I'll--I'll let Captain O'Hare speak to that as well.

14 CAPTAIN O'HARE: That--that's not the
15 goal of the--the DAZAs, the Designated Activity
16 Zones. No.

17 COUNCIL MEMBER ROSE: Okay. So again,
18 we--we could see demonstrators--

19 COMMISSIONER TROTTEBERG: [interposing]
20 Demonstrators covered under the First Amendment.

21 COUNCIL MEMBER ROSE: --in Times Square
22 that would not be corralled into one of these flow
23 zones.

24 CAPTAIN O'HARE: No, we don't envision--

25

2 COUNCIL MEMBER ROSE: [interposing] Okay,
3 okay.

4 CAPTAIN O'HARE: --at this time.

5 COUNCIL MEMBER ROSE: And my last
6 question is, you know, in light of the recent
7 criminal incidents that we've seen at the State
8 Island Ferry White Hall Street area, with ticket--
9 very overly aggressive ticket sales persons, will--
10 will that area be included in--in the new regulations
11 governing plazas?

12 COMMISSIONER TROTTEBERG: That--that is
13 actually a parks area. So that will not be included
14 in this rulemaking. This only applies to DOT plaza
15 areas. We do know that's a--been an area of law
16 enforcement focus. I--I--Captain O'Hare's Midtown,
17 but--but this is certainly something that I know PD
18 has been focusing on and Parks as well. We--we know
19 there's an issue down there with aggressive ticket
20 selling.

21 COUNCIL MEMBER ROSE: [bell] Okay, could
22 you just tell me what PD--what you're doing in terms
23 of that to ensure the safety of the pedestrians in
24 that area?

2 CAPTAIN O'HARE: Which area are we
3 referring to, downtown?

4 COUNCIL MEMBER ROSE: The White--Staten
5 Island Ferry White Hall Street.

6 CAPTAIN O'HARE: I couldn't speak about
7 that. I'm specifically assigned to the Times Square
8 area. I've never served in this capacity in South
9 Manhattan. So, I couldn't speak about that.

10 COUNCIL MEMBER ROSE: Could you please
11 get that information for me? Thank you.

12 CAPTAIN O'HARE: We--we could provide it
13 to the Council.

14 COUNCIL MEMBER ROSE: Thank you.

15 CHAIRPERSON RODRIGUEZ: [off mic] Chair
16 Miller--[on mic] Chair Miller followed by Council
17 Member Reynoso.

18 COUNCIL MEMBER MILLER: Good afternoon
19 and thank you, Mr. Chair and thank Commissioner for
20 you and your team out again. I have a couple of
21 questions. As--as Council Member Rose just indicated
22 that I also and--and I think that members outside of
23 Manhattan and the--and the other boroughs are big
24 fans of--of the pedestrian--[coughs] sorry--plazas
25 that offer needed outside space for these communities

2 and--and public access. So while I do want to talk
3 about those in other boroughs, I--I want to talk
4 about sort of just what--what was mentioned in terms
5 of--you mentioned that in your testimony that there
6 was dialogue with the stakeholders as to how we
7 pursue and proceed with this process here. So those
8 stakeholders I know we're talking about BIDs and
9 others involved there. There are some folks that are
10 out there that--that are organized that are
11 represented either by unions or--or other
12 organizations. Have we had conversations with them
13 to ensure not just public safety there, but this is
14 done in an organized manner.

15 COMMISSIONER TROTTEBERG: Yeah, I had
16 not actually--I have to admit had not talked to them.
17 We received correspondence from them, and we
18 certainly are hoping in the course of this rulemaking
19 and the public comment period that we will hear from
20 them. I--I want to emphasize it's very much our
21 interest not to hurt anybody's livelihood here.
22 Again, we want to make sure that we're providing
23 ample space and space that is in areas that tourists
24 are going to be passing through. So the folks who

2 earn their livelihood in Times Square can continue to
3 do so.

4 COUNCIL MEMBER MILLER: So I--I
5 absolutely agree with that, but I also understand
6 that public safety is--is paramount here, and is our
7 number one concern. But we want to make sure that
8 they can continue to earn a living and do it in a
9 manner that does not interfere with their public
10 safety. So as we talk about those outer boroughs and
11 obviously the borough of Queens is the--the number
12 tourist commuting borough in--in the city now, and
13 particularly the fastest growing town of Jamaica, and
14 the potential for our pedestrian plaza. Could you
15 talk about the status of that, and--and that is
16 something that we've been looking forward to for a
17 few years now.

18 COMMISSIONER TROTTENBERG: This is
19 Station Plaza. This is a--a project actually that's
20 a--it's one that has come through New York City
21 Economic Development Corporation, and I--I realize
22 it's taken a long time. My understanding is
23 unfortunately there has been some eminent domain
24 issues, and I think for that one we'd be happy. We
25 probably need to get EDC in it for part of the

2 discussions, and sit down with you and talk about how
3 we can speed that one up.

4 COUNCIL MEMBER MILLER: So that's
5 disturbing because I want to say that is atypical,
6 but there is--there's money--there's--there's capital
7 dollars that have been invested, and I like to
8 consider myself certainly stakeholder. I have not
9 heard from yourself, your agency or EDC or anyone
10 else involved in that, and I know that that was
11 something that we were looking forward to, and that
12 we made investments in. And I would certainly like
13 to know that we are--are valued as partners in--in
14 moving this forward and anything that we can do to
15 facilitate that, just know that we're on board. But,
16 moving forward I--I would like to just have--ensure
17 that we're having the necessary dialogue not just on
18 this project, but other projects that we can merely
19 make sure that we're providing the services to the
20 community that--that they deserve. Wow, that was
21 kind of disturbing to hearing. So, when it comes to
22 the pedestrian plazas, how do we kind of prioritize
23 where they go or is it--how--how do we figure out
24 where--where the next project is going to be?

2 COMMISSIONER TROTTENBERG: Well, we at--
3 at the moment, we have an application process. So
4 we-we don't look around the map of the city and
5 decide where we're going to put them. We actually
6 wait for local applicants to come to us, and--and
7 we're looking for a few key things. And--and number
8 one is, you know, we're looking for a partner that we
9 think has the--the technical capacity and the
10 wherewithal to--to help manage the space. We
11 definitely look for plaza areas that we--in--in areas
12 where--neighborhoods that lack open space. We look
13 for ones where we see community support, and look,
14 it--it has certainly been a priority of the de Blasio
15 Administration to try and work with and really
16 nurture plazas throughout the city, not just in the
17 core of Manhattan. It's--it's part of the reason
18 that we have created the \$7 million One New York
19 Plaza Equity Program to particularly provide
20 technical expertise and resources to plazas in more
21 outer borough parts of the city.

22 COUNCIL MEMBER MILLER: Well, I--I know
23 that the pedestrian plaza was--was part of the
24 Jamaica Now Program, which is obviously a--a--a
25 vision [bell] of the Mayor and the Borough President.

2 It's something that we're really looking forward to,
3 and it is a kind of a--a hub of Downtown Jamaica. So
4 anything that we can do, and I look forward to having
5 a conversation with about that.

6 COMMISSIONER TROTTEBERG: Okay, we will
7 get EDC and make sure we come back to you.

8 COUNCIL MEMBER MILLER: Thank you.

9 COUNCIL MEMBER REYNOSO: Thank you for
10 being here, Commissioner, and just wanted to ask a
11 quick question regarding 16 incidents of criminal
12 intent of bad characters. What--what do those
13 incidents consist of? What's considered an incident.

14 CAPTAIN O'HARE: Well, sir, that's 16
15 incidents year to date. Those incidents involve
16 arrests for solicitation, forcible touching,
17 assaults, grand larcenies.

18 COUNCIL MEMBER REYNOSO: Can we talk--
19 can--so numbers wise, how many is aggressive
20 solicitation because saying 16, you know,
21 aggressively like groping, for example, and it's 15
22 of them. That's a--that's a bigger deal than
23 aggressively soliciting by--by a different number.

24

25

2 CAPTAIN O'HARE: I don't have them
3 actually broken down of--of the 16. If you'd give me
4 a few minutes, I could certainly provide that to you.

5 COUNCIL MEMBER REYNOSO: I--I would like
6 yes. Hopefully, for the five minutes I would then
7 just like to know the type of crime people are
8 committing to--and also the year in and year out
9 where there less than 16 at this time, the year
10 before? Were there less than 16 the year before that
11 or were there less than 16 the year before that.
12 Just so I can see what the trend is, and see if there
13 truly is an epidemic regarding what these characters
14 are doing in Times Square.

15 CAPTAIN O'HARE: What I--what I could
16 speak about is last year there were 15--15 arrests
17 last year made for 2015.

18 COUNCIL MEMBER REYNOSO: Altogether?

19 CAPTAIN O'HARE: Altogether.

20 COUNCIL MEMBER REYNOSO: And this year
21 there's 16 already?

22 CAPTAIN O'HARE: 16, correct.

23 COUNCIL MEMBER REYNOSO: And has
24 enforcement changed between last year and this year

25

2 outside of these regulations that we're looking
3 implement now?

4 CAPTAIN O'HARE: Well, what you have now
5 is a--it's a contingent, the Times Square Unit, the--
6 a dedicated unit to the Times Square area day in and
7 day out.

8 COUNCIL MEMBER REYNOSO: Permit me--so--
9 so would it be fair to say that the contingent or the
10 new Times Square Unit being a larger presence itself
11 has led to a higher increase in violations and
12 criminal activity that the actual activities
13 themselves? So more cops means more crime, right?

14 CAPTAIN O'HARE: That's--that's not
15 correct at all.

16 COUNCIL MEMBER REYNOSO: So what would
17 you say it is?

18 CAPTAIN O'HARE: These--these are
19 complaint-driven and/or observed by the officers.
20 You know, these, you know, approached by a
21 complainant that--that character has either followed
22 them, has assaulted them, forcibly touched them.

23 COUNCIL MEMBER REYNOSO: How--what
24 percentage of them are complaint-driven, or what
25 percentage of them are officer observed?

1 COMMITTEE ON TRANSPORTATION

110

2 CAPTAIN O'HARE: I--I don't have that
3 exact statistic here at this time.

4 COUNCIL MEMBER REYNOSO: Okay, I just
5 wanted to make sure that I understand the facts as to
6 what we consider an epidemic or a concern because I
7 disagree with some of my colleagues, and do think
8 that for need specifically were probably what really
9 got us to moving on these issues, and not necessarily
10 the characters or--or the criminal activity that's
11 happening in this area. I also want to ask how many
12 vendors are there in Times Square right now? How
13 many people actually do work there?

14 CAPTAIN O'HARE: [pause] [off mic] I
15 guess I want to--

16 COMMISSIONER TROTTENBERG: Well, I don't
17 know. Do you want to--you can wait on this one.

18 CAPTAIN O'HARE: [on mic] The numbers we
19 have provided as far peak numbers for 2015, you're
20 talking well in--well in excess of three to four
21 hundred. Vendors, are you talking specifically about
22 licensed vendors?

23 COUNCIL MEMBER REYNOSO: Not licensed
24 vendors or--or just the--the costumed characters and

25

2 the people that actually--that we're actually doing
3 this for.

4 CAPTAIN O'HARE: Well, the costumed
5 characters the peak number for--that we had for last
6 year was 123, as I said earlier.

7 COUNCIL MEMBER REYNOSO: And the other
8 vend--and then the vendors combined with those, it's
9 about, you're saying seven--it's six to seven
10 hundred?

11 CAPTAIN O'HARE: No, no.

12 COUNCIL MEMBER REYNOSO: So explain the
13 difference. So--so the costumed characters--so this
14 is specifically for costumed characters only?

15 CAPTAIN O'HARE: That number yes.

16 COUNCIL MEMBER REYNOSO: No, I'm saying
17 the--the plaza that we're drawing out, this flow
18 zone, the outside of the flow zone or inside this
19 green area on this picture. It's specifically for
20 only costumed characters?

21 CAPTAIN O'HARE: No.

22 COUNCIL MEMBER REYNOSO: So out of the
23 people that can possibly use this zone, how many are
24 there in Times Square right now?

25

2 COMMISSIONER TROTTEBERG: I think we at
3 our peak we saw there were around 300 of costumed
4 characters, desnudas and ticket sellers.

5 COUNCIL MEMBER REYNOSO: So that was like-
6 -so 300 at the peak?

7 COMMISSIONER TROTTEBERG: That's at the
8 peak.

9 COUNCIL MEMBER REYNOSO: So when we're
10 talking about these buses--bus size lanes of--of 50
11 to 55 people, and a maximum of 400 that can fit, do
12 we not think that there might be an issue with
13 competition and the cramping them up in one location
14 and maybe that causing some trouble, some rifts and
15 some--some altercations that can possibly be posed
16 through competition?

17 COMMISSIONER TROTTEBERG: I mean I--I
18 think and I'll turn it over to the Captain. Again,
19 we tried to--we tried to design zones that we thought
20 we would--that would be big enough hopefully so that
21 they would not be crowding in competition, but we're
22 in a configuration where PD could keep an eye on the
23 activity there and--and make sure that it was
24 happening in a way that it was safe. But one thing
25 I've said throughout this hearing is we recognize

2 there's potentially going to be some trial errors.
3 When we put these zones up, we're going to do them in
4 temporary materials. We're going to see how they
5 work. If some get very crowded and some are not so
6 crowded, if some work well from the enforcement point
7 of view, and some do, then we're going to try and be
8 nimble and make sure that we are having a system that
9 works for everyone.

10 COUNCIL MEMBER REYNOSO: And what about
11 the system in--in a year almost eliminates the--the--
12 their ability continue to do their work and make a
13 living, is there going to be a conversation about
14 completely removing this idea of--of putting in
15 plazas? Is that an option?

16 CAPTAIN O'HARE: As the Commissioner had
17 stated, this is going to be a developing process.
18 These zones are not locked in hard and fast to the
19 specific locations, their sizes. This is something
20 that we--we have an open--have an open dialogue on.
21 So to continually evaluate is it working, not
22 working? Do we need to move one? Do we need to move
23 two?

24 COUNCIL MEMBER REYNOSO: Well, who
25 evaluates? Who determines what's working, and what's

2 not working? Well, let's say that if we only have
3 from 300 and it's max period, we end--end up having
4 25 people out there because the system systematically
5 removes them from making a living or--or giving them
6 an opportunity to actually gain some income. Is that
7 a success to your eyes or is that a need to modify to
8 allow people to come back and continue to make money
9 on the plaza?

10 CAPTAIN O'HARE: Well, you stated
11 systematically remove. I don't think that's the goal
12 of us or anybody sitting at this table.

13 COUNCIL MEMBER REYNOSO: No, I don't
14 think it's your intention. I'm just saying if that
15 was what happens, you know, given the concerns, given
16 that there's a possibility that the system and your
17 report gets put in place could eliminate jobs. I'm
18 just asking. If in the case if that that does happen
19 is there an opportunity to revisit this idea
20 entirely?

21 COMMISSIONER TROTTEBERG: I mean our
22 goal here is not to eliminate any jobs. Our goal
23 here is to eliminate basically unwarranted and
24 aggressive solicitation. So we will not consider it
25 a success if we're eliminating jobs. It's not our

2 goal. If we think that's what appears to be
3 happening, I'm sure we will--the task force working
4 with Council and others we'll--we'll take a look at
5 that. It's not the goal of this plan to do that, and
6 that's why we tried to create zones that were ample
7 in size, and placed in areas where we think people
8 will be able to earn a living. If that proves
9 untrue, again part of why we want to keep it nimble
10 is so that we can adjust quickly.

11 COUNCIL MEMBER REYNOSO: So that--when we
12 talk about size, I just think a--a--

13 COUNCIL MEMBER CHIN: [interposing]
14 Council Member Reynoso.

15 COUNCIL MEMBER REYNOSO: Yes.

16 COUNCIL MEMBER CHIN: Can you sum up?

17 COUNCIL MEMBER REYNOSO: Uh, yeah, I'll
18 try my best to sum up. Is there going to be a second
19 round of questions, which would be--

20 COUNCIL MEMBER CHIN: I don't think so.

21 COUNCIL MEMBER REYNOSO: I just want to
22 say I think there's a lot of questions that need to
23 be need asked here that I can't ask in five minutes,
24 and while a lot of people are praising the Plaza
25 Program, I think we're not asking enough questions

1 COMMITTEE ON TRANSPORTATION 116

2 about concerns that we could possibly have here. And
3 also, I didn't hear much about the input process that
4 the actual people that are working there had. I keep
5 hearing about a Times Square Alliance. I keep
6 hearing about the NYPD and Department of
7 Transportation and the Business Improvement District,
8 but I don't hear about what their involvement is the
9 actual people that work here. And I just want to get
10 feedback as to what role they played, and what input
11 they had an opportunity--

12 COMMISSIONER TROTTEMBERG: [interposing]
13 Yeah, I mean I think--

14 COUNCIL MEMBER REYNOSO: [interposing]
15 That's my last question.

16 COMMISSIONER TROTTEMBERG: Well, I think
17 City Halls certainly was in dialogue with the State
18 Vendor Projects and others, but I think now today
19 you're seeing for the first time, where everyone is
20 seeing for the first time, we are now about to start
21 a--as soon as the Council passes the bill and the
22 Mayor's signs it, we will be starting our public
23 rulemaking process. We really look forward to having
24 a public dialogue with all the affected parties. We
25 will also be having a public hearing. I'm sure we

2 will be talking to the vendors, the characters,
3 council members, et cetera. It is not our goal to
4 come up with a scheme that we have not heard from
5 everybody on, and have people spying on. That's not
6 what we want to do here.

7 COUNCIL MEMBER CHIN: Thank you. Yes, my
8 question is that the Plaza Program here has created
9 some really wonderful beautiful spaces to our city,
10 and I think with the legislation we really hope to
11 sort of manage it, and really make it what it is.
12 But some of the plazas, for example, in my district
13 it's taking a very long time to get it done. So in--
14 in terms of looking at DOT's Plaza Program and how--
15 how do you see like speeding up some other capital
16 projects. So I don't have to wait I don't know like
17 three, four years to see a--a plaza finally done.
18 The one in my district, for example, with the
19 Forsythe Street, the one that's supposed to connect
20 from the Manhattan Bridge. I mean the design was
21 beautiful, but it's still not there, and it's not
22 being utilized. So how do we kind of look at some of
23 these capital projects, and they would have--sort of
24 speed it up to make it a reality as soon as possible?

2 COMMISSIONER TROTTENBERG: Yeah, I mean
3 the capital projects are done by the Department of
4 Design and Construction, and look, I--I think I will--
5 --I will say--to say not to criticize them because I
6 think it's a systemic issue in New York City. Our
7 capital projects take too long. There are a lot of
8 reasons why. Some of it, the complexity is just
9 because of the nature and complexity of doing work on
10 the streets of New York. Some of it I think are sort
11 of self-inflicted steps of process and procurement
12 that slow us down. It's an area that I would love to
13 work closely with the Council on because I think
14 there's some great things we can do there, but, you
15 know, we are--we are bound by a lot of the processes
16 that make capital construction very slow in the city.
17 Not just for plazas. Pretty much for everything we
18 do here, and I--I know the frustration that council
19 members have. I have it myself.

20 COUNCIL MEMBER CHIN: Well, we definitely
21 need to really work on that because I mean some of
22 the areas we--we want to create these beautiful
23 plazas, but it's--it's taking forever. My second
24 question is that in terms of creating plazas coming,
25 you know, to the future, how do we make sure that we

2 can like do demonstration projects, and maybe do it
3 in a way that we don't have to go through this
4 complicated construction project that's going to take
5 years. So have you thought about the staff that you
6 have because we want to create more, you know,
7 beautiful public space, and we want to also minimize,
8 you know, these delays. So how do we set up a
9 creative way of creating plazas--

10 COMMISSIONER TROTTEBERG: [interposing]
11 Right, our--our--

12 COUNCIL MEMBER CHIN: --that we--could be
13 used?

14 COMMISSIONER TROTTEBERG: --our--our
15 plazas it tends to be a two-step process just
16 actually like a lot of the---the street safety
17 projects we do as well. We often do what's called
18 more of an operational project that's done in more
19 temporary materials for our plazas. You've seen them
20 here. It often tends to be epoxy gravel and we put
21 up planters and--and we can do those projects very
22 quickly and very nimbly, and we can even do them.
23 We've often worked with local communities to do one
24 day or--or week-long experiments to try something and
25 be nimble. It is true if you then make the decision

2 to go into the more elaborate capital process,
3 that's--that's a lot more costly and it--it takes
4 much longer. Ultimately, a lot of plazas want to
5 eventually build out in the capital construction
6 process, but you don't necessarily have to, and we're
7 happy to come up with much more temporary treatments
8 that we can put up very, very quickly.

9 COUNCIL MEMBER CHIN: So in your RFP
10 process that you are doing right now are you looking
11 at permanent, you know, a more complicated version or
12 is both?

13 COMMISSIONER TROTTEBERG: It's--it's
14 both and--and we don't have funding right now for all
15 the plazas. Yeah, we don't have funding to build all
16 those out as capital construction projects. So
17 that's a process we go through in the budgeting
18 process also with the Council.

19 COUNCIL MEMBER CHIN: But what about
20 other ones that--a community group I want to sponsor,
21 but I don't want to--or do don't have the capacity to
22 put it through an RPF process? How do--how do we get
23 those connected to your DOT to try to--

24 COMMISSIONER TROTTEBERG: Well, I--I
25 think we're--

2 COUNCIL MEMBER CHIN: -get that
3 conversation?

4 COMMISSIONER TROTTEBERG: --you know
5 we're happy. We've done a lot of working with the
6 local community groups again to do perhaps shorter
7 term experiments. You can do something very simple
8 with planters and other things to give people a
9 chance to test out the public space for a day or a
10 week and--and see how it works. We're--we're happy
11 to engage with local groups on that, and we've done
12 some of that throughout different neighborhoods in
13 the city.

14 COUNCIL MEMBER CHIN: Right, we'll--we'll
15 look forward to working with you on that. Thank you,
16 Chair.

17 CHAIRPERSON RODRIGUEZ: Commissioner, as
18 you look at the Times Square, a plaza have you been--
19 have take some time also thinking about your vision
20 and your legacy for the future at a--at a civil level
21 thinking about how to make 42nd Street to the east of
22 Broadway more walkable?

23 COMMISSIONER TROTTEBERG: Well, I'm--I'm
24 going to--I'm going to take a moment of humility and
25 again channel Captain O'Hare here. Times Square at

2 42nd Street is bigger--bigger than me, the Lord
3 knows. Certainly I think a--a legacy and a challenge
4 and an opportunity for all of us, for the
5 Administration for the Council and all the
6 stakeholders. Again, I think today we're very much
7 focused on the plaza space because that was created
8 by DOT and roadbed, and we're trying to come up with
9 what I hope really will be fair and commonsense rules
10 that will enhance public safety, allow everyone to
11 earn a livelihood, but also let travelers and
12 tourists feel like they're having a safe and
13 enjoyable experience. I think it is another
14 question, and you know, potential spillover to 42nd
15 Street or two other parts of the city where we're
16 seeing a lot of congestion on the sidewalks. Some of
17 that is linked to vendor issues, which--which as some
18 your colleagues have said are super complicated and--
19 and involve some further dialogue with the Council.
20 Some of it there may be things that--that DOT can do.
21 In terms of disconnection to 42nd Street again, I--I
22 think we want to see how this works. I don't want to
23 opine now about what--what we and NYPD might want to
24 do on 42nd Street. I think I'd rather--rather than
25 just sort of rush to judgment, let's--let's see

2 operationally how this--how this project--how our
3 rulemaking, the comments we get, how we roll we roll
4 it out and then what our next steps would be. We
5 certainly want to make sure that we don't just drive
6 the problem to another part of the neighborhood, and
7 we want Times Square and 42n Street to both be places
8 that are safe and enjoyable for--for New Yorkers and-
9 -and visitors. [pause] [off mic] Rob, do you want-
10 -you want to say anything?

11 CAPTAIN O'HARE: No, that's exactly it,
12 and one of the beauties about this proposal is it
13 gives the flexibility to the DOT and they're, you
14 know, open to other people in discussions, you know,
15 when--they're not just painting a line and saying
16 that's, you know, this is hard and fast, and we have
17 a whole trial and error period. And I--I think
18 that's really one of the beauty of this proposed
19 bill.

20 CHAIRPERSON RODRIGUEZ: Great. Well, I
21 want to thanks, you know, the representatives of the
22 other agencies, SAPO, NYPD and DOT for being here
23 with us today. As I say outside as they--as they as
24 the SAPO City Hall in here to have their opening
25 statement, we are not in the business to take any

2 sector out of Times Square, more than created the
3 conditions--better conditions for everyone to have a
4 clear definition of the rules and regulations. And
5 one of the reasons why I'm so confident is because we
6 know that especially giving the authority to DOT to
7 be agency that had to be working with us with some
8 rules that you will be working the future assuming
9 that we move on coming--voting this bill and signing
10 by the Mayor. I'm confident again that you
11 understand that we want to be there for Disney. We
12 want to be there for the business community. We want
13 to be there for the BID, for the Times Square
14 Alliance, but also we want to be for those working
15 class and middle-class New Yorkers that work so hard
16 in the area. So with that, thank you, and I hope you
17 or your team will be here on next week April 4th as
18 we will hear the resolution on the Car-Free Day, and
19 thank you for all your support. Thank you. Now,
20 let's call the next panel. Jim Karas for Manhattan
21 President; Tim--Tom King from the Times Square
22 Alliance; Laura Hansen, Neighborhood Plaza
23 Partnership, Ellen Baer, New York City BID
24 Association, Clayton Smith from the City Community
25 Board 5. [background comments, pause] Okay, so

2 being part of this coalition and because of the
3 timing and there's 50 other members of the panels, we
4 would like to put the clock on three minutes. So you
5 can summarize or you can read, but we want to keep
6 the clock on three minutes. Three. [pause]

7 JIM KARAS: My name is Jim Karas and I'm
8 here on behalf of the Manhattan Borough President
9 Gale Brewer. Thank you Chair Rodriguez and members
10 of the Transportation Committee for holding this
11 hearing on Intro 1109-A, a proposed local law on
12 pedestrian plazas. The legislation would provide a
13 mechanism for designating and decommissioning plaza
14 throughout the city, and give DOT rulemaking
15 authority over the use of and activities in
16 pedestrian plazas. It appears Manhattan has
17 currently has the largest number of pedestrian
18 plazas, although a single comprehensive list of
19 plazas with the status of each would greatly improve
20 transparency. We love our plazas and the
21 opportunities they give us to sit, relax, people
22 watch and get away from the--

23 CHAIRPERSON RODRIGUEZ: [interposing]
24 Sorry. Please any conversation let's have it
25 outside. Let's now focus on the panel.

2 JIM KARAS: Many of them function just
3 fine the way they are. Others like Times Square are
4 in need of some assistance. Intro 1109-A would
5 essentially establish a plaza program by law and give
6 DOT the power to create both citywide plaza
7 regulations and plaza specific regulations for those
8 public spaces such as Times Square that need extra
9 attention. No one likes the edginess, eccentricities
10 and grit of Manhattan more than the Manhattan Borough
11 President who is the last person who wants to see
12 everything sanitized and polished. But there's a
13 fine line between quirky and edgy and the more recent
14 series of incidents that are both disturbing and
15 dangerous. From costumed characters intimidating
16 families and stealing money to ticket sellers
17 committing fraud, my office receives regular
18 complaints of concern and annoyance over what they
19 fear Times Square is becoming. We have heard stories
20 in meetings at the Times Square Alliance of workers
21 avoiding the plaza on their way to work and actors
22 asking that rehearsals take place outside of the
23 neighborhood. These problems affect tourism and the
24 quality of the life of residents as well. Therefore,
25 over the last year or more our office has been

2 working collaborative with the Alliance, Council
3 Members Johnson and Garodnick and many stakeholders
4 on bringing to the chaos to make sure we stay on the
5 right side of the line between fun and frightening.
6 Intro 1109-A is a critical product of this dialogue.
7 In response to the hard work of the Times Square
8 Alliance and the local electeds, the Mayor formed
9 the task force, which adopted most of their
10 recommendations. This special enforcement unit is
11 already up and running and this legislation is the
12 next critical step. While the legislation would give
13 DOT the authority to regulate commercial activity,
14 solicitation and entertainment in the plazas, it
15 would not ban any of these activities, and the rule
16 making process will ensure ample opportunity for
17 these various activities to continue to occur while
18 protecting the primary purpose of the plazas,
19 pedestrian access and movement. It will balance the
20 critical interest of pedestrians with the protected
21 interest of expression. The only recommendation the
22 borough president would like to offer is that the
23 bill be amended so that public hearings are required
24 for both proposed plaza designation and the
25 rescinding of established designations instead of

2 [bell] simply providing an opportunity for comments.
3 We understand that currently DOT does not move
4 forward on plaza designations without community board
5 approval, but some provision for codifying a hearing
6 would be best. More importantly, DOT should not be
7 able to rescind a plaza designation without a public
8 hearing because wider public--the wider public should
9 be given a chance to weigh in on the loss of
10 important public space. Thank you Chair Rodriguez
11 for holding this hearing, and Borough President
12 thanks--urges the committee and Council to pass it so
13 that rules can be promulgated before the summer, and
14 we'd also like thank the Council staff for all their
15 hard work we know they put into this.

16 TOM KING: Okay. So if you'll indulge me
17 just for a second, I want to wear this hat to make
18 two points. One is that we've always said Times
19 Square is--is quirky. This is Times Square. Quirky
20 is fine but creepy is not. It should be a silly
21 place. The other reason I talked about this is that
22 it says Happy New Year on it, and thank you, Roy, and
23 it makes it a point that whether it's for New Year's
24 Eve or there's eight billion media impressions, or
25 the fact that we are literally the most Instagram

2 place on earth. Times Square is a driver of New York
3 City's image and economy. Less than one percent of
4 city's land, but it accounts for one of every nine
5 dollars in economic activity and directing--and
6 directly one-tenth of all jobs in the city. So we're
7 a driver of the city's image, but we should always be
8 very New York. And I want to make the point we want
9 costumer characters to be working in Times Square as
10 part of the experience. We want ticket sellers to be
11 working Times Square. What has been happening,
12 though, is that in recent months there's been a spike
13 in unregulated commercial activity, and there have
14 been problems with people being aggressive, and
15 they're documented extensively in some of the
16 document we've handed. Please, Council Member
17 Reynoso, I encourage you please to look under Tab 2
18 where there are documentation of--of what some--some
19 people have done that are bad, that's really what
20 we're focused on. We don't want to ban the costumed
21 characters overall, but 61%--

22 CHAIRPERSON RODRIGUEZ: I'm sorry, Tim.
23 Take the time that you need because you're the one
24 leading the whole coalition and, you know, don't--

25 TIM KING: [interposing] Yeah, right.

2 CHAIRPERSON RODRIGUEZ: --have the
3 pressure too much.

4 TIM KING: Well, 61% of the people who
5 are employed in Times Square--we did a survey--61% of
6 them had a negative interaction with a costume
7 character a solicitor, and 51% of them said that that
8 made them feel less safe. So there--there is a
9 documented problem, and it has been difficult for the
10 police to address that problem, in part because
11 there's a lack of clarity, and we really believe that
12 by defining and making clear that there is a place
13 for these--that activity that will help. And I want
14 to switch just to Spanish just for a second.
15 [Speaking Spanish] We honestly believe that many
16 people, the majority are honest hard workers, and
17 that this will help clarify things. [Speaking
18 Spanish] We want there to be enough spaces--and the
19 Commissioner talked about it--so that everyone who is
20 working currently as a costume character, as a
21 desnudas, as a ticket seller has the space to
22 operate. That there not be a reduction in that. We
23 want that space to be sufficient. [Speaking Spanish]
24 We want there to be minimal fines at the beginning
25 because we know there's going to be a learning curve,

2 and--and [bell] [Speaking Spanish] So, for example,
3 if someone is being aggressive and molesting a
4 desnudas then that also should be subject to police
5 action. So those are some of the key points that we
6 really think are important to make. The--just one
7 ore two other things. So the plazas--part of the
8 reason for this overall is the plaza is not just in
9 Times Square, but throughout the city, need to
10 accommodate people passing through. There's 450,000
11 people a day in Times Square, people stopping to look
12 around, and people enjoying. This is a mechanism for
13 allowing all these different civic activities to
14 happen in this new category of public space, which is
15 an asset in all neighborhoods. So we fully support
16 the DOT plan, and we really think that, by the way,
17 if we have these--these zones, that we can be more
18 clear as people approach the zones about that--that--
19 that people should tip. One of the primary reasons
20 why there are fights that occur between customers and
21 costumed characters is because in a place like
22 Disneyland it is free to get a tip. People don't
23 understand that. It's not clear. If we have zones
24 and multiple zones for all of you to be able to work,
25 then there can be signage that clearly says more

2 clearly than there is that, you know, the--the normal
3 tip is \$3.00 or \$5.00, but that--the thing here is
4 that then people know what the rules of the game are
5 before they engage. Rather than before where they
6 don't have a choice about engagement and then there's
7 a lot of misunderstanding. So we think there will
8 actually be less criminalization going on, more
9 clarity and more money for the costumed characters.

10 We've been sensitive throughout this
11 process to concerns about the First Amendment
12 expression, and not wanting to impede it. We think
13 that a vibrant cultural street performance and free
14 and open community interaction helps make Times
15 Square a special place. It is very important. We're
16 simply agreeing with the City's proposal to create an
17 allocation of different spaces for different uses,
18 and by better managing and regulating the area, we
19 can better manage these competing uses of a finite
20 space. In sum, we believe this proposal will issue
21 regulations that will reduce pedestrian congestion,
22 advance safety, create an ambiance that will promote
23 tourism and commercial retail development, foster
24 public performances and other public events and
25 ensure this iconic location with limited space can be

2 enjoyed for multiple uses including active and
3 passive recreation. Two brief additional or a couple
4 brief additional points. If legislation is passed we
5 do want to note that it's very important to the other
6 plaza partners throughout the city as well as the
7 Manhattan Community Board that new rules be
8 implemented. It's great to hear from the City
9 Borough Director that that would happen in the 120
10 days. We fully support shifting the--the even
11 permitting two SAPO and CECM rather than DOT in the
12 current bill. Second, we do agree with all comments
13 that it's important for DOT to monitor and study the
14 conditions on 42nd Street to address any potential
15 problems related to commercial activities or
16 hazardous or just potential conditions. And we
17 encourage and are--we think it's great that the
18 Commissioner is--is working hard with all the other
19 plaza partners. Finally, I just want to say quickly
20 thanks for your amazing staffs whether it's--it's
21 Kelly or Genevieve or Louis. Also, thanks to Rob
22 Newman from the Speaker's staff. Been amazing on a
23 lot of very, very complicated issues. I also want to
24 call out the entire Times Square community, our team
25 at the Alliance. Melissa has done amazing work, but

2 I also really specifically want to call out Ellen
3 Goldstein, who has literally done decades of work to
4 help us know the conditions in Times Square, helped
5 us come with some of these specific proposals and
6 ideas. So thank you all.

7 [background noise, pause]

8 ELLEN BAER: I don't have a hat. Hello,
9 good morning Chair Rodriguez, Council Member
10 Garodnick, Johnson. Hello to everyone else who's
11 here, and members of the committee. My name is Ellen
12 Baer. I'm President of the Hudson Square BID and
13 along with my co-chair--Chair Michael Lambert, who is
14 Executive Director of the BID--the Bed-Stuy Gateway
15 BID, we are the co-chairs of the BID Association,
16 which represents the city's 72 BIDs. And thank you
17 for the opportunity to testify on--regarding Intro
18 1109. As you all know, BIDs have been plaza partners
19 with the city since the program's inception, and BIDs
20 who serve as partners are as diverse as the plazas
21 and the communities themselves. We dedicate
22 substantial resources to ensuring that these open
23 spaces function as neighborhood spaces. And the
24 program is a wonderful example of a public-private
25 partnership. The currently framework has been

2 cobbled together in a temporary way, and we're happy
3 to see that the--the program is coming from its
4 infancy into adulthood by finally properly defining
5 the plazas. However, the BID Association while we
6 support the framework and the intent of this
7 legislation fully, we urge the Council to amend it to
8 ensure prompt rulemaking and meaningful consultation
9 with community partners in the following ways, and
10 none of what I'm saying now is new. We've discussed
11 all of this with DOT, and with our other partners in
12 the Council and city over the--the previous and we
13 look forward to continuing that. First, we ask that
14 DOT convene a meaningful working group to review the
15 substance of the Citywide Plaza Rules, and consider
16 the partners' feedback. We're hopeful that such
17 general rules will satisfy many of our comments,
18 concerns and recommendations for an overwhelming
19 majority of the plazas. Ideally, however, as we have
20 discussed with DOT in the past, plaza specific rules
21 must be available to all plazas that require them
22 within a reasonable period of time. We cannot stress
23 enough our desire that these rules be developed in
24 consultation with the plaza partners, and that the
25 rules provide for an appropriate amount of

2 flexibility. Rules pertaining to each plaza should
3 ideally reflect the unique circumstances of each
4 plaza and each neighborhood. Second, Intro 1109 must
5 ensure that the plazas continue to function as
6 successful community amenities, and are managed in
7 the context of each specific neighborhood. As local
8 partners, BIDs are committed to their communities and
9 are, therefore, uniquely qualified to reflect
10 distinctive programming for their neighborhoods. We
11 believe that events that take place on public plazas
12 should reflect the distinctive character of the plaza
13 and the community. When it comes to programming, as
14 Councilman Garodnick said, there is no one-size-fits-
15 -all solution. The BID Association and the
16 Administration have engaged in extensive discussions
17 about whether DOT--DOT or CECM is best suited to
18 issue event permits. The membership currently works
19 hand-in-hand with both agencies on a daily basis and,
20 therefore, we are agnostic as to where permitting
21 should go. We do, however, believe that the
22 legislation and ensuring rulemaking should ensure
23 that permitting rules take into account the unique
24 characteristics of the area and the plaza for which
25 the permit is sought. Such guidelines may include

2 criteria such as daily usage of the prop--plazas, the
3 nature of the neighborhood, the impact of the
4 proposed event, and the community or economic
5 development impact of the events. We urge the
6 Council to include additional language ensuring that
7 the city's rules for event permitting take this into
8 account. Finally, in numerous conversations with
9 both the Administration and the City Council, the BID
10 Association had been ensured that Intro 1109
11 continues current polices regarding vending on both
12 plazas and adjacent sidewalks. We have ensured that
13 formally designating these areas as plazas does not
14 change the fact that they remain mapped road--
15 roadways subject to all existing restrictions on food
16 and general vending. Thank you for the opportunity
17 to test--testify before you today, and I'm happy to
18 answer any questions.

19 [off mic] Good afternoon.

20 CHAIRPERSON RODRIGUEZ: [off mic] Turn
21 on the mic.

22 LAURA HANSEN: Good afternoon. I'm Laura
23 Hansen, Managing Director of Neighborhood Plaza
24 Partnership, which is a program of the Horticulture
25 Society. We support the network of community-based

2 plazas through services around maintenance,
3 horticulture, capacity building in under-resourced
4 neighborhoods. This testimony is co-signed by 17 of
5 those partners. They are the non-BID partners, and I
6 thank you, Chairman Rodriguez for the opportunity to
7 testify. We are here today because the DOT Plaza
8 Program has created nearly 30 acres of vibrant public
9 places from city streets. So on behalf of the tens
10 of thousands of New Yorkers enjoying their plaza
11 today on this beautiful day, thank you Council
12 Members Garodnick and Johnson, Lander, Torres and
13 Rodriguez for recognizing the pedestrian plaza as an
14 amenity worthy of new regulatory framework. We're
15 grateful to the Mayor and his Administration and the
16 Times Square Alliance for working toward a resolution
17 that will improve conditions at Times Square and
18 strengthen the Plaza Program as a whole. And thank
19 you Commissioner Trottenberg for investing in all
20 kinds of neighborhoods. One of the best assets of
21 this bill is that it institutionalizes the DOT's
22 process in which organizations in high-need
23 neighborhoods are trusted partners. This bill is a
24 great step forward, and we ask that you consider the

2 following recommend--recommendations for making it
3 even stronger for community-based partners.

4 Around plaza designation, right now an
5 organization formally applies for a plaza and the
6 right to manage it. That process provides
7 transparency on selection criteria. It's clear about
8 responsibilities once plaza is awarded, and it gives
9 the applicant time to solicit support from local
10 stakeholders. That process gives communities a
11 meaningful role, and that translates into better
12 management. So our recommendation is that any plaza
13 proposal from a community board, a council member or
14 borough president should meet the same selection
15 criteria as formal application and should be assigned
16 a local partner for management in every case. Under
17 the Plaza Rules we wholly support giving the DOT
18 rulemaking authority, and are pleased that a set of
19 uniform rules will be issued. Those rules should
20 explicitly address the persistent quality of life
21 issues that plaza partners face on a daily basis,
22 particularly plazas with few or no staff. For these
23 groups, quality of life is about finding the balance
24 of tough yet compassionate management approaches.
25 Whether the incident is a pile of mattresses left at

2 the curb or the erratic behavior of an emotionally
3 disturbed person, local response needs to be
4 supported by better coordination among city agencies.
5 This bill gives us the opportunity to create
6 consensus on plaza rules among the agencies charged
7 with enforcing them. So our recommendations are that
8 general rules of contact include other issues such as
9 illegal dumping, exhibiting dangerous behavior and/or
10 vandalism of plaza amenities. And that the
11 promulgation of general rules of conduct should be
12 made in consultation with senior officials at all the
13 relevant enforcement agencies such as Sanitation, the
14 Police Department, Homeless Services, Department of
15 Health, et cetera. And finally, on plaza events.
16 There have been some very positive changes in the
17 SAPO process, which happened as a result of DOT and
18 SAPO's staff consulting with stakeholders to
19 understand what's working and what's not. A process
20 customized for plazas has been needed for some time,
21 and I was also very glad to hear Michael Carey give
22 the 120-day time frame. But we would also like to
23 see the rules prioritized with local context and
24 concerns regarding how events are classified, and
25 their impacts on the neighborhood. Secondly, the

2 permit structure should consider ways to encourage
3 commercial events spread more evenly across the five
4 boroughs. We were also very pleased to hearing
5 Commissioner Trottenberg's conversation about NYC and
6 company, and looking to spread commercial events
7 around the five boroughs for revenue for these
8 community-based partners. And finally, that the city
9 rulemaking consultation include all the plaza
10 partners, community based and BIDs. I want to
11 acknowledge the 17 co-signers on our testimony which
12 is on the copy I'll submit and thank you. [bell]

13 CLAYTON SMITH: My name is Clayton Smith.
14 I'm the Second Vice Chair of Manhattan Community
15 Board 5. I've also served for five years as chair of
16 City 5's Committee on Parks and Public Spaces. It's
17 my honor to represent Community Board 5 today. Thank
18 you Chair Rodriguez and the Transportation Committee
19 for holding this hearing, and to Council Members
20 Johnson and Garodnick for their leadership, and
21 interests in a matter that has been a concern to
22 Community Board 5 since 2009. Ever since the
23 inception of the Pedestrian Plaza Network we have
24 been broadly sympathetic to DOT's original aim to
25 increase the quantity and quality of open space in

2 our city. We voiced our support for the creation of
3 the plazas, but we also went on record at that time
4 in testimony before City Council with major concerns
5 that these newly created pedestrian plazas might be
6 usurped from their intended use as outlets to
7 mitigate congestion, and offer much needed passive
8 space by out-of-scale commercial events. Concerns
9 that we do not believe have ever been properly
10 addressed. We do support this legislation's
11 provision of a new legal framework for the pedestrian
12 plaza network and allowing for the promulgation of
13 rules to govern conduct and commercial activities,
14 and we fully support this legislation's effort to
15 create a more governable Times Square. But today, we
16 reiterate our concerns regarding commercial events in
17 all of our plazas and how they are permitted. For
18 Manhattan Community Board 5 the promulgation of rules
19 regarding event permitting is essential, and we do
20 not believe the current legislative language
21 adequately addresses these concerns. As the
22 framework for the plaza programs still regards the
23 plazas as city streets, the street activity permit
24 office does not have explicit authority to make
25 decisions about commercial event applications in our

2 plazas taking into consideration their benefit and/or
3 impact on the public. Unlike for instance Parks
4 Department which does have this authority and uses it
5 when it comes to evaluating event permits in our
6 public--public parks. So believe it is essential
7 there is language in this legislation that explicitly
8 allows the city to take into account the unique
9 characteristics of an area positive and negative
10 effects on the neighborhood adjacent to the plaza,
11 and the impact of cumulative demands on what are
12 supposed to be in the main passive public spaces.
13 Just as important, this legislation--legislation
14 needs to create a formal mechanism for allowing for
15 proper public review of commercial events in these
16 public spaces. Other city agencies require the
17 notification of the community well in advance of any
18 actions that will have an impact on it. Why is that
19 when it comes to the use of our pedestrian plazas
20 there is no such requirement. Without it residents
21 and business owners in our district are deprived of
22 information to which they are entitled. Nor does the
23 community have any opportunity to make their voice
24 heard at a public hearing as they have come to expect
25 from event applications that are submitted to the

2 Parks Department for events to take place on
3 parkland.

4 There also needs to be a reasonable
5 application deadline well in advance of a proposed
6 commercial event. The current deadline of 14 days is
7 simply not enough. The input of the public through
8 the community board process has been a critical
9 reason why the Parks permitting process functions as
10 harmoniously as it does in our district. It has
11 resulted in constructive conversations between the
12 board and the applicants about an event's impact on
13 the public. Events end up better because of the
14 charter mandated responsibility of public review. We
15 believe it's time that a similar system is finally
16 put in place for our plazas. But clear, language to
17 that effect does not appear [bell] in this
18 legislation, and we're very concerned that unless it
19 does, subsequent rulemaking will prove woefully
20 inadequate without clear language allowing the
21 permitting agency the consideration of public impact.
22 And the formal advisory input of the public on event
23 applications we cannot fully support this
24 legislation. If this bill results in a fix for Times
25 Square, but offers no clear directive for the

2 necessary changes to the event permitting system, we
3 will consider it a failure. A regulatory system that
4 respects the public, the needs and concerns of each
5 neighborhood would not only be appropriate, but would
6 also be commensurate with the ambitious vision with
7 which these public spaces were originally created.
8 Thank you.

9 CHAIRPERSON RODRIGUEZ: Well, I don't
10 know if my colleagues have some questions. I have
11 one but I would like first some colleagues to ask a
12 question. It is--first of all, I like what I heard
13 from, you know, the Times Square Alliance, your
14 approach on what is a vision and what is the goal.
15 You're committed to work with creating the
16 opportunity for the hard-working class sector who
17 prove the services in that area. It's very
18 important. When it comes to the whole plaza as a
19 program, you know, my--my question is how especially
20 from the BID perspective on the plazas citywide, how
21 do you think that an increase of programming should
22 be designated also. At least it puts a clear
23 definition on cultural and educational. So that, you
24 know, like oversees the city also is assigned to be
25 the partners with the plaza for them to present a

2 program on how--whatever number. It can be 20% of
3 the use of plaza streets for cultural and education.
4 Something that we as a council can measure and say
5 this is working and we are creating opportunity, as I
6 said before, for tourists and residents to say this
7 particular common walking area, but it's not a space
8 for people to walk. But let's say if someone is
9 doing a performance, someone is doing a--a--a--
10 putting a play together. So now you're doing a jacks
11 performance. (sic) And I'm not saying that that's
12 not happening, but I would like to see like a more
13 clear integration of that plan as we move forward
14 with this bill.

15 LAURA HANSEN: Yes, we'd like to seen the
16 same thing, and we'd like to see even before, as
17 we're forward with the bill we'd like to see more
18 robust conversations between the Administration and
19 the local partners about event permitting, and about
20 this whole notion that the--the local community--
21 every community different. And so the permitting
22 process needs to be able to take that into account,
23 and we realize that's not a simple thing. We have--
24 how many plazas, 69 today or whatever. [laughs] I'm
25 sorry, Councilman, again, I don't know a number you

2 asked me. But we have a--we have a number of plazas
3 and just as many neighborhoods and just as many
4 communities, and so we would like to see a very
5 robust conversation, which focuses on enabling that
6 local input, and that local flavor to every program
7 and every plaza.

8 TIM KING: Yes, I think that's why the
9 comments about special events really cut to this
10 across all three of these testimonies. You know in a
11 place like Times Square if anything we--we want to
12 sort of keep a cap on sort of the total amount of
13 commercial events. Sometimes we receive really big
14 promotions. We like some of the, but--but in other
15 places, you know, small scale events that are
16 sponsored by local business can be a great way of
17 enlivening, you know, like a business sponsors a
18 summer concern series or something. That can be
19 great, and the modification of the rules can really
20 help that, and combined with the--adequate
21 notification.

22 LAURA HANSEN: I'll just add that in a
23 lot of neighborhoods the--the saturation problem is
24 not an issue at all, and a lot of the groups that we
25 work, you know, need more resources for programming.

2 Because there's no dearth of great ideas, and a lot
3 of the work that--that we are doing with groups is to
4 help develop more--lots of local partnerships. So
5 that the schools, the libraries, the cultural
6 organizations, the educational--educations all are--
7 see the plaza as a way to do educational programs,
8 and cultural programs. It's a very, very local. So I
9 think that this rulemaking really needs to address
10 that--that balance of levels of resources and the
11 local creativity that's out there.

12 CHAIRPERSON RODRIGUEZ: And--and I just
13 hope that we take advantage of these process, you
14 know, to--to--to reorganize because I--I also know
15 like when you think about like this great partnership
16 going on between the theaters. Broadway is going to
17 local schools, and schools sending kids to see some
18 of those plays. My thinking is how can we also do
19 some programming in those plazas. So even though
20 each community is different, and I understand it, but
21 the fact that whoever is running a city or one of
22 those plazas, the expectation is not for the City or
23 Zoning to be responsible for the maintenance. It's
24 about the programming. You know, connecting to
25 whatever is--what the community would like to see

2 happening, but it's about a plaza is saying after
3 6:00 p.m. there cannot be a dead area. You know,
4 there's local artists that they can put an exhibition
5 there. And---and again it's not that that is not
6 happening, but it's more--I think that up to now we
7 made progress by building those plaza. But now that
8 there's going to be an agency responsible to be the
9 one from now on you're going to be having a direct
10 responsibility for this. But my hope is that as DOT
11 later on, as we move on put the rulers together that
12 we also work with those local partners to be sure
13 that the local plaza are at--are alive. that there is
14 an event. Whatever percentage of it is cultural and
15 educational should be included in those plazas, and
16 for those partners in the Times Square Alliance, you
17 know, let's look for how much more can we do? So
18 that beside our local theater in that area say, you
19 know, we live to Times Square, but because that's the
20 heart of our city. But can you also expand? Can
21 each of those local theaters say we cannot build one
22 of those plazas. So that also there's some
23 programming going on connecting with the mainstream
24 cultural institutions that sometimes the outer
25 borough lack those resources.

2 CLAYTON SMITH: Can I just add we believe
3 that's why the public review and the setting of a
4 public hearing for talking about the use of the
5 plazas is so important. That needs to be taken into
6 consideration with the rulemaking for this very
7 reason that a public hearing is the place that the
8 public has come to expect to be able to have input
9 about the use of public space.

10 CHAIRPERSON RODRIGUEZ: Great.

11 COUNCIL MEMBER JOHNSON: Thank you, Mr.
12 Chair. With--with respect, and maybe I'm wrong here.
13 Maybe we're talking about two separate things. The
14 rulemaking process allows for a public hearing.
15 There is a public hearing on rulemaking that I mean
16 it--it may not be exactly what's being discussed
17 here, but as Commissioner Trottenberg had mentioned,
18 during the 30-day or 60-day timeframe [coughs] the
19 community board, the borough president, BID partners,
20 council members, interested members of the public
21 will have the opportunity to come and comment I mean
22 specifically on Times Square in this instance, but
23 whenever--and I think Ellen spoke to this before in
24 her testimony, when DOT makes the decision to undergo
25 rulemaking for other plazas and I understand that

2 there plenty of plazas who want to see that process
3 happen quickly, and we don't have a commitment from
4 the department of what the timeframe is going to be
5 for each plaza, and every plaza may want it on a
6 different timeframe. But--but there is a rulemaking
7 process where people are allowed to come and testify,
8 but it sounds like that that doesn't seem sufficient
9 or adequate enough.

10 TIM KING: I--I--I--I think the issue is
11 more when that in the revision of the rules for how
12 special events are permitted making sure that there's
13 the opportunity for public comment down the road
14 when--when--when events are coming up. So that the
15 community board or for other people has the
16 opportunity, the community has the opportunity to
17 weigh in about individual events. So yes, there's--
18 there's--there's opportunity for public comment in
19 the room when you're revising the rules, but this is
20 just then that in those rules that govern how special
21 events are permitted that there's some sunshine
22 provisions about--about people knowing sort of the
23 details of those events--and some of those-- I mean
24 the SAPO Office has done a lot already to make a lot

2 more information available, but I think that--that
3 what you're speaking is that.

4 CLAYTON SMITH: Yeah, we're speaking
5 about the formal advisory role of community boards,
6 and right now there have been huge improvements under
7 the new leadership at SAPO to be sure. But those
8 improvements are informal, and we can't rely on that.
9 WE believe that it needs to be in the rules. So that
10 when everybody in this room is no longer in their
11 current positions, other people will be able to take
12 those positions and proceed in a way that is
13 appropriate and responsible for the public.

14 COUNCIL MEMBER JOHNSON: And that makes
15 sense to me, but Clayton I think the point that you
16 made earlier with regard to the Parks Department is
17 that the Parks Department is allowed to say because
18 it's not just parkland, no we're not allowing an
19 event in this park or no we're not allowing certain
20 activities in a parkland, but for plazas that's not
21 the case. That was a distinction you made in your
22 testimony.

23 CLAYTON SMITH: Right.

24 COUNCIL MEMBER JOHNSON: For SAPO related
25 activities [coughs] I remember I was on Community

2 Board 4 for 8-1/2 years, and I chaired the Quality of
3 Life Committee at one point during that time, which
4 on Board 4 oversaw street fairs. And SAPO does bring
5 permits to the community board, and I remember from
6 my community board we would we say no we don't want
7 the event. No, we don't want the street fair, or we
8 want it to be shorter, and this was years ago and
9 they would completely disregard it. I mean there
10 was--it was like we have the opportunity to weigh in.
11 What we said didn't really matter. Is that part of
12 the fear here?

13 CLAYTON SMITH: That is part of the fear,
14 yes. We believe that the role needs to be
15 formalized. I mean street fair permits come to us,
16 but there are--pedestrian plaza event applications
17 have no formal way of coming before us. We have now
18 due to the kind of informal improvements that have
19 been made, we do have access to some kind of top line
20 information about an event application, but this
21 comes in the form of reams of-- I mean a huge stack
22 on the thousands and thousands of events, and the top
23 line information we have is marketing event or
24 product launch or celebration. So that is not enough
25 information for the community board to be able to

2 determine if further due diligence is required about
3 what the sue is going to be in the public space. And
4 we believe there needs to be more of a formal system
5 parallel to what the Parks Department has very
6 functionally set up with us now where we just have
7 enough information to warrant whether a handful of
8 those applications every month need to be asked
9 further questions about the impact on the public and
10 the, you know, any public benefit that could come
11 from that event.

12 COUNCIL MEMBER JOHNSON: Because right
13 now it's not in my council--

14 CLAYTON SMITH: [interposing] Right now
15 that has--

16 COUNCIL MEMBER JOHNSON: --it's not in my
17 council district, but right now you need square.
18 When the Parks Department wants to have events, they
19 come to the community board, and those events get
20 discussed at length.

21 CLAYTON SMITH: Yes, yes.

22 COUNCIL MEMBER JOHNSON: So you guys
23 weigh in, you give comments, you say yes, no, hours.
24 All of that.

2 CLAYTON SMITH: Every single Parks event
3 permit application is shared with the community
4 board, every single one of the thousands that--that
5 are submitted as you would imagine. We call in
6 roughly four or five a month to hear further
7 information. Out of those, 95% of them result in
8 getting our support based on possibly modifications
9 to some of those event characteristics like getting
10 rid of the subwoofer, not handing out Pop Tarts to
11 children in the morning. Lowering the level of
12 amplified sound. Whatever the issue might be that is
13 of concern to the public, and in the end the event is
14 better because of it, and the public feels like their
15 concerns were heard and their kids aren't eating Pop
16 Tarts and everybody is happy.

17 COUNCIL MEMBER JOHNSON: As Chair of the
18 Health Committee, I appreciate the Pop Tart comment.
19 So I--I--I agree with you and what you're saying. I
20 would be supportive of this, and I--and I don't mean
21 this in a callous or negative way, I don't think that
22 that's going to make it into this legislation.
23 That's me being honest so that, you know, no one is
24 surprised, but I do think that given all of the
25 issues that you have very helpfully raised, and where

2 I don't want to speak for Council Member Garodnick or
3 my colleagues, but I think there would probably be
4 broad agreement because council members work so
5 closely with their community boards, and we hear
6 issues related to everything you've laid out
7 constantly. I think it gives us the opportunity to
8 go back and to draft other--other legislation related
9 to SAPO, related to these events, related to the
10 public review period, and related to what this
11 legislation intends to create and move forward. I'm
12 a supporter of that. I will work with you on that,
13 but I--I--I think that given how we've gotten on this
14 piece of legislation and what the intent is on behalf
15 of the Administration and the Council to move forward
16 fairly quickly, I doubt that significant revisions or
17 edits are going to be made in this regard. But--but
18 I--I don't--but there's not disagreement with what
19 you're saying, but I just want to be upfront and
20 candid about where I think we are in the process. I
21 don't know if Council Member Garodnick disagrees on
22 that, but I just wanted to say that. Just one last
23 thing, Mr. Chair. Tim, I--I wanted to just--I know
24 you--you had very thorough testimony, but you weren't
25 able to get to all of you. You hit some of most of

2 the--the top line items. Could you just speak a
3 little bit to if--if and when the legislation is
4 passed, the rules go into effect what fears you have
5 related to spillover to other places and what we
6 could be doing to take that into consideration. I
7 know the Commissioner made a commitment on pedestrian
8 flow review on 42nd Street. But are--is there
9 anything else that you are concerned of related to
10 once this goes into effect?

11 TIM KING: I--I think really it's just
12 being cognizant that there may be secondary effects
13 that need to be monitored closely through some, you
14 know, within the next, you know, 90 to 120 days. You
15 know, monitoring the pedestrian hazardous conditions
16 and on some of the sidewalks near--as well as 42nd
17 Street. Just looking to see if there's disbursements,
18 and whether that needs to be addressed. So I--I
19 think I really covered all of it. I want to go
20 formally on record as opposing restrictions on Pop
21 Tarts. [laughter] I do also just want to say that I
22 do think that there's been some very useful
23 conversations about some refinements of the language
24 in the--with respect to special events. It may not
25 hit all of the buttons, but that match up a lot of--

2 where there's a real consensus around that. So I'm
3 hoping that that--that that--that--that--some of that
4 language starts getting added in. And then I just
5 also wanted to say to folks that we really do view
6 you as also businesses and stakeholders in Times
7 Square. That, you now, the analogy is there were
8 some businesses in Times Square that were good
9 businesses, and then there were electronic store that
10 were ripping people off 20 years ago. Those one we
11 said hey that's not good, but the people that are
12 honest and are working hard they're our constituents,
13 too.

14 ELLEN BAER: If I may. I--I know you--
15 you--you directed this questions towards Tim about
16 the secondary impacts and the spillover, but if I
17 may, one of the reasons that we're very concerned
18 about the there being rules, specific rules only for
19 Times Square is that some of this activity may spill
20 over into other plazas. It's not just that it might
21 spill over 42nd Street. It might spill over into
22 Flatiron. It might spill over into the garment
23 district. And so we need to have if--if not
24 concurrently then certainly following very, very
25 quickly in a time period that DOT commits the

2 specific rules for other pro--other plazas to avoid
3 this second impact.

4 COUNCIL MEMBER JOHNSON: Ellen, I just
5 want to hit on the point, and then I'm going to turn
6 it back over to the Chair. He's been very patient
7 with me, and just say that I'm not sure that it is
8 entirely feasible for whatever the final number of
9 plazas is that number, that DOT is going to be able
10 to concurrently or simultaneously go through a public
11 process on rulemaking for all of the plazas at the
12 same time. That just doesn't sound realistic, but
13 there are plazas that issues have been raised, and
14 there are plaza partners and BIDs that are here
15 today, they're going to talk about some of those
16 things. And I think what we should do is reconvene
17 and have a conversation with the appropriate folks at
18 the Department of Transportation on figuring out to
19 scheduled by borough by area given what the concerns
20 to come up with it. Because I--I--I think we'd be
21 just looking towards failure if we thought we were
22 going to get it all done at the same time. And I
23 think the BID Association given the knowledge you
24 have of your individual BIDs on which--which BIDs
25 besides the Times Square Alliance have seen the most

2 pressing problems should be prioritized, and that's
3 how we should go.

4 ELLEN BAER: I'm--I'm grateful for that.
5 Thank you and, of course, it can't happen
6 concurrently. That would be unrealistic. I agree
7 with you Councilman, but we do--we would like to have
8 a commitment to having it done, and to the
9 Administration working with us in a timely manner.
10 This has been languishing for quite a while, and we
11 look forward to the Council acting in both its
12 legislative and its oversight in helping us to make
13 sure that those commitments are kept.

14 COUNCIL MEMBER JOHNSON: Thank you.
15 Thank you, Mr. Chair.

16 CHAIRPERSON RODRIGUEZ: Before we
17 continue I'd like to say thank you to the great
18 audience, okay. You have been the best audience that
19 any chairman can be asking for. You know, and we've
20 been debating and listening to other's point view on
21 this, but know that you--some of you like 50 of you
22 have put your name. You're just waiting for your turn
23 to talk knowing that the time is limited. So the
24 clock is going to be on two minutes. Please if
25 somebody else already spoke, you don't have to repeat

2 the same thing, and--but let's move on. Thank you to
3 this great panel and now we will--we're going to try
4 balance in the opinion for or against it. Most
5 important is any recommendations that anyone have, we
6 will really take into consideration. So the next
7 panel is James Musick (sp?), Nicholas Patty (sp?(),
8 Gary Walderman. [background comments] Kayla Moran,
9 Jamel Marc--Marcus--Morales. I'm sorry. Jamel
10 Morales. Please come as quick as you can. As you as
11 you also sit down you start with two minutes.

12 MALE SPEAKER: Okay, thank you.

13 [background comments, pause]

14 NICHOLAS PATTY: Good afternoon and thank
15 you Chairman Rodriguez for this opportunity to speak.
16 My name is Nicholas Patty(sp?). I'm here as an
17 individual and I'm also a member of the Industrial
18 Workers of the World, IWW and the National Writers
19 Union, NWUAW Local 1981. My drive my express my
20 opinion at this hearing of this New York City Council
21 on these two proposed new city laws particularly on
22 the one on the pedestrian plazas arises out of my
23 personal experience at this time. The last time I
24 appeared before the New York City Council hearing was
25 to testify actually was 1995 under Mayor Rudy

2 Giuliani in support of restoring full funding to
3 public libraries, and I testified then with Peggy Dye
4 (sp?) of the National Writers Union, the--the late
5 Peggy Dye. Both of us were with the National
6 Writer's Union. Now, 21 years later I'm appearing
7 alone also with the IWW and in front of the City
8 Administration run by Mayor Bill de Blasio, also at a
9 New York City Council hearing however. My personal
10 experience at this time is that of a street artist,
11 specifically a street photographer, a clown in and at
12 Times Square, a clown who does photography for tips
13 and against both bills in this City Council hearing
14 for several reasons. First, I want to remind
15 everyone that the fundamental purpose of work as a
16 clown, and I use the word "clown" on purpose is to
17 make people happy. I think I do that, and by and
18 large I think that we do that in Times Square. I'd
19 like to mention that the work is already regulated.
20 There are signs everywhere that say tipping is
21 entirely optional. Sometimes we do not actually
22 receive any tips or very little tips for the clown
23 work we do. In my case photography for tips, and
24 sometimes are arrests from aggression or bad behavior
25 that's evidence of regulations already in place, and

2 as I heard this morning on new officers assigned to
3 the beat. I want to mention that has already
4 mentioned that it is hard work. It's outside. It's
5 working ever hours on a certain. [bell] Okay, let
6 me just conclude then. I'll skip to this. I just
7 want to say I'm a clown photographer Times Square.
8 If feel that I make people happy. That is our job.
9 It should not get lost in the scuffle, but what this
10 is about the press and the bad incidents. But does
11 nudist women also make people happy? People travel
12 to Times Square around the world to have a Times
13 Square New Yorkers USA experience. We do not wish to
14 over--overly sanitize nor overly regulate this
15 experience. So I'm against these two bills, and I
16 thank you for the opportunity to speak.

17 CHAIRPERSON RODRIGUEZ: Please we will
18 speak only with the two minutes because of the number
19 of--of members who want to speak. They must be a
20 little bit disappointed with the clock, two minutes.
21 Summarize in five seconds or less, please.

22 GARY ROTHMAN: Thank you, Mr. Chairman
23 and members of the committee. My name is Gary
24 Rothman. I'm here today on behalf to the United
25 Service Works Union. I'm glad to be the first speaker

2 behalf of a group of workers in Times Square that
3 will actually and personally be affected by the act
4 that you take with respect to the this bill. The
5 United Service Workers Union represents some 30,000
6 members in and around the Tri-State area with the
7 bulk of them living and working the five boroughs.
8 Among our membership are hundreds of ticket agents,
9 tour guides and drivers of city sightseeing Gray Line
10 buses in New York City many of whom are with us today
11 in the hearing room so that you can see the faces of
12 the people that you are going to personally affect by
13 your actions. Our members act as ambassadors not
14 just for city sites on Gray Lines, but for the city
15 of New York as a whole, as we greet the 50 million
16 visitors to the city each year from around the world,
17 and take them to neighborhoods and points of interest
18 throughout the city that they might not otherwise get
19 to see on their own. That is where our provide
20 welcoming service for visitors to city. That is
21 Times Square for the people who want to explore the
22 great areas of our city. But just as important as
23 providing this important service to our city and to
24 our visitors, this is where our members work and earn
25 their own livings to support their families, and to

2 support the businesses in and around the Times Square
3 area and the rest of the city. While we understand
4 that the bill the committee is considering today is
5 not directly imposing restrictions on ticket sellers
6 per se, we object to the provisions of the bill that
7 allow the Commission of the Department of
8 Transportation to promulgate rules to regulate the
9 use and activities within and individual pedestrian
10 plaza and the adjacent sidewalks. This provision
11 pose and assault on our members' ability to serve
12 their customers in the most sought after locations
13 in the best way that they have come to know. [bell]
14 As you know, that now, this bill is direct conflict
15 with a similar bill that affects this group of
16 workers pending before the Committee on Consumer
17 Affairs, which would automatically outlaw selling
18 tickets in any pedestrian plaza location. So we urge
19 the committee to go back. Pay attention to the
20 comments that many of you have made today in a very
21 thoughtful way to ensure that there are adequate
22 guidelines for proper balancing for the various
23 factors so that we don't a one-fit solution to all of
24 the vendors in Times Square. We thank you for your
25 consideration.

1 COMMITTEE ON TRANSPORTATION

166

2 MARCUS MORALES: [Speaking Spanish]

3 CHAIRPERSON RODRIGUEZ: [Speaking
4 Spanish]

5 MARCUS MORALES: [Speaking Spanish]

6 CHAIRPERSON RODRIGUEZ: Great. So I
7 don't pretend to summarize what Mr. Morales say, but
8 the bottom line the most important in his concern
9 that whatever regulation is put in place, his concern
10 is about do we con--do we--do we respect our
11 constitutional right. In his experience working on
12 the 200 Addison in the community he's been baited
13 with humiliation in that area. So I think that as
14 [Speaking Spanish]

15 MARCUS MORALES: Okay. [Speaking
16 Spanish]

17 CHAIRPERSON RODRIGUEZ: Thank you. The
18 next panel Cora Cahan, Leah Orkin (sp?), Donna
19 Amendola, Thomas Carpenter, Anton Fernea--Ferreria.
20 [background comments] Okay. There's enough chairs
21 for enough. You can sit close to the other chair
22 then.

23 MALE SPEAKER: This is on.

24 Thank you. My name is James Musick. I'm
25 the Financial Secretary-Treasurer of TW Local 225.

2 We represent tour guides, ticket agents and
3 dispatchers at Gray Line City Sightseeing New York.
4 Also our sister union TW Local 100 represents workers
5 at Open Loops and Go New York Tours. We have about
6 150--15,000 members nationwide, and good 40,000 plus
7 live in the five boroughs of New York City. Let's
8 talk about the process. We were told that it was
9 open. We learned here that the process went on for a
10 year. TW found out about this five days ago, and
11 Council Member Garodnick was kind enough to meet with
12 us about 48 hours ago. That was the extent of the
13 involvement of the ticket agents who are going to be
14 adversely affected by this law in the drafting of
15 this law. Let's look at who you have decided is
16 going to administer this law: The Police Department
17 and the Transportation Department. The Police
18 Department cares about security and safety. Nowhere
19 in the Charter of the Police Department does it say
20 that it is there to promote business activity, to
21 promote sales. The Transportation Department they
22 look at traffic flow, how many motorcycles, bicycles
23 or people move past a certain at a certain hour.
24 That's their priority. Nowhere in their charter does
25 it say that they are there to promote business, and

2 when the council member asked, "But what if this
3 adversely affects the members of these unions and
4 they make less money next year than they did this
5 year because of what you did" the Commissioner of
6 Transportation couldn't answer. She looked at the
7 police offer next to her, and his answer really was a
8 non-answer. Now, I know what you're telling the
9 press, oh, we're not specifically banning you. We're
10 going to put you in this area. We can tell you and
11 we actually have had private conversations where
12 we've explained how it is going to reduce their
13 income to the point where they can't stay in the
14 business. But even if they weren't put out of the
15 business, ask yourself: Someone working 60 hours a
16 week making \$40,000 a year, if this pedestrian--if
17 this sales pen caused them to make \$32,000 next year,
18 that \$8,000 lost to their family. That was a
19 disaster and that's when the police say, oh, well,
20 we'd start [bell] looking at things and seeing if we
21 could modify them. Thank you.

22 LINWOOD MCCOY: Hi. Good afternoon. My
23 name Linwood McCoy. I'm President of Local 225 of
24 the AFLCIO Union representing Gray Line and--and
25 tours and ticket sellers. I believe that the

2 proposed pedestrian plaza law will cause severe
3 layoff among union members. A large portion of Gray
4 Line city sites and New York revenue is derived from
5 these sales in these squares, in the plazas.
6 Millions of tourists visit New York City every year.
7 Most tourist visit the Times Square area. One of
8 their favorite activities is to ride the double-
9 decker bus. The tourists congregate in the
10 pedestrian plaza in Times Square. They want to ride
11 the double-decker buses. Ticket agents are there to
12 provide--to sell them tickets, and to provide advice
13 and information. It makes sense. Our members are
14 their hardest working employees in Times Square.
15 They work on commission. They spend in the sun and
16 vacant sidewalk 90 degrees. They shiver in the cold
17 sidewalks at 15 degrees. They work in the rain and
18 they work in the snow. Please fix this. The
19 legislation that exempted the food vendors and the
20 general vendors, we'll ask you to do the same for our
21 ticket sales. Thank you.

22 CORA CAHAN: Good morning. My name is--
23 oh, it's good afternoon, isn't it? Right. My name
24 is Cora Cahan and I've been the President of the new
25 42nd Street since--since the day it was established

2 by the Mayor and governor in 1990 when Carl Weisbrod
3 was then the President of the 42nd Street Development
4 Corporation and persuaded me and our board, who was--
5 which was led for over 20 years by Marian Salzburger
6 High School and now by Fiona Ruten to take on
7 responsibility for seven of the eight derelict laws
8 to start theaters on this famous street. And I'm
9 founding member and current member of the Times
10 Square Alliance Board of Directors. Thank you,
11 Chairman Rodriguez for this opportunity to testify
12 and Council Members Johnson and Garodnick thank you
13 for the keen interest and the time you have given to
14 the myriad issues facing those of us who work at the
15 Crossroads of the World, which have led to these
16 hearings, and the proposed legislation. I speak to
17 day on behalf to The New 42nd Street in support of
18 the legislation despite the fact that 42nd Street is--
19 -is not being protected by this legislation, and has
20 always been known to have been the most famous street
21 in Times Square. My job was initially to reinvent
22 and revitalize the barren landscape we found with
23 down--down trodden theaters 26 years ago. At that
24 time, there were over 80 adult uses on the street as
25 they say, adult uses with the Victory Theater being

2 the one Triple X historic theater on the block.
3 There were drug dealers who took hours on the corner
4 at the phone booths and then sold the drugs late at
5 night in the--in the parking lot on our corner. In
6 1995, we--we want revitalization of the block by
7 choosing to open, operate and be responsible for a
8 theater for the city's kids, their parents and
9 schoolmates in the very theater that had been the
10 Triple X Porn House [bell] just a few years earlier.
11 I--I need to finish just a little bit. I'm so
12 pleased Chairman Rodriguez that you and your family
13 come to the New Victory on 42nd Street. That really
14 was thrilling to hear a few moments ago. Now, over
15 40,000 school kids come to the New Victory during the
16 day, and they're joined by 80,000 general public on
17 the weekend and on holidays. Today, there are 5,000
18 legitimate theater seats on this block and about
19 4,500 movie theater seats in 37 cinemas on the
20 street. We went from having drug dealers pushing
21 drugs to seeing parents pushing strollers on this
22 block from the moment the New Victory opened. We
23 built and managed the state-of-art rehearsal studio,
24 and I'm not going to talk about all the artists and
25 the Broadway shows, and the off Broadway shows, and

2 the non-profits who rehearse in this building. They
3 then go to small and large stages throughout the
4 city, and even to public plazas to perform. Now, my
5 job is to maintain the lively safe environment we
6 managed to establish over the years by protecting
7 this revitalized 42nd Street. This is the reason I
8 am here today, the re--the successful reinvention of
9 our street along with the ever-burgeoning remarkable
10 growth of tourism in Times Square has brought with it
11 a number of issues of grave concern. Our overriding
12 worry is for the safety and security of our patrons
13 as well as for those on our street at any given
14 moment. The fact that we are experiencing what is
15 probably the highest pedestrian counts on any 800
16 foot long block in the city with nearly 100 folks
17 walking to and fro on our street each day results in
18 safety issues of scale exacerbated by the already
19 ever-increasing alarming numbers of hawkers, costumed
20 characters, Comedy Club coercers, bus tour bustlers,
21 and even naked ladies, weather permitting, walking--
22 winding their way to 42nd Street from the overcrowded
23 Times Square Plazas. They are aggressive in a number
24 of ways that can be frequently found surrounding the
25 subway exits next to the New Victory, and next to the

2 New Amsterdam where they make it difficult to
3 navigate around when they attempt to engage and
4 promote tips like forcing photo opportunities. We--
5 our overwhelming concern again is for the patrons.
6 They are--there are times of the day and the evening
7 pedestrians find that the best and most efficient way
8 to walk on the block is to use the traffic lanes as
9 the path towards their destination. Seasoned
10 commuters and officer workers don't even pause,
11 including me, for a moment. They choose the bus
12 lanes, and sometimes even in the middle of the street
13 keep up hurry--hurried pace.

14 CHAIRPERSON RODRIGUEZ: Miss, can you
15 summarize.

16 CORA CAHAN: I'm going to summarize in a
17 moment. We worry about the overcrowding and
18 spillover--

19 CHAIRPERSON RODRIGUEZ: [interposing] All
20 right, 10 more seconds--

21 CORA CAHAN: --on the sidewalks.

22 CHAIRPERSON RODRIGUEZ: --because I have
23 to be fair to everyone.

24 CORA CAHAN: Yes.

25 CHAIRPERSON RODRIGUEZ: Ten more seconds.

2 CORA CAHAN: It would be a pity if after
3 all the hard we are not able to sustain this street
4 going into the future. It is far more delicately--
5 delicately balanced than anybody understands or
6 imagines. So I ask the City Council--

7 CHAIRPERSON RODRIGUEZ: [interposing]
8 Great.

9 CORA CAHAN: --and the Administration
10 what they will do to make sure that our streets
11 remains [bell]--

12 CHAIRPERSON RODRIGUEZ: Thank you.

13 CORA CAHAN: --lively and vital as it is.
14 We do not need studies. We know how exigent the
15 situations on our block is. Thank you.

16 MALE SPEAKER: [YELLING] Very timely,
17 sir. (sic)

18 CHAIRPERSON RODRIGUEZ: And--and please
19 for--for the rest of the panels [coughs] let's just
20 take the two minutes for or against or mutual.
21 Because again, the number of--of public are--is
22 waiting to speak. Thank you.

23 DANA AMENDOLA: I'll be brief. My name
24 is Dana Amendola I'm the Vice President of Operations
25 with Disney Theatrical Productions. It currently

2 produces the award winning musicals Lion King and
3 Aladdin on Broadway, and we're developing Frozen.
4 I'd like to thank everyone. I--I knew I'd get a
5 smile. [laughs] I want to thank everyone on the
6 board today. I especially want to thank Chairman
7 Rodriguez and, of course, Council Members Johnson and
8 Garodnick for their leadership in addressing the
9 growing challenges of Times Square and 42nd Street.
10 I started my career in 1997 with Dizzy--Disney
11 working on the renovation of New 42nd Street at New
12 Amsterdam and 42nd Street and I spend the past two
13 decades as an active member of the Times Square
14 community. I served on the Board of Times Square
15 Alliance and the Green Alliance and various boards
16 and--and on the Broadway Link (sic). Over the years
17 I've seen the area grow from a dangerous unappealing
18 environment that New Yorkers would go out of their
19 way to avoid to a safe, vibrant and exciting
20 destination for people and children of all ages to
21 embrace theater and the arts. As all of us
22 longstanding members of the Times Square and 42nd
23 Street community take tremendous pride in this
24 amazing transformation. But the launch of the
25 pedestrian plazas in 2009, the typography of Times

2 Square changed for the better. Thanks to the
3 creation of the public plazas in Times Square we now
4 have space to bring the arts to the heart of the city
5 with such diverse presentations of Summer Solstice,
6 public interactive art projects, Metropolitan Opera
7 Simulcast and Broadway on Broadway. Tremendously
8 this coming changed the busy streets to public
9 spaces. But while the newly opened spaces allow the
10 energy of Times Square to be enriched by all this
11 entertainment life, it is unfortunately also
12 providing an open forum for other sorts of activity
13 ranging from seedy hawkers to portrait artists to
14 costumed characters. The unscheduled proliferation
15 particularly of these bad apples has stirred--with
16 the count (sic)--it has threatened the success of
17 this open plaza affecting the pedestrian traffic flow
18 to an unprecedented extent creating discomfort and
19 sometimes outright harassment by again by the bad
20 apples of tourists and New Yorkers passing through
21 the area and creating safety concerns throughout the
22 area. The activity has spilled over to adjacent
23 areas as specifically 42nd Street. I have observed
24 first hand that our theater guests take to the busy
25 streets of Midtown instead of the sidewalks and

2 plazas in order to make it through the crowded masses
3 to get to the theater on time. Even worse, when the
4 theaters let out, I see thousands of people into the
5 street right into 42nd Street to avoid hawkers and
6 characters instead of going to linger in the area.
7 These audiences immediately battle their way to the
8 subway, taxicabs and parking garages. I see this
9 from my own office on 42nd Street instead of enjoying
10 the open plaza as they should. I don't want to go to
11 have my lunch, and colleagues now take things to
12 avoid Times Square and 42nd Street. The situation
13 has grown worse from time to time, and I fear it's
14 going to become more chaotic unless something is
15 done. I am happy that pedestrian plazas gave the
16 Square--the Square to New Yorkers alike. It's now
17 time for smart regulations to ensure it stays that
18 way. Disney Theatrical Group very much supports
19 these regulations given our belief that they will lay
20 the foundation to ensure the vibrancy of Times Square
21 and 42nd Street, and the new-found energy of the
22 Pedestrian Plazas Program while assuring that public
23 safety, which is our main concern. The Crossroads of
24 the World should be enjoyed, not avoided. Thank you.

25 CHAIRPERSON RODRIGUEZ: Thank you.

2 THOMAS CARPENTER: Thank you. My name is
3 Thomas Carpenter. I'm General Counsel of Actors
4 Equity Association. We're a national labor union
5 that represents about 50,000 actors and stage
6 managers around the country and more than 20,000
7 actors who live and work in New York City mostly near
8 or in the Times Square theaters. Employers from
9 around the country to meet--to Times Square to
10 audition our members in Equity's audition centers and
11 in other audition centers around the Times Square
12 area to employ them in their theaters in--across the
13 country, employed in California. They have they
14 option to audition local actors in their local
15 communities, but they come to--to New York and to
16 this neighborhood in order to audition your
17 constituents to work in their theaters around the
18 country. The chaotic environment of Times Square
19 we're concerned that it provides a disincentive for
20 them to come here when they know they're going to
21 have to deal with an unpleasant experience on the way
22 to one of our audition facilities. We had last year
23 895 separate Equity calls in the area with more than
24 83,000 actors seen by producer in those calls. We're
25 also concerned that our members have to navigate

2 their way through all sorts of completely unregulated
3 activity every day in order to go to a--essentially a
4 job interview for them. Imagine if you had to go to
5 three or four job interviews a day just to find your
6 next job, and on the way you were harassed, driven
7 into traffic by an unwelcomed interaction or-or just
8 the congest--the congestion because there aren't
9 pedestrian flow zones. It would be hard for you to
10 feel like you nailed your job interview when finally
11 got to that--to that interview. It's been said that
12 the Times Square neighborhood is--is the Crossroads
13 of the World, but it's also the crossroads of two
14 industries that drive our local economy,
15 entertainment and tourism, and for our members [bell]
16 it is important for them to be working in an industry
17 that is successful. We want audiences to come into
18 the neighborhood to our members work. We absolutely
19 meaningful regulations and I thank you for your--the
20 opportunity--

21 CHAIRPERSON RODRIGUEZ: [interposing]

22 Great.

23 THOMAS CARPENTER: --to speak to you.

24 CHAIRPERSON RODRIGUEZ: Thank you.

25

2 THOMAS CARPENTER: And there are a couple
3 more on our panel and I'll make room for them.

4 CHAIRPERSON RODRIGUEZ: Thanks.

5 [background noise, pause]

6 LEAH OKEN: Thank you for the opportunity
7 to present these brief remarks. My name is Leah Oken
8 and I would like to speak on behalf of the Executive
9 Board and Membership of Theatrical Wardrobe Union
10 Local 764 IATSE. Many of our members work and live
11 in the Times Square area. The increased commercial
12 traffic and congestion on the sidewalks has a
13 significant on their lives. For them, Times Square
14 is not a vacation destination. It is a workplace and
15 the walk-through is part of their commute and work
16 day. May of them will make multiple trips to and
17 from theaters, dry cleaners, vendors, fittings,
18 rehearsals during one day. The dense crowds of
19 people on pedestrian pathways engaging in commercial
20 activity forced them to use alternate routes
21 frequently choosing between walking far out of their
22 way or in the street. During their days, sometimes
23 workers are approached and when they decline or don't
24 engage, they can be met with hostility and
25 aggression. We hope that this legislation will

2 provide visitors with the opportunity to enjoy Times
3 Square and the place for commercial activity while
4 helping make it a more hospitable place to work.

5 Thank you.

6 CHAIRPERSON RODRIGUEZ: Thank you.

7 TOM FERRUGI: Thank you. I'll be brief.

8 I'm Tom Ferrugi. I'm the Director of Government
9 Relations with the Broadway League. The League is
10 the principal trade association for the commercial
11 Broadway Theater industry representing over 700
12 members nationwide with over 400 maintaining offices
13 in New York City, and I want to thank Chairman
14 Rodriguez as well as Council Members Johnson and
15 Garodnick for this opportunity to speak on--on the
16 bill. The Broadway League believes it is imperative
17 that the Council and the Administration collaborate
18 to manage what has become a chaotic and disorganized
19 atmosphere in one of the premier tourist attractions
20 in the world. Our 13--over 13 million Broadway show
21 tickets were purchased during the 2014 through 2015
22 theater season. Of those almost half--2-1/2 million
23 theatergoers were residents of New York City, and
24 approximately two million came from the surrounding
25 suburban communities. The remaining 8.7 million

2 theatergoers visited New York from across the country
3 and around the world. Sixty-nine percent of those
4 domestic and international tourists who spent in our
5 city and enhanced the local economy cited attending a
6 Broadway show as a principal reason for the trip to
7 New York. For context, Broadway related spending
8 infused New York City with approximately \$12.6
9 billion during--in 2014. It is therefore crucial
10 that the experience is overwhelmingly positive. We
11 not that in 2010 when construction pauses to end of
12 the 2014, we witnessed a 33% decline in audience
13 attendance from suburban residents representing
14 870,000 theatergoers. We have seen an increase in
15 complaints that we received from individuals who we
16 surveyed. The majority of grievances addressed
17 congestion and persistent solicitations and
18 harassment. We now seen vendors who aggressively
19 solicit families, take advantage of their fondness
20 for popular cartoon characters, and frequently
21 attempt to embarrass or harass visitors into pay for
22 photographs. We--we have also witnessed a notable
23 increase in the number hawkers who sell CDs or--or--
24 sorry--who congregate on busy intersections to hand
25 out free CDs [bell] before determine--before

2 demanding payment for an item for which the passerby
3 never asked. So, I'll skip to the end, and simply
4 say that Intro 1109-A will simply authorize DOT to
5 institute a carefully managed blueprint for
6 pedestrian traffic by evaluating public safety and
7 commercial activity to determine the most efficient
8 use of the space. The proposal is a positive first
9 step towards addressing the many challenges facing
10 Times Square, and we look forward to reviewing the
11 Department of Transportation's Proposed Plan. Thank
12 you.

13 CHAIRPERSON RODRIGUEZ: Thank you. Let
14 me ask you a question--a question that, which is the
15 same one that I asked for the--to the first panel in--
16 --including the gentleman from the Disney Theater who
17 spoke. I would like to know if you can give us some
18 feedback. Now, my--I'm--I understand that we need to
19 work on the relation. We need to be sure that those
20 seven blocks around Times Square it's the place where
21 we want to be safe for people to walk by themselves
22 or with a family of tourists. And, of course, like
23 you heard like we are--we know that, and I was the
24 first one defending the majority of those Disney
25 characters who work hard, at the same time going

2 after the bad actors. That's what I would be. But
3 my other--and I know how important is that are for
4 the business community especially for the theaters or
5 Disney, and everyone. How--and--and I also
6 understand--I also know as a former teacher that I
7 was for 13 years that there's some level of
8 partnership with the schools, local schools from the
9 outer borough where they see all these people with
10 the median income is making \$12, \$15,000 a year that
11 they don't have the \$2 or \$20 to buy the ticket and
12 see the Lion King or to see Aladdin. How do you
13 think that, you know, know that as we would work with
14 you guys and be sure that that area is safe for
15 everyone especially for the 59 million for the
16 volumes of tourists who come. But also you can look
17 at how much more can you do to increase those
18 opportunities for the working class to discovering
19 talent of acting in underserved communities. That
20 sometimes they don't a private coach. They don't
21 have, you know, the big mentor for them to say we
22 will see the opportunity to dream that one day we can
23 make it broader because we didn't--we did not go
24 through La Guardia. We did not go through that type

2 of school. We only stay and living in those
3 underserved communities?

4 TOM FERRUGI: So Actors Equity is a--a
5 labor union affiliated with the AFLCIO, and we
6 absolutely support people's right to earn a living in
7 their chosen field, and we would not support a bill
8 that would ban outright costumed characters. We do,
9 however, think it's really important for there to be
10 a--a regulated environment so that that activity can
11 co-exist with our members who are also in many cases
12 working-class actors who are struggling to find their
13 next job and they are trying to that job in the
14 neighborhood. They are shuttling through that Times
15 Square area trying to get from an audition to another
16 audition. Trying to get from an audition to a class
17 that--they're taking to keep their skills up to get
18 to get to a rehearsal. And--and it's--it's critical
19 to have that balance, but the--the costumers
20 characters in Times Square are not the only workers
21 who--who could benefit from this--from this
22 legislation. Our members could also benefit from it
23 because it would better enable them to get their next
24 job and to--and to--to work to create a vibrant
25 neighborhood.

2 DAN AMENDOLA: And for Disney, it's
3 always been about safety. It is about safety. I
4 have nothing against the costumed characters. It's
5 like everything certain bad apples in the bunch.
6 It's also just getting people around that sphere,
7 especially children that are coming to see the shows.
8 Disney is very, very pro helping underprivileged
9 kids. We actually have an educational outreach
10 program throughout the entire country, but especially
11 in the New York area. We actually go into the
12 schools with teaching artists that teach kids that
13 have never even made it onto a stage, how to dance,
14 how to interact with characters and bring them into
15 special rehearsal groups and attend theater shows.
16 So we're very proactive with that. We were that--we
17 brought an autistic program to Broadway. You can--if
18 you're a family with a autistic child, we have an
19 entire show set aside that they come and watch it.
20 So we're--we're completely about this, but this is
21 really about safety for us, and--and I think if we
22 can regulate it so people can move around and they
23 can take photographs with the characters they wish or
24 they can interact with something if they wish while
25 they can still get to the theater without actually

2 having to walk in the street. It-that scares me
3 every night when I watch small children walking not
4 on the sidewalk, not even in the passing--not even
5 the side lanes, but the center of the street outside
6 of crosswalks on 42nd Street. I'm just waiting for
7 something terrible to happen. I hope it doesn't.

8 TOM FERRUGI: I just want to say in the
9 Broadway League also has many programs where we--we
10 actually have something called the Broadway Speakers
11 Bureau where we go to high schools around the-the
12 city and we--we talk to children about performance
13 careers, non-performance careers. We have internship
14 programs. We have programs that we encourage
15 disadvantages families to see--to see theater and we
16 subsidize the--the cost of the ticket. But for us
17 again we're responding directly to the complaints
18 that we're getting from our consumers, and we want
19 them to be able to get to the theater, leave the
20 theater and have a very smooth transition and get
21 through Times Square quickly if that's their choice.
22 We--again, we do not have any interest in putting
23 anybody out of business, putting any actors out of
24 business. We just want our customers to feel that
25 they have the ability to get to and from the theater

2 quickly, safely and--and have access to these--to the
3 characters if they want to, and then if they--they
4 choose not to, then they can also take a different
5 path.

6 CHAIRPERSON RODRIGUEZ: [off mic] I just
7 hope that (sic) [on mic] I just hope that you can
8 get your team to put some work on always looking to
9 increase and improve because, you know, I was a
10 teacher, 13 years. The first line that we cut for
11 decades is art in--

12 TOM FERRUGI: [off mic] Yeah.

13 CHAIRPERSON RODRIGUEZ: --our schools.
14 So we can now be happy and celebrate it. I know we
15 from the elected to the private is what I'm saying if
16 we have a city where the art is the center of
17 education and--and I think knowing that, I give a lot
18 of credit to the private investor who--who--who look
19 at Times Square and 42nd Street and we left behind in
20 the '80s and the '90s, and then we are not going back
21 there. No, we are committed to continuing improving
22 safety in our city borough wide through all the five
23 boroughs especially where we get most of the
24 tourists. So we understand pace on that. My thing
25 is at the same time as we know because even the

2 headline tomorrow is not going to be about the
3 Council is overseeing how to regulate plazas
4 throughout the five boroughs, how to life to the
5 plaza. The headline is going to be Times Square
6 because even while we are discussing going to signing
7 this bill assuming that we're moving forward is about
8 giving life to all the plazas throughout the five
9 boroughs, it's still Time Square. And I know again,
10 I know especially with Disney and the whole Theater
11 Coalition, you do a great job. You know, you are the
12 one--the first door for the tourists, for many
13 tourists, and I think that also you being there to
14 support certain initiatives. What I'm saying first I
15 know the value that it is has for Times Square for
16 the whole coalition, the business community. As one
17 (sic) I don't want to put you on the spot, but I also
18 wanted to--for you to take your time, work with the
19 Times Square Alliance and the whole coalition. If
20 you are planning (sic) with ten schools double the
21 number. Like whatever number you can do, but give us
22 something more because the reality is that when we
23 have a city that 46% live in poverty, when we have a
24 city where many schools they don't have top quality
25 after school program and--and I know because not only

2 myself and we've been educated, and we've been going
3 to the theater taking the students. So I'm not
4 saying that that had nothing happen. What I am
5 saying is we have room to grow, and I hope also that
6 Disney and whole coalition will continue working with
7 us to see how we can expand this opportunity. Not
8 everyone is a Hammington, you know, where we can see
9 a lot of working class making toward that place. You
10 know, still today when we talk about inequality.
11 Music and art is one of those that you're sure it is
12 a privilege for certain people whose family they
13 could afford to place those kids in the art and music
14 form the beginning. So for me it's all about us New
15 Yorkers to have the vision for the future. How can
16 we continue closing that gap especially expanding
17 what you have already been doing up to now.

18 DANA AMENDOLA: We're in a lot of stuff.
19 (sic) In fact, we have a presentation I'd like to
20 invite you to that actually brings children from
21 intercity neighborhoods in New York City to perform
22 live on a Broadway stage with their friends and
23 family. It's educational outreach program. Because
24 I like you, I'm very concerned about the first thing
25 that is cut is the arts program, and when you start

2 cutting the arts program, we're in real trouble, and
3 we complete embrace this especially with the children
4 that cannot afford or cannot get into see a show.
5 Disney is very conscious of this, and I'm going to
6 invite you and the Council to come to see our
7 presentation, which is actually coming up in May.

8 TOM FERRUGI: And as I said, we have many
9 programs that--that we--that we take on this--this
10 challenge. One program that we just instituted and
11 we partnered with the Department of Education is that
12 we are going to make an effort so that every single
13 New York City public school student sees a Broadway
14 show by the time the graduate. And that's a program
15 that we just instituted and--and we hope to see this
16 take--start to see some results within the next three
17 years. But I--I again like Dana said, we are
18 completely in agreement with you on that, and we
19 support any--any of those measures. Thank you.

20 CHAIRPERSON RODRIGUEZ: Great. Thank
21 you. Next panel Paul Rosa, Almata Mishasing Ho
22 (sp?), Keith Alahae--Alba, Adelamine Alcusani (sp?).

23 SERGEANT-AT-ARMS: Folks, if you have any
24 copies of statements, bring them up with you.

25 MALE SPEAKER: Well, I'm sorry, sir.

2 SERGEANT-AT-ARMS: Do you have any copies
3 of statements.

4 KEITH ALBAHAE: No, I'm speaking from the
5 heart.

6 SERGEANT-AT-ARMS: Okay, good.

7 KEITH ALBAHAE: Who's going to speak
8 first? [background comments, noise]

9 MALE SPEAKER: Sit here. You can be
10 first.

11 KEITH ALBAHAE: Okay, tell me should I
12 speak? As I speak.

13 PAUL ROSA: It's good to go?

14 FEMALE SPEAKER: [off mic] Yes.

15 PAUL ROSA: Hello, my Paul Rosa. I
16 represent the Broadway Comedy Club, and roughly 50
17 people that work for me. I would like to thank the
18 people that were speaking up here earlier as well as
19 the media. Oh, I'm sorry, virtually every single one
20 of them left. So apparently the dissenters really
21 are not of any relevance here. I'm wondering why
22 they weren't obligated to stay. Could you answer
23 that?

24 CHAIRPERSON RODRIGUEZ: They spoke, yeah.

2 PAUL ROSA: All these people who were
3 speaking out about this law that apparently hasn't
4 been passed. Can you tell me--

5 CHAIRPERSON RODRIGUEZ: [interposing]
6 That--that, yeah, the--the question always come from
7 the media to the--

8 PAUL ROSA: [interposing] Well, the
9 media--

10 CHAIRPERSON RODRIGUEZ: --all the other,
11 to you, all parties, which is about--

12 PAUL ROSA: [interposing] Uh-huh.

13 CHAIRPERSON RODRIGUEZ: --when there's a
14 hearing why the whole council members doesn't stay--

15 PAUL ROSA: No, I mean I listened for
16 three hours.

17 CHAIRPERSON RODRIGUEZ: --which is a--
18 it's a--I'm giving the answer right now.

19 PAUL ROSA: Please do.

20 CHAIRPERSON RODRIGUEZ: It's about we
21 have this other hearing--

22 PAUL ROSA: [interposing] Oh, other
23 hearing.

24 CHAIRPERSON RODRIGUEZ: --and so on
25 account that they had to be present, and the other

2 meeting that we are here to listen to the testimony
3 and we have two minutes.

4 PAUL ROSA: So this--this basically
5 impacts the livelihood of I think you said about 350
6 people, but they had to get to another meeting. They
7 couldn't listen to us. That's what you're saying,
8 correct? They had to get going.

9 CHAIRPERSON RODRIGUEZ: [off mic] Another
10 meeting--

11 PAUL ROSA: Okay, another meeting. No,
12 no, no, this one woman got roughly ten minutes. So
13 I'll be taking that as well. So what you're saying
14 is that they simply had to get to other meetings, and
15 didn't have time to listen to us. Is that what
16 you're saying? Yes?

17 CHAIRPERSON RODRIGUEZ: [off mic] I
18 didn't say that. (sic)

19 PAUL ROSA: I'm asking you. I'm not
20 leaving until I get my say. So they had to get
21 going. Thank you for answering that. I wanted to
22 address the officer who was here that basically said
23 as far as harassment and aggression in Times Square,
24 16 arrests. I don't know how many convictions.
25 Let's say every single one of them were convictions.

2 Sixteen arrests, 400,000 people a day. Well, how
3 many arrests was it among the common population? The
4 statistic is completely irrelevant unless you can
5 tell me how many people are arrested overall?
6 Naturally, you have that statistic, right?
7 Otherwise, the initial statistic is irrelevant. Can
8 you tell me that statistics please? Do you have
9 that, sir?

10 CHAIRPERSON RODRIGUEZ: Sir, you can
11 summarize. The way how the Council works we invite
12 the panels, and we ask the questions.

13 PAUL ROSA: Oh, you ask the questions.
14 Okay, good. Well, I can't address these people or
15 the media. I apologize. Well, let's move on. Now,
16 these are some city statistics. It is claimed that
17 pedestrian traffic is being blocked. That's a lie.
18 When the sidewalk construction is complete--and by
19 the way, it's taken years and years for something
20 that Donald Trump of all people could finish in about
21 a week. So shame on the city. This is from the
22 Daily News December 23, 2013. 140,000 square feet of
23 space will have been added for pedestrians compared
24 to about six years ago. There is way, way more space
25 for pedestrians now evidenced in part by a 24%

2 decrease in pedestrian accidents in the last three
3 years alone. So if there's any congestion on the
4 pedestrian walkways it's because of the city,
5 especially 45th Street. That's the only place where
6 it's truly congested and absolutely nothing has been
7 done behind the barricades for years.

8 Next point. Free Speech Zones. Tim
9 Tompkins, are you still here? Tim? Because he's
10 like one of the leaders of this. He's not here any
11 more? Mr. Tompkins? Good democracy at work here.
12 Let me continue. I'm sure someone will tell him
13 that. I shouldn't have the question. That was a
14 question, "Are you here?" So, we're talking about
15 Free Speech Zones. Tim Tompkins said, "This strikes
16 the right balance between freedom of speech and
17 freedom of hassling." Sixteen arrests a year.
18 Serious hassling going on. The deadly Elmo. Oh, my
19 God, every once in a while an unwarranted hug, a soft
20 unwarranted hug. And you pointed out some other
21 things like occasionally there--there was a groping.
22 Again, how does that compare to overall crime? This
23 is called selective statistics that are meaningless.
24 You don't care. It's like our behavior out there per
25 capita is pretty much the same as the behavior of the

2 average North Korean. You basically have absolutely
3 no standing as far as our behavior. That's a silly
4 loophole. The bottom line is big business doesn't
5 like us. So they hit us with all kinds of nonsense
6 that has nothing to do with Free Speech Zones.

7 FEMALE SPEAKER: [off mic] You'll be next.
8 [laughter]

9 PAUL ROSA: Well, everybody else went
10 about an hour, but I appreciate it. Are--are you
11 back, Mr. Tompkins?

12 CHAIRPERSON RODRIGUEZ: [off mic] He is.

13 PAUL ROSA: Because I'm addressing you as
14 far as a balance--

15 CHAIRPERSON RODRIGUEZ: [off mic]

16 PAUL ROSA: Excuse me. I'm talking. I'm
17 talking about the balance of freedom of speech--

18 CHAIRPERSON RODRIGUEZ: [interposing]

19 Excuse me, excuse me.

20 PAUL ROSA: --and freedom of hassling,
21 sir.

22 CHAIRPERSON RODRIGUEZ: Excuse me, sir.

23 PAUL ROSA: [interposing] I'm wrapping it
24 up now.

25 CHAIRPERSON RODRIGUEZ: Ten seconds.

2 PAUL ROSA: So, the point of free speech
3 and expression is that you can enjoy it anywhere.
4 Because you might be hassled is no reason to ignore
5 the Constitution. This smacks of Giuliani's Free
6 Speech Zones. Once you're relegated to be putting in
7 zones for free speech, why not just make Yonkers the
8 only free speech zone, preferably in the middle of
9 nowhere. No, you're not violating the Constitution.

10 CHAIRPERSON RODRIGUEZ: Thank you, sir.
11 Next person, please.

12 PAUL ROSA: In closing, the last
13 sentence. It was Evelyn Beatrice Hall that said, "I
14 may disapprove of what you say, but I will defend to
15 the death, your right to say it." Shame on you, and
16 by the way--

17 CHAIRPERSON RODRIGUEZ: [interposing]
18 Great.

19 PAUL ROSA: --these people here, they
20 didn't give a damn what we had to say. So this whole
21 thing is a sham. Don't pretend it's democracy at
22 work. You have the media right in your pocket.
23 Everyone fled like rats from a sinking ship. As long
24 as you guys had your say. Shame on you.

2 CHAIRPERSON RODRIGUEZ: Thank you. Next
3 person.

4 KEITH ALBAHAE: Can I talk?

5 CHAIRPERSON RODRIGUEZ: Yeah, yeah, you
6 will.

7 KEITH ALBAHAE: Well, who--who--?

8 PAUL ROSA: [off mic] Just, you know,
9 go ahead. It doesn't matter.

10 KEITH ALBAHAE: It's okay? All right.

11 CHAIRPERSON RODRIGUEZ: Please say your
12 name first.

13 KEITH ALBAHAE: I will say my name. My
14 name is Keith Albahae, okay, and I'm going to say
15 something now, and I'm not being funny. Why so
16 serious? Yes. I'm the joker or I cannot put this
17 down. All right? Why so serious? Well, [off mic]
18 if you look at the back of my jacket, I testified in
19 clown makeup a while--and the last time I was at City
20 Hall.

21 SERGEANT-AT-ARMS: [off mic] And you
22 were advised to take it off. (sic)

23 KEITH ALBAHAE: Okay. All right, and I
24 became a clown several years ago. People tell me I
25 look like the Joker without makeup, as you can see.

2 Yes, call me a freak, but take the makeup off I still
3 get hassled by the cops, and--and let's--let's--let's
4 make it clear. I love to entertain people. I love
5 to entertain children. I came here looking with the
6 mostly friendly clown look. Children would love it.
7 Parents would love it, and--and I was given a run
8 around. They wouldn't let me in with the makeup.
9 Then they said you could come in backwards like I'm a
10 piece of dirt, and that's how a guy like me who is a
11 clown who likes to entertain people. Let's be clear
12 what the real problem is. Okay? And I--the real
13 problem is about looking different. Okay. All
14 right, you know, I'm not saying that nobody in a
15 costume has ever hassled anybody. I don't know. I
16 sure as hell don't. I've given away tens of
17 thousands of free pictures before I ever asked for a
18 tip. That is a fact okay because look, I started
19 asking for tips, which is my legal right to do so,
20 because I have like 15 suits, and to help entertain
21 people yes I would like a tip. I don't charge. I
22 got an apology. I'm liberal born and bred in this
23 city, New York City, but I want to apologize to--to--
24 or is it Ted Cruz who attacked New York values when
25 attack Trump. You're right. This is becoming the

2 most fascist city alive, the most prudish place. You
3 have--it's a phony type of liberalism [bell] that's
4 practiced here. Give me the Bible Belt, okay,
5 because what's practiced in this city is a hypocrite.
6 I'm a real liberal, okay. Donald Trump's right.
7 Okay, posed nude for, what was it, GQ Magazine, okay
8 and that's fine. She's a beautiful woman. This is a
9 conservative party. That's okay, but these topless
10 women are hassled. Men the--the Naked Cowboy was out
11 there, a great guy. Nobody bother him, you know,
12 about being topless, but we say, oh, women, cannot--
13 can be topless legally, but let me tell you
14 something, a friend of mine she was topless. A cop
15 threatened her with arrest. This happens all the
16 time. Technically yes, it's--it's legal, but if a
17 cop doesn't like it, he'll threaten to break the law.
18 Okay, we are--we do not harass people or block
19 traffic. Maybe a few do, and that's crazy. No one
20 is going to go to Times Square and bother anyone, but
21 we have a First Amendment right to look the way we
22 want. I can't escape it. Right now--this hasn't
23 even proposed--right now I could be hassled by the
24 clock--by the cops because Batman, the guy who
25 dresses up like Batman was arrested because he was

2 walking towards an area that the cops didn't want him
3 working.

4 CHAIRPERSON RODRIGUEZ: [interposing] Can
5 you please summarize.

6 KEITH ALBAHAE: I--I'm sorry. I'll try--
7 you know, the other talked. I'll try--I'll try
8 because I have so much to say. I have been spit on.
9 I defended myself one time by spitting back. A cop
10 threatened to arrest me if I didn't leave the block.
11 It is not right. This is a apartheid what's being
12 proposed. I mean this from the bottom of my heart,
13 and I love to entertain people. I do not look to
14 disrespect. I am speaking from the heart. I look
15 like a clown, whatever. It is not right. Okay, we
16 provide an immense entertainment. The only people
17 who are upset basically are people who want free
18 pictures.

19 CHAIRPERSON RODRIGUEZ: [interposing]
20 Right.

21 KEITH ALBAHAE: Why do the police when
22 they don't get the--the pictures for free because
23 they-- Otherwise, just don't take the pictures. You
24 see somebody in a costume nobody forces you to take
25 pictures, and if somebody does then yes. Then that's

2 that on them, but I shouldn't--that's like I know I'm
3 babbling on, but an Native American Indian would not
4 be allowed in City Hall here today because if he wore
5 his makeup as part of his religion, he would be
6 target. Ok.

7 CHAIRPERSON RODRIGUEZ: Thank you.

8 KEITH ALBAHAE: It's fascism. Newspapers
9 quote me. New York City, a native New York, a real
10 liberal. What's going on here is phony liberalism.
11 Okay, New York City the most fascist city in the
12 world, the most prudish place it's becoming--

13 CHAIRPERSON RODRIGUEZ: Right.

14 KEITH ALBAHAE: --and it's a shame.

15 CHAIRPERSON RODRIGUEZ: Thank you, sir.

16 KEITH ALBAHAE: Thank you very much.

17 CHAIRPERSON RODRIGUEZ: Thanks.

18 ADELAMIN ALCUSANI: Hello. Is it on.

19 CHAIRPERSON RODRIGUEZ: Yes, sir.

20 ADELAMIN ALCUSANI: All right. Thank you
21 very much. I'm very happy to be here. I've got an
22 opportunity to speak for myself, and also for the
23 other characters, and I think I agree with the Joker
24 even though he's a villain and I'm dressed as Super
25 Hero. [laughs] However, I agree with everything he

2 says, and the people who talks sporting this kind of
3 bill, I think they are a hypocrite because they're
4 saying we are not trying to beat nobody out of the
5 business, but for safety. What kind of safety these
6 people they're talking about. Are we like criminals.
7 We sound like we're criminals carrying guns or
8 knives. What kind of safety you talking about? And
9 NYPD instead of to focus on the real crimes, which
10 are terrorists and drug dealers, they are arresting
11 us. I've been arrested at least four times, a false
12 arrest, and I have a--a lawsuit against the city
13 because I did everything in the case that I've been
14 not guilty, and here is some articles because the--
15 what is it? The Times Square Alliance or whatever
16 you call them. I saw in the newspaper it's about 10
17 or 15 articles what's it called? Twitter, right,
18 that it's negative about us. Okay, that's 10, 15
19 things negative things that is negative about us that
20 someone wrote as an article. I will show you, sir,
21 I've got many evidence from the news I got on my
22 phone now. I wish we can plug it into a screen that I
23 show you about thousands of what so-called selfies
24 with people from around the world. Like the Joker
25 says we are there to entertain people. We put a big

2 smile on people's face, and we work on tips. I don't
3 want to take any chance. If you don't get to the
4 tip, nobody pay our bills, and this has opened up an
5 opportunity for a lot of people to support their
6 families. And not only this, it's the First
7 Amendment rights. We are free to walk in a public
8 space, and they say oh, this--we just want to push a
9 little bit of order. I think order is already there,
10 and to prove that I've been arrested already many
11 times, and a false arrest. So can you please have a
12 little bit more, sir. [bell] Appreciate it, and I
13 would like people that they bring this negative from
14 the media, I would like them to also look for the
15 positive things, pictures all over the world with
16 characters in Times Square, and I want to mention--
17 mention one more thing about these--these guys that
18 they speak for this bill, for--they want to support
19 this bill. They said for safety, and the children.
20 He says our guy here this is the children. He's
21 concerned about the children. I think it's the
22 otherwise. When children are walking with their
23 parents in Times Square, they're more likely to want
24 to take pictures with us before--most than any other
25 theater. And so many people bring their children

2 into Times Square to take pictures with us. They
3 wind up going to Broadway shows. They wind up going
4 to the movie theaters. They wind up going--I don't
5 know, McDonald's. They wind up doing all other
6 activities spending more money, and the last thing I
7 would like to say, sir, I'm sorry, is someone is out
8 here says about their business being bad because of
9 us. Actually, you could ask anyone, the economy was
10 bad for everybody else. Why you want to put the
11 blame on us because we have earned--he wants his
12 customer the last one, his--his customer to go
13 safely. Are we criminals? No, we're not. We put a
14 big smile on people's face, and we are--love the
15 freedom of expression. Thank you very much.

16 CHAIRPERSON RODRIGUEZ: [off mic] Thank
17 you.

18 MICHELIN HALL: Hi, my name is Michelin
19 Hall. I'm the CEO of Theater Mama, who is a--an
20 experiential company here that represents the
21 Broadway industry and entertainment industry. We
22 perform in and around Times Square handing our
23 promotional material about ten hours a day, seven
24 days a week. Can you hear me? Okay, thanks. About
25 ten hours a day, seven days a week for numerous

2 shows. I think that we do have a problem in Times
3 Square, but I don't think that this bill is the
4 answer to this--to our particular problem. Today, I
5 came here and I prepared something to say, and
6 unfortunately what I've heard is kind of what I
7 feared. I--I feared that we weren't being taken into
8 this discussion, the people who were actually going
9 to be affected by this bill who could be put out of
10 business or corralled into zones that I think is
11 going to create this competition, and--and a hostile
12 environment for people. I can't imagine. You know,
13 they said 300--300 people are out promoting, selling
14 tickets in costume, whatever they're doing. Take
15 that and divide it by the eight areas. That's 37-1/2
16 people per area the--the size of a bus. That's
17 really tight even if we're standing like side-by-
18 side, which is not the nature of any of the
19 activities that's going on there. I think it just
20 needs to be re-tweaked a little bit. I think we need
21 to be looking at some other solutions. I think the
22 financial impact of this is huge for my company
23 personally because we distribute promotional
24 materials so that people can get discount tickets to
25 Broadway shows and other entertainment venues. We

2 don't sell anything. We don't accept money on the
3 street. We don't accept tips. We don't ask anything
4 from the public. We only give. If you take that
5 right away, and you take these public sidewalks and
6 make them private, what's going to happen is a
7 squishing effect where all of these people are going
8 to be competing in a small area, and [bell] I--I
9 think it--it could get hostile. So please, I--what I
10 ask is for amendment of this before we make it law.
11 (sic)

12 CHAIRPERSON RODRIGUEZ: And--and any
13 recommendations are more than welcome. You know,
14 it's all about society change. I was one of those
15 people organizing protests around here at City Hall
16 in the '80s and the '90s.

17 MICHELIN HALL: I remember.

18 CHAIRPERSON RODRIGUEZ: But there have
19 been changes in there after 9/11, and there's a
20 reality that is not necessarily in Times Square, but
21 where the city is right now, and I think that the
22 most important thing is any recommendation, feel free
23 to send it to us. But I mean they--thy--what people
24 have to realize is that we will reorganize, and we
25 will need to put some rules. Think about any

2 suggestion that you can have and say okay we can live
3 with us. So that we can have alternative, but to say
4 it's like everything or nothing because that's not
5 what we are as a city. Thank. Next panel. Phillip
6 Kellogg.

7 KEITH ALBAHAE: Thank you and remember we
8 are human beings even if we wear a costume.

9 CHAIRPERSON RODRIGUEZ: Roger--thank--
10 Roger Penn, Dan Biederman, Jessica Lappin, Hallstead
11 White, and I'm sorry, but we will stay with the two
12 minutes. Okay. So there's not going to be any
13 additional time. [background comments]

14 DAN BIEDERMAN: I'm Dan Biederman,
15 President of the 34th Street Partnership. Just for
16 the record, I'd like to commend the chairman on
17 holding the meeting. There are a lot of people who
18 are in favor of the initiative who waited this long
19 and were put in back of the alternation pro and con,
20 and certainly the Council can't be criticized. It
21 just seemed unfair for that sarcastic gentleman to
22 get away with that especially given the openness of
23 Corey and Dan all the time to every view you could
24 possibly express. We are running the pedestrian
25 plaza on Broadway, West 33rd to West 36th Street for

2 years, and spend about \$600,000 on that, and we only
3 receive about a third of that amount from SAPO
4 permitted events. So we have a different kind of
5 point today, different from Times Square. We just as
6 a plaza partner think we should be allowed to manage
7 events on the plaza directly modeled after the Parks
8 Department, and arranged and then, which was referred
9 to favorably by [coughs] Community Board 5. [coughs]
10 Without a rate card pricing based on our understand
11 the event, and we want to be able to shape those
12 events with the event producer and SAPO. We host
13 community-oriented programs on the plazas, which are
14 free and open to the public. And it just should be
15 made easier for us to do so. So, we just want the
16 Department of Transportation to trust its plaza
17 partners. This legislation all--should also
18 eliminate vendors on the adjacent sidewalks. We
19 think these vending restrictions are out of date.
20 They have no restrictions on Sunday as if Sunday is
21 an empty in Midtown, which it isn't, and the
22 restriction should be extended until midnight. So
23 we've been providing these services since 1992 in the
24 district as a whole and on the plaza for about seven
25 years. We understand our community. We're focused

2 on improving the vitality of that community, and like
3 to have more control over what goes on in our plazas
4 down at Herald Square. Thanks very much to all.

5 [background noise, pause]

6 PHILLIP KELLOGG: Good afternoon, Chair
7 Rodriguez. My name is Phillip Kellogg. I'm
8 Executive Director with the Fulton Area Business
9 Alliance, which is a Business Improvement District
10 along Fulton Street in Brooklyn's neighborhood of
11 Fort Greene and Clinton Hill. FAB manages two
12 separate pedestrian plazas within its boundaries,
13 Fowler Square and Putnam Triangle. These two plazas
14 have become a value to community amenities, and an
15 essential part of the fabric of--of our
16 neighborhoods. In fact, the Plaza Program is a key
17 component of FAB's economic development strategies
18 for making Fulton Street more walkable and welcoming.
19 increasing foot traffic for local businesses,
20 providing opportunities for residents to interact,
21 showcasing cultural and arts programming from the
22 neighborhood, spurring development of vacant lots,
23 and bringing positive uses and activities to long
24 troubled corners of the district. But just as Times
25 Square is different than Fowler Square, Fowler Square

2 is different from the Putnam Triangle. These two
3 plazas in the Five Alliance District are distinct
4 from each other with different challenges, needs and
5 opportunities. That's why the current situation,
6 which is one-size-fits-all needs to be changed, and
7 we're happy about this bill. But this can't begin
8 and end with Times Square. FAB Alliance and its
9 partners in the New York City BID Association, as
10 mentioned earlier, supports the framework and intent
11 of this legislation but FAB urges the Council to
12 ensure expeditious rulemaking and meaningful
13 consultation not only with community boards, but with
14 the Plaza Partners all across the city. Council
15 Member Johnson referred to that possibility going
16 forward later, and Council Member Lander also did a
17 very good job in articulating some of the challenges
18 with the plazas in different parts of the community.
19 So particularly as it relates to events that Dan just
20 spoke about, we have those same kind of concerns in
21 Fort Green and Clinton Hill. Thank you very much.

22 [background comments, pause]

23 RACHEL THIEME: All right. Thank you for
24 the opportunity to testify this afternoon. My name
25 is Rachel Thieme I'm the Executive Director of the

2 Sunnyside Shines Business Improvement District in
3 Sunnyside, Queens. In 2014, we proudly opened Bliss
4 and Lowery Plazas with the support of Council Member
5 Jimmy Van Bramer in our district. Bliss and Lowery
6 Plazas were formerly underutilized areas [bell]
7 underneath the elevated 7-Train that are now really
8 exciting community spaces. They provide tables,
9 chairs, colorful planters and community activities.
10 These plazas provide much needed open space in our
11 district, which is one of the--the districts with the
12 least amount of--of open space in New York City.
13 During all seasons, but especially in the warmer
14 months it's now really tough to get a--a seat in
15 Bliss Plaza. It's a very popular place for people to
16 each lunch, popular with seniors, families, office
17 workers and young people. Our organization maintains
18 the plazas. We set up furniture every morning. We
19 break it down at night. We service the trash cans.
20 We maintain plantings with each season, and we
21 provide a variety of events in the spaces. Our crew
22 visits the plazas throughout the day to sweep, wipe
23 down the tables, and we also power wash the spaces
24 each quarter, which under the elevated train is quite
25 a bit of work. [laughs] But these plazas are true

2 public spaces, and they're so important to our
3 community. Last year we started a free concert
4 series on Thursday nights in Bliss Plaza, which
5 featured local musicians. The series was a hit. We
6 surveyed people at the events, and found that most
7 people who attended hadn't actually heard about the
8 event ahead of time. They had just stumbled upon the
9 events after walking down the street, coming off of
10 the train and--and got engaged. The series started a
11 new event series every Friday where we're setting out
12 giant chess and Connect Four. We have arts workshops
13 for kids, and performers in the space. It's a really
14 exciting event series that has already been well
15 attended even in March. I'm here today to express
16 our support of Intro 1109 that defines plazas and
17 plaza partners, and creates rules for our plazas.
18 These rules aren't just important for Time Square.
19 They matter in Sunnyside as well. We are newer to
20 the Plaza Program, but we want to be sure that rules
21 developed for our plaza are made in consideration of
22 our local context and include our input as a plaza
23 partner. As our community continues to grow and
24 become more populated neighborhood, these spaces are
25 going to be more sought after for other types of

2 events including commercial events. We want to be
3 sure that as a plaza partner we have a voice in this
4 process. I urge the Council to refine the
5 legislation to incorporate a timeframe by which rules
6 will be developed for individual plazas like ours,
7 and to recognize plaza partners [bell] as true
8 partners in the development of rules and the event
9 permitting process. This is such an important
10 program in our neighborhood, and I thank you for your
11 partnership. [pause]

12 FEMALE SPEAKER: I'm going to read
13 testimony on behalf of Jessica Lappin, President of
14 the Downtown Alliance. She couldn't be here.
15 There's another hearing at City Planning so she's
16 there now. The Downtown Alliance is the a Business
17 Improvement District serving an area roughly from
18 City Hall to the Battery, from the East River to West
19 Street. In 2010, the Alliance became a plaza partner
20 with the City--with the New York City Department of
21 Transportation. We currently manage three pedestrian
22 plazas. We clean, maintain and landscape down the
23 flowers and the greenery. On occasion, we also
24 program the plazas with green market schemes and
25 other public amenities. The Downtown Alliance is a

2 strong supporter of pedestrian plazas, and in general
3 we believe Intro 1109 is a big step in the right
4 direction towards making them more vibrant public
5 spaces. It defines pedestrian plazas as a distinct
6 category of space, and provides DOT with clear
7 making--clear rulemaking authority that should help
8 solve some of the problems that have plagued the
9 current plaza program. Furthermore, it would grant
10 DOT the flexibility to craft a thoughtful plan for
11 each plaza based on the unique character of its
12 neighborhood with the respective plaza partners. I
13 do want to raise one related issue today. Lifetime
14 Square in Lower Manhattan is facing major challenges
15 related to unlicensed commercial activity in our
16 parks, plazas and on our sidewalks. Aggressive and
17 unregulated ticket sellers have been assaulting
18 tourists and each other. They have slashed each
19 other over turf and sent one man to Bellevue
20 Hospital. This is a very real public safety concern
21 for the city and must be addressed. A recent effort
22 by the New York City Police Department and the Parks
23 Department to tackle this and push sellers out of the
24 Battery has helped, but has not eliminated these
25 sellers, just relocated them. Pushing them out of

2 the park isn't a long-term solution. This bill
3 before you today along with companion legislation,
4 that is scheduled for a hearing on April 12th, must
5 address this issue and regulate these sellers in
6 plazas, sidewalks and other locations in a meaningful
7 and holistic manner. Thank you to the Council and
8 the Administration for working collaboratively with
9 the [bell] Business Improvement Districts to improve
10 our public plazas.

11 [background noise, pause]

12 JULIA KITE: Thank you. My name is Julia
13 Kite and I'm the Policy and Research Manager for
14 Transportation Alternatives. We're 43-year-old non-
15 profit with more than 150,000 activists in our
16 network dedicated to improving the safety of New York
17 City streets, and we support--we support this
18 legislation with small amendments. Plazas are more
19 than just pleasant places to relax or gather. They
20 also contribute to road safety, and are part of New
21 York City's Vision Zero toolkits. According to the
22 DOT, pedestrian injuries in Times Square fell by 35%
23 after the plaza was created that, and across the city
24 they have reclaimed safe space for the public.
25 Reasonable regulation will protect plazas as public

2 spaces for all, as well as enhance the benefits they
3 bring to quality of life and pedestrian safety. We
4 were deeply troubled by rumors last summer arising
5 from the controversy over costumed characters and
6 desnudas that the Times Square Pedestrian Plaza might
7 be demolished and the street returned to traffic use.
8 We argued that this would be a disaster for
9 pedestrian safety, and contrary to the aims of the
10 Vision Zero. This legislation will help avoid future
11 such controversies from threatening the existence of
12 much loved plazas. For the sake of time, I will
13 avoid reiterating points made by previous, but I will
14 note that making plazas more manageable under DOT
15 oversights makes them more sustainable in the long
16 run. While the regulation on plaza activities
17 stipulated in this introduction would protect plazas
18 like Times Square as well as smaller neighborhood
19 plazas by focusing on ending the nuisance behavior
20 rather than throwing the safety baby out with the
21 bath water. We believe stronger protections of the
22 plaza space itself needs to be codified. Intro 1109-
23 A currently states that if a plaza's designation is
24 to be rescinded the department shall give 90-days
25 public notice, and quote "consider any comments

2 submitted to the department before rescinding such
3 designation." However, there's not language in this
4 legislation to explain what are the acceptable
5 reasons for removing a plaza. As pedestrian safety
6 advocates, we want to ensure that plazas cannot be
7 ripped up a whim without a very compelling rationale.
8 [bell] We suggest adding language to this bill
9 requiring that the department must study and publicly
10 state the likely impact on pedestrian safety that
11 would come from rescinding the designation of a
12 pedestrian plaza. With this strengthening, the
13 legislation will go further in protecting the hard
14 work that goes into creating and maintaining plazas
15 and ensuring that no community will see a popular
16 public space taken away. Thank you.

17 CHAIRPERSON RODRIGUEZ: [off mic] Thank
18 you. Going to call the next panel. (sic) Ms.
19 Calanata (sp?) Martinez, Dennis Fuse (sic). I'm
20 sorry. Joel Allum (sp?) Tim Wooster, Brian Mendoza
21 (sic). [off mic] Let me call these. Geneva
22 Taveras,, Shiela Brian, Zumila Assami (sp?), Maria
23 Ruiz. [background comments]

24 TIMOTHY WOOSTER: I'll begin. My name
25 Timothy Wooster. I am co-owner of Theater Mama along

2 with Michelin Hal, who already spoke. I'm up here
3 not to read my full statement because a lot of that
4 was said already by Michelin, but I do want to say
5 that we're a full service experiential agency serving
6 the Broadway and entertainment industry for the past
7 11 years every day, 10 hours a day. Some of our
8 clients include Chicago, The Musical, Circus Soleil,
9 Madison Square Garden Entertainment, the Radio City
10 Rockettes, Blue Man Group, and 40 other amazing
11 entertainment companies. We do not sell tickets. We
12 do not engage in commercial transactions. We do not
13 block the flow of traffic. We simply hand out
14 flyers. 85% of our time is in these pedestrian
15 sidewalks, 85% of our time. So by taking away that--
16 what seems like a right.

17 SERGEANT-AT-ARMS: [interposing] Quiet
18 down. Keep it down, please. Keep it down.

19 TIMOTHY WOOSTER: It deeply impacts not
20 only our business, but the future success of our
21 clients, and I think that it's a concern. I was
22 concerned about this in 2014. I attended a Midtown
23 conditions meeting. I made my voice heard. I want
24 to be a part of this. I agree there has to be
25 substantial changes to Times Square, but we have to

2 get the involved. Mr. Reynoso, I really appreciate
3 what he had to say because he said, "Did you even
4 involve the people who are out there that you're
5 going to push into these zones? Did you even ask
6 them?? And they did not. I didn't know about this
7 bill until five days ago. That's a huge problem. I
8 employ 60 people who were out there every day for 11
9 years. Please consider an alternative. My
10 alternative to you would be to allow the distribution
11 of informational or advertising materials on these
12 pedestrian sidewalks, the yellow zones so long as it
13 does not engage in a commercial financial
14 transaction. It's simple. Thank you. Thank you for
15 letting me speak.

16 ZUMILA ASSAMI: Good afternoon. My name
17 Sumila Assamad (sp?). I work for Gray Line City
18 Sightseeing New York. I'm a--I'm a ticket seller. I
19 also represent the ticket sellers for the TWU Local
20 225. All ticket sellers out there were saddened when
21 we heard about the bill, about the pedestrian plaza
22 bill, and we are much concerned about the dictates of
23 the bill because even if one is legitimized to sell
24 tickets out there, the prohibitions of the law will
25 make it very difficult for us to operate. This is

2 because we are already--already regulated because we
3 are assigned to our various locations by the company,
4 and we have managers going around to make sure
5 everybody is on their location. And if this new bill
6 is introduced, what is going to happen is that we're
7 going to be relocated within a second location. So
8 imagine you are already restricted by your company.
9 You don't have the right to move outside of your
10 location. Now the law will recreate you into another
11 small space. So you are going to be caged into a
12 small space that will make it very difficult for you
13 to move, and this is the situation. And yet, we hear
14 anybody saying I have the record of a ticket seller
15 that is harassing your clients or harassing any New
16 Yorker. We ticket sellers are able to differentiate
17 between who is a looker and who is a tourist. For
18 that matter, we approach tourists not lookers, and we
19 approach--approach the tourists in a more
20 professional manner. This is somebody that you want
21 them to buy your products. How are you going to be
22 aggressive of--on such people? You treat them with
23 respect. You treat them with civility so that they
24 can buy your products. So ticket sellers do not
25 harass people out there. We do not block the flow of

2 traffic. We do not block the flow of people because
3 we know who to approach and who not to approach. So,
4 we want you to look and see that this bill because
5 they say you guys are not affected. [bell] Your jobs
6 are protected, but it's true. We are working on
7 commission if I am suited, and I must say I'll be
8 compelled to ten minutes of myself because I have to
9 sell to survive. If I don't sell I'm ten minutes of
10 my sale, I cannot continue to come to work without
11 selling because I purely am paid on commission. So
12 we want the city to also look at that, and ticket
13 sellers out there we assess this agency.

14 CHAIRPERSON RODRIGUEZ: [interposing]
15 Sorry, sir. Please summarize.

16 ZUMILA ASSAMI: As the primary sources of
17 income generation to the companies, if we are unable
18 to bring income to the companies, there's going to be
19 ripple--rippling effect. Other workers like the tour
20 guides, other workers like the drivers, the
21 dispatchers are going to be affected because the
22 company will be compelled to lay them off. Please.
23 Laws are made for man and not man for the law, and we
24 are obliged to abide by the natural law of love and
25 not the love of law.

2 CHAIRPERSON RODRIGUEZ: [interposing] We
3 got it. What--what is your name again.

4 ZUMILA ASSAMI: Zumila Assami.

5 CHAIRPERSON RODRIGUEZ: Got it. Next
6 person, please. Stay in the two minutes, please.

7 MARK RUIZ: My name is Mark Ruiz. I have
8 worked for Gray Line City Sightseeing since 1994 as
9 ticket agent. I'm the shop steward for the ticket
10 agent at Gray Line City Sightseeing in New York
11 represented by TWU 225. I'm married and I have two
12 kids. The older one is going to college, and my
13 younger daughter is in the ninth grade. This job is
14 very important to my family. I receive medical
15 insurance for my family, and my employee contributes
16 to my 401-K Retirement. I do speak French, Spanish,
17 English on the job as an ambassador for New York City
18 my fluency in different languages helps me
19 communicate with tourists. I answer a questions for
20 tourists, and New Yorkers on a daily basis. I work
21 at this job over than 20 years. I have never been
22 accused of wrongdoing. Times Square is the best
23 place to sell tickers. I have earned the right to
24 stand there based by my years of service. I'm near
25 the top of the security--seniority list. If the law

2 wants to ruin--ruin everything that we have been
3 working for, if we cannot sell tickets and that also
4 depends settled by the Transportation Department.
5 For myself and my colleagues we work on commission.
6 What other job can I get at my--at my age to replace
7 what you wish to take from me? I need some better
8 treatment by the--by the government. Please do not
9 allow the Transportation Department to make me stand
10 in the sales pen. I did not lie to people. I did
11 not harass people. Please exempt myself and the
12 other double-decker bus ticket sellers from this law.
13 The food vendors are exempt. The ticket vendors
14 [bell] can be exempt, too. Please if the
15 Transportation Department or the Police Department is
16 worried about us, then we can talk about it when we
17 discuss the agent license law. I want a license.
18 Please, one minute. So, the--the vendors has a
19 union.

20 CHAIRPERSON RODRIGUEZ: [interposing]
21 Sir, ten second, I'm sorry. Ten seconds.

22 MARK RUIZ: Te seconds, yes sir. Please
23 just now exempt us from this law. Give us rules in
24 the other law please. Thank you.

25 CHAIRPERSON RODRIGUEZ: Thank you.

2 GENEVA TAVARES: Good afternoon. My name
3 is Geneva Tavares, and I am a ticket seller in the
4 Local Recording Ticket Sellers Transport Workers
5 Union, Local 225 TWU. I also am 30 years old, and I
6 have been--I have been a ticket seller for the past
7 five years. I now live in the Inwood section of
8 Manhattan. I came to this country from the Dominican
9 Republic when I was nine years old. Having grown up
10 in San Franscio (sic) I did not speak any English
11 when I arrived in New York City. I was educated in
12 the New York City Public Schools and attended the
13 Borough of Manhattan Community College. Gray Line
14 Sightseeing provided me with the income that I needed
15 to attend college. Gray line was--was kind enough to
16 alter my schedules around my class schedules. I do
17 not sell ticket in the pedestrian plazas. I sell
18 tickets on the sidewalks running along the west side
19 of Seventh Avenue just south of Times Square. I am
20 able to make a good living and I'm--if the
21 Commissioner of Transportation forces the ticket
22 sellers out of the pedestrian plazas in Times Square
23 they will--then they will have no choice but to
24 migrate to my area. As a result, my income will
25 drop. It is--it is a competitive market, and we work

2 for commission. Please fix the law---please fix the
3 law before voting on--on it. They also fix to exempt
4 food vendors and general vendors from this
5 regulation. Please since sidewalk sales agents who
6 rent double-decker bus tours tickets, too. The other
7 ticket agents for double-decker bus tours all work
8 long hours in tough conditions just like the people
9 holding food vendors license, and general vendor
10 license. We deserve the same con--consideration they
11 get. Thank you.

12 SHIELA BRIAN: My name is Shiela Brian
13 and I'm a dispatcher of Gray Line, and I'm also a
14 shop steward for the dispatches and I'm on the
15 Executive Board of Local 226 TWU Union. My daughter
16 is--is--my daughter is a licensed tour guide of New
17 York. She's at the bottom of the seniority list. If
18 she gets--if--if this bill takes in effect, my
19 daughter will be one of the first ones to get laid
20 off. My daughter has two children, two--two young
21 boys. She's a single mom, one with Autism and one--
22 one with Asthma--Asthma, six and eight years old. I
23 don't want my daughter to get on the system. I don't
24 want her to be a recipient. My daughter is an
25 independent woman, and she works very well, and she's

2 an excellent tour guide. But if this bill take
3 effect, my daughter is at the bottom of the list and
4 she will get laid off, and I really don't want that
5 to happen. I've been out there in Times Square a
6 long time. I have seen it all. What would DO2-DOT
7 do to us will--will they confine our ticket agents in
8 the costume character pens? Will they make all the
9 ticket agents double-decker buses stand together on
10 the same corner? This is a recipe for disaster. You
11 don't want competitive agents yelling over each other
12 like they do at the Stock Exchange on Wall Street.
13 We--will there be only one areas on each block in
14 Times Square to sell? Will there be one block from
15 West 42nd to West 49th Street to sell? DOT didn't
16 tell anyone what they intended to do. Not the Times
17 Square Analysis and not City Hall. No one. And you
18 are being asked to authorize them to do whatever they
19 want [bell] at any time. That's wrong. What if DOT
20 tells people you--you have to stand over there, but
21 in the summertime the--the sun shines there, and it's
22 too hot for customers to stand and talk--and--and
23 it's too bright to see the brochure? What if DOT
24 says you can't stand near a building under a--under
25 an overhead, but when it gets cold, windy and

2 raining, that is the only place where you can just
3 find a little protection. Do--do the people who make
4 these decisions know anything of our care at all
5 about these workers? We trust the City Council to
6 properly regulate the ticket sellers with the Ticket
7 Sellers License Law. We don't trust DOT. Neither
8 should you. This is your responsibility. Don't pass
9 the buck.

10 CHAIRPERSON RODRIGUEZ: Thank you.

11 OSCAR SCALAMANATI: Good afternoon. My
12 name is Oscar Scalamanati (sp?) and as soon as I came
13 over here, I see this, a government by the people,
14 for the people, you know, so we are the people. You
15 know, there is not a government without the people,
16 and it's really they don't. So what I'm trying to
17 say is Times Square is like a river. It's like a
18 highway. It's flowing and a lot of bridges and a lot
19 of cars, you know. I'm concerned about my freedom,
20 you know. Do not look at me like cats do in
21 character. I have a name. I'm not Batman. I like to
22 dress like Batman, but it doesn't mean that I am a
23 costumed character. No, that--this is me, and this
24 is my personality, and I'm going to be my
25 personality. About freedom, I'm talking about. I'm

2 going to walk down the Square no matter what. You
3 pass the bill or not pass it, and I want you to have
4 that established by clear. Then my freedom you wont
5 be in a place where anyone can say, you guys are
6 going to be right there. I am not a dog. I'm not a
7 hole. I'm not. I--I am a human being, and I have
8 the right to fight for my freedom. Who have the
9 right to write over the Constitution of the United
10 States of America, you know? Amendment number the
11 freedom in it protect us, 100%. I'm not making it
12 up. It's right there on the bill. You know, we need
13 to have respect for those who already died for
14 freedom right? So I understand about all these
15 people with a lot of money in Times Square. They do
16 have a lot of money and they want to pass a bill, it
17 doesn't work like that. We have a right, enough
18 rights we got to be heard, too.

19 CHAIRPERSON RODRIGUEZ: Thank you. I'd
20 like [off mic] say that [on mic] that you keep
21 working hard. As someone also I have the honor to
22 represent the citizens that live New York, but I also
23 emigrated from the Dominican Republic. I know that
24 that those coming from the island, Dominican Republic
25 or Haiti we have a lot of things in common. And as I

2 said before, we are here all about supporting our
3 working class people, and at the end of this process
4 hope that no one will be negatively impacted. So
5 let's continue the conversation. We will be taking
6 your input and suggestions, and my only hope and--and
7 challenge to you is use the job that you have now, if
8 you had to dishes to not continue advancing your
9 higher education. So don't just end it with the two-
10 year. Keep going for the four-year. Keep going for
11 your masters degree because at the age of 20, that
12 great future is there, and I see how a parent who is
13 working there is raising the next nurse, you know,
14 the next doctor in our city, and we respect that.
15 But especially for someone like you, young in your
16 20s, keep working hard. Come back later on and the
17 new higher education. Go for your masters, go for
18 you PhD.

19 GENEVA TAVARES: [off mic] Thank you for
20 that.

21 COUNCIL MEMBER GARODNICK: Thank you, Mr.
22 Chairman. I just wanted to add a couple of quick
23 points. First of all, I want to thank the panel, and
24 you--you all made some very good arguments. And I
25 wanted to just for a moment since I have been sitting

2 listening for, you know, almost five hours, as many
3 of you have, and listening mostly and not talking
4 much for the last five hours. I wanted to observe
5 one thing, which is that this bill is fundamentally
6 designed to deal with the fact that we have 53
7 pedestrian plazas in all corners of New York City
8 with no rules. Times Square has dominated the
9 discussion, but what the bill does it gives the
10 Department of Transportation the power to make rules.
11 Now, you may district the Department of
12 Transportation. You may not like the Transportation-
13 -the Department of Transportation for any number of
14 reasons. But the bill and the bill that we are
15 hoping to vote on empowers the Department of
16 Transportation to make rules for the 53 plazas. The
17 53 plazas are very different from one another. Times
18 Square is very different from almost every other
19 plaza in the world let alone in the city. So the
20 idea that the City Council would retain the authority
21 to make a specific law as to each one of these plazas
22 is not only impractical, it's probably impossible,
23 which is why we frequently in the Council delegate
24 powers to an administrative agency to do that. When
25 they have their rulemaking process, they have a

2 public comment and feedback, you know, process like
3 what we do here. And almost all of the points that
4 this panel made are all directed to their process
5 because all this bill does is gives them the power to
6 do something whether or not ticket sellers should be
7 included with costumed characters, whether or not,
8 you know, somebody who's simply handing out flyers
9 should be able to move around in non-designated
10 activity zones. Those are excellent questions, and
11 those are questions that would take place at the next
12 step of this process even if we passed this bill.
13 And I guess what I'm saying to you is we have to pass
14 this bill because we have plazas that have no rules
15 other than speed, and the plazas are a new sort of a
16 creation for New York City. But the points that you
17 make, and you make them very well, are really points
18 related to the Department of Transportation, their
19 rulemaking process, and we will continue this prob--
20 this process. As you heard from DOT, they will
21 propose something that we--we saw them propose the
22 beginnings of something today. You may love it. You
23 may hate it, but there's an opportunity. This was
24 not a formal presentation from them as to what
25 they're actually going to do in their process, but

2 they will make a formal proposal at which time we all
3 react. You all react. We react. We think about
4 what makes sense, and in fairness to--to you all--
5 you--you have raised some real issues, which I think
6 deserve to be part of this process. So the idea that
7 you haven't heard about this project, I guess what I
8 would say to you is, you know, this bill is a bill,
9 which empowers an agency to make rules. It is that
10 next part of this process, which is most instrumental
11 to all of the issues that you all have raised. I do
12 not think that in--in anyway is the City Council
13 passing the buck to delegate to an administrative
14 agency. We do it all the time. Congress does it all
15 the time. It is an important way to allow government
16 to work, and if we distrust the DOT or if DOT makes a
17 mistake in this process by anybody's account, the
18 City Council has the power to reverse it. So I just
19 wanted to make that point because I also--I have to--
20 I have to leave for a--a meeting, but I--I--I just
21 wanted to note that. And I think, you know, we
22 should continue the conversation because you're
23 making some valid points here, and obviously DOT's
24 own process is the one where the substance of this
25 matter really will need to be hashed out.

2 OSCAR SCALAMANATI: I'm not part--

3 CHAIRPERSON RODRIGUEZ: [interposing]

4 Sorry. Sorry.

5 OSCAR SCALAMANATI: --part of this bill.

6 I'm not. I am not a part of this bill at all. I

7 don't have anything to do with this bill at all--at

8 all. I just came over here because I want to express

9 my feeling, my freedom and to work in Times Square,

10 and we're always going to have it.

11 CHAIRPERSON RODRIGUEZ: [interposing]

12 First, I--I--I--

13 OSCAR SCALAMANATI: It's a part of Times

14 Square Theater. (sic)

15 CHAIRPERSON RODRIGUEZ: --I was--thank

16 you for being here.

17 OSCAR SCALAMANATI: Okay.

18 CHAIRPERSON RODRIGUEZ: The next panel,

19 Greg Charles--Charles, Georgie New--Newton, Alyssa

20 Rainer Platt (sic), Rachel Lambert. [background

21 comments, pause] Alexandra Shear (sic) [background

22 comments] Barbara Blair, Eric Deflexon (sic), Ryan

23 Wu, and Eric McClure. [pause]

24 CHAIRPERSON RODRIGUEZ: You may begin.

25

2 GREG CHARLES: Good afternoon. I want to
3 thank the board for the opportunity to speak today.
4 My name is Greg Charles. I'm the Director of
5 Publicity for Caroline's On Broadway Comedy Club. I
6 apologize if I'm not as entertaining as the guy from
7 the other comedy club. I will keep this short. I'm
8 here on behalf of Caroline Hirsch the owner of
9 Carolines on Broadway. Caroline has been a member of
10 the Time Square Alliance Board since 1992, and she
11 was an integral part of the revitalization of Carol--
12 of Times Square when she moved her club from the
13 South Street Seaport of 49th and Broadway that same
14 year in 1992. As someone who works at Caroline, I
15 spend practically everyday of my life in Times
16 Square. I'm in the plazas. So I have seen and
17 experienced first hand the deceptive practices of
18 the--and I'm speaking specifically of those who are
19 selling, hawking tickets for other comedy clubs.
20 [coughs] Excuse me. I've experienced it first hand.
21 As a matter of fact, the other night I had an
22 interesting experience I'll share with you. I was
23 with a friend. We walked into the plaza. Two kids
24 came up to us with clipboards saying Comedy Central
25 Taping Tonight, see Louis C.K. My friend laughed.

2 He's a friend of Louis C.K. and he said Louis is in
3 L.A.. He's not even in New York tonight. When I
4 tried to let them know, I said look I'm in the
5 business. I'm trying to help you out. I'm not
6 giving you a hard time, Louis C.K. is not going to be
7 at that club tonight, and I know from working closely
8 with Comedy Central through Carolines, and also
9 they're partners of ours in the New York Comedy
10 Festival, these showcases--I don't know if anyone has
11 seen these clipboards and these people that are
12 hawking these tickets that say, Comedy Central
13 Tapings. There's not affiliation whatsoever with
14 Comedy Central, and that's a point of contention with
15 them as well. As I was explaining this to one of the
16 kids, he took out a roll of bills and started
17 counting them off in my face and said, This is what I
18 made tonight. How about you? And I said politely,
19 Well, you made this by telling somebody something
20 isn't true, and he said, and I'll continue to do that
21 as soon as you walk away. I said have a good night,
22 and I'll spare you what he told me [bell] what to do.
23 Really quickly, I don't want to go over here, but we
24 work really hard to create a great customer
25 experience, a great show, great service, great food.

2 You want people to come in, have a good time, come
3 back and say, you know, I had a great time in Times
4 Square at Carolines. You want them to tell their
5 friends. It's good for Times Square. It's good for
6 New York City. Conversely, when people are being
7 deceptive, and saying you're going to see Dave
8 Chappelle or Tracy Morgan when they're not, you're
9 getting ripped off, and you feel that way, and you
10 don't want to come back to Times Square or wherever
11 else that's happening. So in closing, we think it's
12 essential to the integrity of the Times Square
13 business community to pass the legislation [coughs]
14 that will effectively regulate--regulated these
15 practices. Thank you. [pause]

16 ELIZABETH REINER-PLATT: Hi. My name is
17 Elizabeth Reiner-Platt and I'm testifying today on
18 behalf of the Sexton Law Committee of the New York
19 City Bar Association. We wish to urge that special
20 attention be paid in passing a bill, which ensures
21 that any resulting regulations of speech within New
22 York's pedestrian plazas be both written and
23 implemented in a non-discriminatory manner. The
24 legislate--to begin, while neutral in its space, the
25 motivation for and history of this bill is focused

2 overwhelmingly on the regulation of women,
3 specifically topless performers of desnudas. The
4 alarm over nudity as expressed by members of the City
5 government, certain media outlets, and the Times
6 Square Task Force Report including the condemnation
7 of desnudas as wrong and requiring an aggressive
8 response were not previously voiced about male
9 performers. Indeed, Times Square's Naked Cowboy, who
10 like the desnudas performs near and nude for trips
11 has been a local fixture for well over a decade, and
12 there has never been a bill introduced to address his
13 presence. Further, government officials including
14 Police Commissioner William J. Bratton have
15 specifically criticized the desnudas, and the written
16 complaints that were included in the Task Force
17 Report issued this fall called them an offense to
18 religious faith, a display of low class behavior, and
19 even disgusting tramps. Given this background, we
20 question whether implement--implementation of this
21 bill and any subsequent regulation issued by DOT will
22 suffer from the same gender based disparities. In
23 particular, we're concerned that the bill's
24 requirement that all events within pedestrian plazas
25 require an activity permit granted by DOT leaves

2 ample room for discretion that will result in unequal
3 treatment. The 1992 New York Court of Appeals
4 Decision *People v. Santorelli* clarified that women
5 have the same right as men to be bare-chested in
6 public. The City Council, therefore, ensures that
7 the right to equal protection is viol--violated
8 through discriminatory enforcement of any regulations
9 that result from this bill including unequal
10 enforcement of penal laws criminalizing public
11 exposure. We also urge that our police officers
12 [bell] patrolling Times Square be trained to
13 understand and comply with equal statute principles
14 including the rights of women to be topless in public
15 briefly. We recommend that New York City Council
16 amend the bill to take legislative--to take
17 legislative notice that by law both men and women are
18 permitted are to be topless in public. Require that
19 activity permits be issued in a non-discriminatory
20 basis, and enforced in a non-discriminatory manner.
21 We recommend that police officers patrolling
22 pedestrian plazas be trained in public exposure laws.
23 And thank you--thank you.

24 CHAIRPERSON RODRIGUEZ: Thank you.

2 ALEXANDRIA SICA: Good afternoon. Thank
3 you, Chairman for the opportunity. My name is
4 Alexandria Sica I'm the Executive Director of the
5 Dumbo Improvement District. We manage two public
6 plazas in Dumbo, one Old Fulton Street and one at
7 Pearl Street including the archway under the
8 Manhattan Bridge, which is a majestic space. I want
9 to begin just by saying that we love our plazas, and
10 really appreciate the opportunities that this program
11 presents, but I also want to echo all of the
12 statements of the BID Association with our desires to
13 see meaningful regulation and reform. Our plazas
14 are--are really used in adverse manner with a lot of
15 programming, but also as a means to attract people to
16 our neighborhood. We don't have the problems of
17 Times Square. With lots of people we actually use
18 the spaces to bring new people to our small
19 businesses. And--and the--the spaces have a unique
20 character and they--they really can be--can have
21 great potential for our neighborhood and for others
22 on an individual basis. And so we hope that the
23 rules-- I'll--I'll keep this brief. We hope that the
24 rules that the Department of Transportation and
25 potentially SAPO will enact that will--will take that

2 into a lot of account. Presently economic
3 development. Things like sponsorship of small
4 businesses don't really come up in the rules, and we
5 see this is an amazing opportunity to both work with
6 those agencies to finally get this right. I'll just--
7 --I'll just close by--by--by asking that--that we have
8 a seat at the table. The BID Association has been in
9 very active dialogue with the Department of
10 Transportation, and as plaza partners with SAPO
11 [bell] as well, and we hope that as the rulemaking
12 process convenes that that will continue. Thank you.

13 CHAIRPERSON RODRIGUEZ: Thank you.

14 BARBARA BLAIR RANDALL: Good afternoon,
15 Chairman Rodriguez. My name is Barbara Blair
16 Randall. I'm the President of the Garment District
17 Alliance, a plaza partner with the DOT at the public
18 plazas on Broadway in Midtown Manhattan from 35th to
19 41st Streets. The presence of these public spaces
20 has brought pedestrian scale amenities to our
21 neighborhoods that enhance and activates our streets,
22 and the under-utilized spaces for public use and
23 enjoyment. These public spaces have--have lifted the
24 image of the city by softening the harshness of our
25 built environments, and that created parks in areas

2 such as the Garment District where previously we had
3 none. Appropriate stewardship of these space--spaces
4 is critical to the remaining of public and
5 neighborhood assets rather than overly programmed
6 commercial enterprises or abandoned eyesores. A
7 balanced day-to-day management of these public spaces
8 can lead to their successful integration into a
9 neighborhood. The Garment District Alliance is proud
10 and grateful that we have a public plaza in our
11 district. This new space was created by the
12 Department of Transportation in 2008, with the
13 understanding that the Garment District Alliance, a
14 non-profit neighborhood economic development
15 organization, would maintain it for public use. We
16 spend up to \$500,000 a year doing that. The Garment
17 District Alliance supports the framework and intent
18 of Intro 1109, but we urge the Council to ensure
19 expeditious rulemaking and meaningful and mandated
20 consultation with community partners. The final bill
21 should empower plaza partners with tools to
22 effectively manage pedestrian plazas, and keep those
23 plazas safe and open for all to use. Each plaza has
24 its own physical characteristics, use of demographics
25 and other idiosyncracies despite their common needs

2 of being designated as plazas. They are unique
3 public spaces, which DOT determined were best
4 understood and managed by local partners. As such,
5 we urge the City Council to ensure that the
6 legislation in addition to setting up the general
7 rules and guidelines allows for a formal and legally
8 binding role for the plaza partner of interest in
9 developing site-specific rules. The context of each
10 plaza [bell] is important. Okay. You've heard a lot
11 of this before. I won't continue. The only thing I
12 would say is that it's interesting to me that
13 demonizing regulations, which has been done at this
14 table today, I find really appalling inasmuch as
15 almost every sector of our life is in someway
16 regulated. Parking our streets is regulated. Taxes
17 are regulated. Roads are regulated. Subways are
18 regulated. Vendors are supposed to be regulated. It
19 makes sense to be with our public spaces, parks and
20 anything that affects--affects the public is
21 regulated. Sorry.

22 [background noise, pause]

23 ERIC MCCLURE: Good afternoon. My name
24 is Eric McClure. I'm the Executive Director Streets
25 Pack. I would like to thank the Chair for the

2 opportunity to testify today as well as his Vice
3 Chair who's exemplary in her patience and is probably
4 wishing she was back in school right about now, but
5 I'm here to express Street Pack's support for Intro
6 1109-A. But first I'd like to thank Council Members
7 Johnson and Garodnick for their steadfast support of
8 the Times Square Pedestrian Plaza. When the plaza
9 was under full scale tabloid attack last year, the
10 Administration appeared to waver. Their reasoned
11 perspectives helped everyone come to their senses.
12 The same goes for Tim Tompkins and the Times Square
13 Alliance. We offer them our praise as well. That
14 core heads prevailed is evidenced in Intro 1109-A,
15 which serves as a major step in putting pedestrian
16 back in pedestrian plazas. The popularity of the
17 City's plazas especially Times Square Plaza is
18 undeniable. When we expanded plaza first opened in
19 May of 2009, it filled with people within minutes,
20 and has made the Crossroads of the World more popular
21 than ever. And yet the story of Times Square of late
22 has been focused on costumed characters and desnudas
23 and ticket hawkers rather than the hundreds of
24 thousands of regular people both locals and the
25 tourists so critical to New York's economy who visit

2 Times Square everyday. Well thought our regulations
3 of the Times Square Plaza, which will, of course,
4 have to pass constitutional muster will make it
5 easier for people to pass through the area without
6 being harassed while still allowing those who want
7 to take a photo with Minnie Mouse or paint the
8 topless lady or to buy a ticket for a tour bus to do
9 exactly that. And having clear guidelines won't only
10 help in Times Square, it will help in Diversity Plaza
11 in Queens and Fordham Plaza in the Bronx, Fowler
12 Square in Brooklyn and the popular pedestrian plazas
13 all across New York City. We're discussing this
14 proposed legislation today not because that Times
15 Square Pedestrian Plaza has failed, but because it is
16 such a tremendous success. Its popularity is
17 testament to what can happen when we take street
18 space back from cars, and give it to human beings.
19 We urge the committee members to support Intro 1109-A
20 and the full Council to vote it into law without
21 delay. Thank you.

22 CHAIRPERSON RODRIGUEZ: [off mic] Thank
23 you again. [on mic] As we will move forward like
24 you and the rest will definitely be invited to be
25 engaged in this bill.

2 ALEXANDRIA SICA: Thank you.

3 CHAIRPERSON RODRIGUEZ: Christopher
4 Barron, Leanna Jesus--Jesus, Richard Conception, Cleo
5 Bookley (sp?) [background comments, pause]

6 LEANNA JESUS: So good afternoon. My
7 name is Leanna Jesus. I am a tour guide for Grey
8 Line City Sightseeing New York. I am--I am not with
9 the bill that you're setting up right now. I came
10 here to the United States when I was eight years old.
11 I have been living in this city ever since. I--it
12 was a rough cultural shock. Even though my parents
13 were immigrants, they strived to put food in our
14 mouths, clothing on backs and a roof over our heads.
15 So we could have a better tomorrow. I currently live
16 in Washington Heights in a two-bedroom apartment with
17 two brothers, my sister, my brother-in-law and my
18 nephew. And that's how we basically live on top of--
19 on top of each other. We live together in order to
20 get by. In New York City rent is expensive and poor
21 people have to live on top of each other in order to
22 make ends. I study hospitality and tourism thanks to
23 my parents, but I still have to three months to pay.
24 When I graduated college in 2009, the job market was
25 harsh and all I could find was a job at McDonald's.

2 Then came this opportunity with Gray Line City
3 Sightseeing. I studied to be become a licensed tour
4 guide. I started back in July 2012, and I love what
5 I do. I get along with everybody, and it's helping
6 me get more knowledge in my field of study. Not to
7 mention it--it is also helping me pay my loans. So
8 if you do pass this law without exempting our ticket
9 sellers from these little boxes that you are
10 basically going to put through, I'm not going to be
11 able to support myself and my family, and be able to
12 pay those student loans. I also wanted to say that
13 Benjamin Franklin once said those whose sacrifice
14 liberty for security deserves neither. So please
15 them into consideration when you're trying to put
16 most of these people on the boxes. Okay thank you.
17 [bell]

18 CHRIS BARRON: Hello. Hello, my name is
19 Chris Barron. I'm a tour guide at Gray Line City
20 Sightseeing. I want to thank you Council Member
21 Rodriguez for having us speak today. It is my job to
22 help hundreds of tourists and New Yorkers alike
23 navigate this complicated and fascinating city. And
24 during my shift, I watched my fellow union members of
25 TWU 225. The ticker tellers help tourists figure out

2 how to get to the Nike Store, or Central Park or
3 Columbus Circle, and countless other parts of the
4 city. Our--our issue is if you read, there's a part
5 of the bill that says no ticker seller shall vend
6 within any bus stop or taxi stand. If you look at
7 number one, Times Square, there's really nowhere you
8 can stand that on that block that isn't within ten
9 feet of a bus stop. It also says you can't vend
10 within ten feet of any subway entrance. Again, if
11 you look at number one, Times Square and number two,
12 Times Square, that's--those--if you take a radius of
13 ten feet, that's basically the whole block. And the
14 most popular places for customers to buy tickets are
15 right at the bus stop. When the bus pulls up that is
16 a big--

17 CHAIRPERSON RODRIGUEZ: [interposing]
18 Sorry, but the ticket selling there will be discussed
19 in another hearing. So that's, and as you know, it
20 being--you've got to be here on April 12th. So
21 everything related to the ticket selling in that
22 area. You know, even though you can address it now,
23 but we will have a hearing on April 12th.

24 CHRIS BARRON: All right, well thank you
25 for your help in address that, and again we just hope

2 you take into consideration the thousands of people
3 that make their living through the tourism business
4 especially selling tickets and giving tours in New
5 York City. Thank you.

6 CRAIG BUCKLEY: Thank you and good
7 afternoon. My name is Craig Buckley and I'm the
8 owner of the Street Team Promotions an independently
9 owned small business with offices in Times Square and
10 we employ about 35 people. We're one of the agencies
11 Broadway producers and theaters hire to promote their
12 shows with in Times Square as a theater monitor. I
13 am here to express my opposition to the bill in its
14 current form. Our company provides branded street
15 teams for such currently running shows as Beautiful,
16 An American in Paris, Fun Home, The Phantom of the
17 Opera, Wicked, Disaster and other shows. These shows
18 depend heavily on same-day walk-up sales that our
19 friendly and informative team member provide. Our
20 teams do not handle any financial transactions, but
21 instead distribute Broadway show collateral that
22 directs people to the theater box office, as well as
23 TKTS. Our number one goal is to increase attendance
24 at Broadway shows, and to give tourists any
25 information they may need. This can range from

2 directions to dining recommendations. Restricting
3 the areas where we can reach potential theater goes
4 will drastically impact our ability to promote
5 Broadway shows and direct people to TKTS. The person
6 promoting Phantom of the Opera will now be placed in
7 a zone next to costumed characters. Tourists that do
8 not want to interact with these casts of characters
9 are not going to come into these zones to interact
10 with someone promoting a Broadway show. I urge the
11 Council to take into consideration the promotion of
12 Broadway plays and musicals in Times Square as
13 exception to these proposed restrictions. Who we are
14 and the services we provide differ very greatly from
15 the many costumed characters and other solicitors.
16 On average our team helps 4,000 people experience the
17 magic of Broadway each week. The loss of these
18 ticket sales that we bring can be the difference
19 between a Broadway production closing or staying
20 open. I thank the Council for your thoughtful
21 consideration of this matter, and we'd just like to
22 reach out and say we would like to be part of the
23 conversation because I do think there is a solution
24 there that can benefit all parties. [bell] Thank
25 you.

2 RICHARD CONCEPTION: [coughs] Good
3 afternoon. My name is Richard Concepcion. I am the
4 producer and host of the Rapid T. Rabbit and Friends
5 show cable TV seen on Manhattan Neighborhood Network
6 in Queens for the TV work for over 33 years. I am a
7 puppeteer, and a professional or at least semi-
8 professional costumed character performer. Twenty-
9 two years ago, I was the very first Bugs Bunny, the
10 real Bugs Bunny at the Warner Brother Studios there
11 on Fifth Avenue. Does anybody remember those places.
12 It was a lot of fun. I was--it would be the real Bugs
13 Bunny to make a lot of people smile and laugh without
14 having to worry about squeezing money out of them.
15 Three blocks away was the World of Disney Store where
16 the real Mickey Mouse, the real Minnie Mouse were for
17 many years until those places closed down because
18 their leases expired. I miss those places and it was
19 a great gig while I had them. My--the--the role I
20 still presently have is the Rapid T. Rabbit Show, and
21 I do it as a puppet character and the costumed
22 character. This past Sunday I was in the Easter
23 Parade. I made my 30th annual appearance. I give
24 away buttons promoting the show. But it's getting
25 harder and harder for me to do that because people

2 think I'm selling them. I keep telling them it's
3 free. People are afraid to interact with me because
4 they think I'm going to hustle for money. Mascots
5 shouldn't also for money. Mr. Net doesn't do that.
6 So with the--with the oncoming rulemaking procedure
7 coming up, my question is what does a costumed
8 character do who has nothing to do with money, who
9 doesn't sell anything, and if anything it away to
10 people. I'm friends with Quick It and Express (sic)
11 Bunny who gives away free chocolate milk every summer
12 around Manhattan and all over the city. I don't work
13 for them, but I am friends with them, and what will
14 somebody like him do? Although he's engaging in a
15 semi-commercial activity, but still giving away
16 stuff. Not taking money and everything. So that's a
17 big hole and a big question for me [bell] that I need
18 to be answered. Thank you.

19 MICHAEL LAMBERT: Good afternoon, Chair
20 Rodriguez. My name is Michael Lambert, and I serve
21 as the Executive Director of the Bedford-Stuyvesant
22 Gateway Business Improvement District, which is home
23 to almost 400 small businesses along Fulton Street
24 between Troy and Carson Avenues and along Ocean
25 Avenue and Atlantic Avenue to Halsey Street in the

2 Central Brooklyn neighborhood of Bedford-Stuyvesant
3 Brooklyn. I also serve as the Co-Chair of the New
4 City BID Association, a member organization the
5 City's BID directors created to collectively address
6 issues faced by the city's 72 BID, Business
7 Improvement Districts. Thank you for your
8 leadership, and for giving me the opportunity to
9 testify this afternoon regarding Intro 1109, which
10 will create a new legal framework for New York park--
11 New York City Public Plaza Program. The Bed-Stuy
12 Gateway BID is the 64th of the city's 72 Business
13 Improvement Districts, and was fortunate to have been
14 selected to participate in the first round of city's
15 Public Plaza Program in 2008. Marcy Plaza, the BID's
16 public gathering space is an 8,000 square foot space
17 that has provided Bedford-Stuyvesant's main
18 commercial corridor with a place of respite from the
19 shopping urban---the surrounding urban environment.
20 Since its opening in 2013, Marcy Plaza has provided
21 the area with a place to take a break from a day of
22 shopping, running errands or scurrying to that next
23 appointment. A green space with planting and flowers
24 and a space for community programming has included
25 plays, musical performances, farmers markets,

2 clothing drives and other community building
3 activities. As one of the city's smaller New York
4 public plazas, we don't have the same issues faced by
5 some of our larger public plazas that we've heard
6 about today. However, as our young plaza continues
7 to evolve with increased programming activities that
8 will further support and enhance the area's economic
9 development activities and create a vibrant public
10 space, a need for rules that are specific to our
11 plaza will be an important factor that is appropriate
12 and effective continued measure of the plaza. I sit
13 before you today in support the framework and intent
14 of this legislation, but I urge the Council to amend
15 it to ensure that proper rulemaking and meaningful
16 consultation with community partners is also
17 included. I once worked in homeless healthcare and
18 there was a saying, when you see one homeless
19 healthcare program, you're seeing one. The same can
20 be said of New York City's many plazas, which while
21 [ringing phone] providing-- Excuse me. I'm sorry
22 about that. I'm trying to time myself. Providing
23 public community spaces of several variations
24 including size, layout and amenities, programming,
25 surrounding neighborhood dynamics and function to

2 name a few. This being the case, and important
3 legislation taken into account the importance of
4 including the plaza partners in all aspects of
5 decision making and rule making process relative to
6 their specific plazas. Again, I want to thank you
7 for your leadership on this issue, and we look
8 forward to working the Council and the Administration
9 on finalizing this legislation.

10 CHAIRPERSON RODRIGUEZ: With that, I
11 would like to thank everyone that came to our
12 hearing, and this is part of the process. This is,
13 you know, the opportunity that we created for
14 listening to all the voices for or against the
15 recommendation. The Council and together with the
16 Administration and the whole coalition we will
17 continue like paying attention to everything that
18 everyone has said. I would like take the opportunity
19 also to invite everyone to come to our next hearing,
20 April 4 where we're going to listening to certain
21 bills. One of them is a Local Law to amend the
22 Administrative Code of the City of New York in
23 relation to providing certain parking privilege for
24 the press vehicle. The Press Parking Bill will be
25 here on the floor along with the Local Law to amend

2 the Administrative Code of the City of New York in
3 relation to requiring curb extension at certain
4 dangerous intersections. A Local Law to Amend the
5 Administrative in relation to pedestrian countdown
6 signals, and also a resolution on car-free day, which
7 we are planning together with the for Earth Day,
8 Friday, April 22nd. With that, this hearing is
9 adjourned.

10 [gavel]

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 28, 2016