

## **Statement on DOT's Response via Open Streets & Open Streets: Restaurants Program**

Members of the New York City Council Committee on Transportation, good morning. My name is Kurt Cavanaugh and I am the Director of Planning of the Flatiron 23rd Street Partnership BID. On behalf of the Partnership, I would like to applaud our colleagues at the Department of Transportation (DOT) for working creatively and quickly to create additional space to safely walk, bike, and dine in response to the COVID-19 pandemic.

Since May, we have worked with DOT and other agencies to open Broadway, from 25th to 28th Streets and 21st to 23rd Streets, for much-needed access to outdoor space. And, since mid-July, the Partnership has collaborated with DOT, NYPD, and businesses on implementing the Open Streets: Restaurants program that creates additional space for al fresco dining along Broadway and numerous side streets in the 20s that are home to a high concentration of fast-casual and fine dining establishments.

Open Streets stems from a long history of successful collaboration with city agencies including DOT. Since 2008, the Partnership has managed, maintained, and programmed the Flatiron Public Plazas that were created when vehicular travel lanes on Broadway and Fifth Avenue were reallocated into pedestrian space and bike lanes. The Partnership also worked with DOT on the installation of Manhattan's first shared street three years ago to help alleviate pedestrian congestion and provide additional public space in the heart of the neighborhood at 24th and Broadway.

We remain committed to partnering with DOT and other agencies, along with our Flatiron and NoMad commercial stakeholders, to provide safe, pedestrian-first streets and sidewalks. As successful as the Open Streets and Open Streets: Restaurants programs have been in neighborhoods in every borough, we recommend the following ways to build on the success:

- Extend Open Streets through the winter and develop standards and permitting for safe heating of outdoor spaces
- Explore an expansion of the programs for additional retail uses and public activations
- Create and maintain longer, contiguous Open Streets corridors, like Broadway, to promote business recovery, public safety through outdoor distancing, and develop safe, useful, direct routes for walking and bicycling for transportation

Thank you for your consideration of our recommendations and for your understanding that the public realm plays a vital role in supporting public health and commercial recovery.

Kurt Cavanaugh  
Director of Planning  
Flatiron/23<sup>rd</sup> Street Partnership

The Municipal Art Society of New York



## **Testimony from the Municipal Art Society of New York to the City Council Department of Transportation Oversight Hearing on Open Streets**

The Municipal Art Society of New York (MAS) has been providing input on the City's streets and public realm since our founding in 1893. With this unique historical perspective, we have observed the evolution of how our streets have functioned to meet the needs of growing city and to respond to public health crisis (whether fatal collisions or infectious diseases). We have also seen them adapt to balance the needs of moving people and goods efficiently while also playing a foundational role in livable neighborhoods.

We are living in a new world of circumstantially driven experiments. Demand, long-highlighted in planning as reflecting the volume of auto-oriented uses, has dramatically shifted into an appetite for open space. In May, the City began closing entire streets for pedestrians and cyclists, an idea that would get transit and safe street advocates laughed out of a room not too long ago. In June, thousands of restaurants began filling once-vacant sidewalks with outdoor dining, with nary a word from the Community Boards who spent decades tightly restricting café permits. The Mayor has already announced that the program will continue in 2021, pandemic or not. Today, as New York City prepares to reopen in-person learning, thousands of schools have requested permits to expand their education into neighborhood streets, parks, and plazas.

Despite these efforts, we continue to see inequities in open space access. COVID-19 has further exposed increased burden experienced by race as measured by infection rate, death, business closure, and policing of social distancing guidance. Many neighborhoods were left out of the early rounds of street closures, leading to an overreliance on existing parks and open spaces.

While there have been plenty of critiques about how these changes have been implemented, we've heard little opposition to the concept of reimagining city streets, sidewalks, parks, and plazas—the collection of spaces we call the public realm—to better serve New Yorkers. The biggest roadblock to progress in this case isn't a debate on the merits, but rather who should lead this effort, and how.

Unlike many other cities of its size, New York lacks a central position within its government responsible for planning and maintaining the public realm. Instead, the City segments oversight of these essential pieces of infrastructure across a vast array of agencies. Rather than functioning together as a seamless public realm network, the spaces are each governed with different rules, competing priorities, and disjointed leadership.

New York has an opportunity to foster proactive planning, integration, and management of its public realm. MAS and our partners recently released a policy brief calling for the creation of a

Director of the Public Realm, a new position tasked with coordinating the constellation of public and private entities that oversee our public spaces. Most importantly, this new position must ensure that these entities work in close partnership with neighborhood stakeholders in the communities where these changes enhance livability, safety, and street-level activity.

While DOT has been responsive to the COVID-19 pandemic, the last six months have only underscored the urgency of this position. Our streets can offer so much more than means of transportation, albeit walking, biking, bus, or car. They have become our living rooms, our gyms, our classrooms, our dining halls, and so much more. Access to light, air, and open space makes people healthier, parks greener, and cities stronger. Now more than ever, we need bold leadership and new ideas for the spaces between buildings where so much of urban life takes place.

**We need a Director of the Public Realm.**

September 9, 2020

Chairperson Ydanis Rodriguez and Members of the NYC Council Committee on Transportation.  
Re: Int 2051-2020 and Int 2052-2020

Good morning Chairperson Rodriguez and members of the Committee on Transportation. My name is Margery Perlmutter and I am the Chair of the NYC Board of Standards and Appeals (the "BSA"). I present below the BSA's testimony in support of Intros 2051-2020 and 2052-2020 concerning the regulation of private streets in Staten Island.

The below testimony is a direct quote from a BSA Resolution on a case in Staten Island that was decided on February 25, 2020. It concerned an application for a waiver under New York State General City Law Section 36 which proposed a development on privately owned, unmapped streets and the role of the homeowners' associations in constructing and maintaining such streets and related utilities and services.

"In recent years [. . .] the Board conducted site visits to developments [on unmapped streets] and heard considerable testimony that these safeguards have proven inadequate. The Office of the Staten Island Borough President submitted an extensive amount of testimony highlighting the issues concomitant with these developments, as a myriad of such exist within its borough. Over the last several years, the Board has learned that problems arise because builders frequently abscond after sellout of the development to new homeowners. Homeowners are not properly notified of their obligations under the HOA or aware that their properties are subject to the Board's restrictions. Homeowners associations have gone unfounded and unfunded. Ownership of the private roadways has gone unrecorded and chain of title has been lost. Access easements have never been granted. Parking restrictions have gone unenforced. Snow has gone unplowed. Trash has gone uncollected. Fire hydrants have gone uninspected. Damaged roadways have gone unrepaired, sidewalks unbuilt, and street lighting never installed. Emergency vehicles have been delayed by inconsistent house numbering, non-continuous and, sometimes, unidentified streets, and double- or triple-parking blocking access. And homeowners and neighborhoods have been left with infrastructure in a state of disrepair, and unplanned, unmapped roads that do not relate to or tie in to existing roadway networks."<sup>1</sup>

BSA believes that the proposed legislation will go a long way in preventing the above-described mismanagement of private roadways and permit the appropriate City agencies to regulate and enforce their proper management. BSA is available to answer any questions you might have concerning Intros 2051-2020 and 2052-2020.

I thank you for your time and for the opportunity to present the above testimony to the Committee.

Margery Perlmutter, Chair  
NYC Board of Standards and Appeals  
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<sup>1</sup> Excerpt from BSA Resolution for BSA Cal. No. 2016-4302-A through 2016-4326-A; 2016-4355-A through 2016-4462-A; 2017-107-A through 2017-129-A; and 2019-51-A through 2019-57-A (February 25, 2020)<<https://www1.nyc.gov/assets/bsa/downloads/pdf/decisions/2019-56-A.pdf>>



Testimony of Rachel Jones  
New York City Council  
Transportation Committee Hearing  
September 9, 2020

Hello, my name is Rachel Jones and I am a member of Families for Safe Streets. We confront the epidemic of traffic violence through advocacy and support. We are not a group that wants new members, but unfortunately, we keep growing.

On September 7, just two days ago, Sarah Pitts was killed while riding her bike in Brooklyn. Sarah was just like you: a city employee. She was an assistant district attorney in the Kings County prosecutor's office. District Attorney Eric Gonzalez said, "She was a brilliant and compassionate lawyer dedicated to seeking justice. We are overwhelmed by this sudden loss." Sarah was riding her bike when she was hit by the driver of a bus. She was rushed to Bellevue Hospital with severe head trauma but she could not be saved. She was only 35.

My spouse, Christine, was also a brilliant and compassionate lawyer, like Sarah. Christine worked for the Shoah Foundation, the Innocence Project, and Amnesty International during her career. She was on her way to get groceries near our home in Brooklyn, in the crosswalk with the light, when she was hit by a speeding truck driver. She didn't die, but she suffered severe head trauma. She was only 41-years-old. Thirteen years later, she still grieves every day for her old pre-crash life. She still has many health complications and isn't able to do the work that was her life's passion.

Still, Christine is luckier than Sarah Pitts. Let that sink in.

New York is at an urgent moment. We need more people walking, biking and taking public transportation. We do not need more people driving. But due to a lack of leadership from the Mayor and the DOT, New York City is moving backwards not forwards. Injuries like my wife's and fatalities like Sarah's are on the rise.

It is time for the Mayor, the Council, and the DOT to honor the many promises they have made to Families for Safe Streets, and all the many other passionate street safety fighters who stand with us. Vision Zero is not just a slogan to us. We need all of you to take Vision Zero seriously. Otherwise, New York will continue to lose Sarahs and Christines. Please do not let that happen.

*Families for Safe Streets (FSS) confronts the epidemic of traffic violence by advocating for life-saving changes and providing support to those who have been impacted by crashes. Comprised of individuals who have been injured or lost loved ones, FSS was founded in 2014 in New York City and is growing as a national movement with chapters across the country.*

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Testimony of Stephanie Mansfield  
New York City Council  
Transportation Committee Hearing  
September 9, 2020

My name is Stephanie Mansfield. I am a domestic violence survivor and a single mom of three children all who are under the age of nine.

On March 28, 2019 two out of my three children were part of a car crash while crossing the street in the care of their daycare center. My son Jean was 3-years-old and was hit by a driver who whipped around the corner and neglected to yield to the car as well as the children before him. My son Andre, who was 4-years-old at the time, was behind him and nearly hit as well.

Nothing and I mean nothing could prepare any parent for that call about your child. I was helpless and I am one of the lucky ones. My son Jean was able to go home and is able to play with his siblings. The things that people tend to forget is the trauma. The trauma that my son Andre who presumed his younger brother was dead, laying on the street dead, for hours until I was able to get him picked up from the daycare. Even though he nearly was hit, he was not hit, but the emotional trauma from that day is still with my son. The PTSD is as real as if it happened yesterday. But I repeat I am blessed because my sons are alive.

I am a member of Families for Safe Streets and I have met many families whose loved ones and family members are not alive. But I have come to learn that all of these deaths and senseless injuries are PREVENTABLE.

On the one year anniversary of the crash, in the midst of quarantine, we went to the crash site on Avenue P and West 12 Street. We had not been there in a while. Right after it happened, I got my neighbors, day care center families, local students, and area businesses to sign a petition demanding that the intersection be fixed. There are two schools, a school park, and an elderly home in a one block radius of that corner. It is a high traffic crossing, especially because of the park. DOT responded that the

intersection would be changed to become more safe. As we stood on the corner marking the anniversary, I discovered that ONE YEAR LATER no changes were done.

What does it take to make change, does a child need to die? Did Jean or Andre need to die? Does an elderly person need to die? What about a family? What does it take for change to occur? Can it be as simple as seeing the problem and fixing it before more people get hurt? What is the value of human life?

During the pandemic as the restrictions lift, the need for safe spaces for people to socially distance and travel is so crucial. There are no Open Streets in my neighborhood which would allow kids to play safely and socially distance. As a parent, when I go to the park it is overcrowded and it is not safe. Cars are whizzing by on the wide blocks. For my children's mental health during this already stressful time, what am I to do?

I live right next to a bike shop. I see how much the business has boomed since the pandemic began, the lack of bike lanes in my neighborhood, Bensonhurst Brooklyn, is unbelievable.

Even once COVID is over, these Open Streets need to be made permanent. We deserve a city that makes it safe to travel on our streets.

This is why I am here. You have the power to hear my voice and make the change needed for people like me, for children like mine, and to prevent crashes like the one that happened to my family and happens so often with deadly consequences for others.

Thank you.

*Families for Safe Streets (FSS) confronts the epidemic of traffic violence by advocating for life-saving changes and providing support to those who have been impacted by crashes. Comprised of individuals who have been injured or lost loved ones, FSS was founded in 2014 in New York City and is growing as a national movement with chapters across the country.*

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September 9, 2020

Committee on Transportation – Online Testimony

To Whom it May Concern,

On behalf of Chelsea Market, I would like to thank the Department of Transportation, specifically Shari Gold and Jessica Cornstein, for their support and willingness to find an outdoor seating solution to help market and food halls. As the manager for Chelsea Market, it has always been one of our goals to build a vibrant market community and support small business entrepreneurship. COVID made achieving this goal much more challenging, but all the more important. Adapting to this environment has not been an easy undertaking, but with DOT's ability to recognize the needs of the city and their flexibility in finding solutions to support small businesses, we were able to activate underutilized space for safe operations under the Street Seats program. We recreated our Market experience outdoors by including over 200 tables and chairs within social distancing circles, implementing QR codes for ordering and hiring onsite health ambassadors to provide complimentary masks and ensure proper safety protocols and procedures are being followed.

With DOT's approval of Street Seats around our perimeter, we and our tenants were able to adapt operations and continue serving our community as we have for over 20 years. Whereas a few tenants were providing takeout and delivery service prior to outdoor seating, we now have over two dozen stores and restaurants open for business, and have seen double-digit percent increases in foot traffic since implementing our Street Seats program in mid-August. The energy around the building is encouraging to see, especially by the hundreds of employees able to return to work because of it.

This marketplace has always been a collection of distinctive restaurants and retailers where customers come to have a unique experience. This outdoor seating area now helps round out the customer experience and allows business owners to reconnect with their local audience and neighborhood. We are grateful for all that DOT has done and hope they will continue to collaborate as we head into the Fall and Winter.

Sincerely,

Kevin Hussey  
Property Manager & Business Development Manager  
Chelsea Market

Encl. Photos of Chelsea Market's Street Seats



Open Streets is a great program and it should be made permanent!

The community loves it, people interact and communicate.

My family and I support the program.

We love the Vanderbilt Avenue Open Street in Brooklyn.

Best wishes, contact me with questions.

Charles Walters

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## **Testimony of the Alliance for Downtown New York**

### **Committee on Transportation**

#### **Oversight: DOT's Response to COVID-19 and the Open Streets Program**

**Hon. Ydanis Rodriguez, Chair**

**September 9th, 2020**

The Alliance for Downtown New York operates one of the largest business improvement districts in New York City. Our district covers Manhattan south of City Hall and is home to approximately 1,140 restaurants and retailers and over a quarter million private sector jobs.

The novel coronavirus has had a devastating impact on retail and storefront businesses in Lower Manhattan and across the city. Restaurants and bars have been particularly hard hit by the public health crisis. Lower Manhattan restaurant owners have reported catastrophic collapses in revenue with year over year decreases often exceeding eighty percent. It is no exaggeration to say that the restaurant industry in Lower Manhattan, and indeed throughout the city, is facing an epochal crisis.

The launch of the Department of Transportation (DOT)'s Open Restaurant programs in June and July has provided a desperately needed lifeline to our restaurants. Approximately 140 Lower Manhattan eateries are participating in these programs. The Downtown Alliance has partnered with local restaurants to operate two weekend temporary street closures as part of the Open Streets: Restaurants program. On the whole these programs have worked remarkably well. DOT's application process is straightforward and the citing requirements are clear and consistent. DOT was admirably flexible in helping to adapt the Open Streets: Restaurant program requirements to Lower Manhattan's uniquely narrow streets.

That being said there are areas of the program that could be improved. The initial roll out was rushed and many businesses invested in infrastructure that became quickly non-complaint as rules changed during the first few weeks of the program. Enforcement has been inconsistent and inspectors have not always been transparent with business owners about how to cure possible violations. Many restaurant owners are frustrated at being held accountable for irresponsible patron behaviour beyond the business' control. More flexibility could be provided to allow restaurants to add desperately needed seating capacity, including urging the State Liquor Authority to permit licensees to sell alcohol in front of adjacent vacant storefronts. And the program should be extended into the colder months for as long as feasible.

The Open Restaurants program has been a helpful lifeline for restaurants--but it is only a stopgap measure. These hard working small business owners still face a terribly uncertain future. No plan has been provided for a resumption of indoor dining. Without a plan to safely return to indoor dining in the colder months the future for our city's mom and pop restaurants is profoundly dire.

***About the Alliance for Downtown New York:** The mission of the Alliance for Downtown New York is to provide service, advocacy, research and information to advance Lower Manhattan as a global model of a 21st century Central Business District for businesses, residents and visitors. The Downtown Alliance manages the Downtown-Lower Manhattan Business Improvement District (BID), serving an area roughly from City Hall to the Battery, from the East River to West Street. For more information visit [downtownny.com](http://downtownny.com).*



**Testimony from Tim Tompkins, President, Times Square Alliance  
Committee on Transportation  
September 9, 2020**

My name is Regina Fojas and I am the Director of External Affairs at the Times Square Alliance speaking on behalf of our president, Tim Tompkins. Thank you for allowing me the opportunity to speak today.

The Alliance would like to thank the Speaker and Council Member Rivera for their leadership on Open Streets and Council Member Reynoso for championing outdoor dining. We also want to thank Chair Rodriguez for his continued visionary leadership in creating new transportation paradigms and improving Times Square's public spaces.

The Open Streets program has been essential considering how hard Times Square was hit by the pandemic. Our average pedestrian counts initially plummeted by more than 90% from 2019 and, in July, 55% of our restaurants remained closed compared to only 28% in Downtown Brooklyn. Thankfully, the Open Streets program has brought some vibrancy back to Times Square by allowing New Yorkers and visitors to explore the neighborhood in a socially distanced manner and by giving our restaurants a lifeline through the Open Restaurants program. Today, our bowtie pedestrian counts are down 73% and 50% of our restaurants have reopened. There is still much work to be done, but the Open Streets program has successfully encouraged the City to rethink public space and make a leap towards economic recovery.

While we know there were challenges, we want to thank DOT for a tremendous job working flexibly with BIDs to experiment and make the Open Streets and Open Restaurants programs happen. With COVID-19 persisting and seasons changing, we urge the City to build upon the foundation that these programs have created. We are thrilled about the City's decision to bring back outdoor dining next summer and support the initiative to extend it past this year's proposed deadline of October 31st. However, it should not end here. We strongly believe that if we continue to experiment and use public space innovatively, we will be able to build back a New York that is not only more resilient and better prepared for future pandemics, but also one that is safer and more exciting for visitors.

This is the City's opportunity to work with organizations like the Alliance to sustainably implement vibrant and cared-for outdoor public spaces across all 5 boroughs. These spaces must successfully accommodate competing uses such as pedestrian and cyclist movement, commercial activity, programming and events. This will require thoughtful, integrated management and we are eager to be a partner in that process through COVID-19 and beyond.



**PUBLIC ADVOCATE FOR THE CITY OF NEW YORK**  
**Jumaane D. Williams**

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**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS**  
**TO THE NEW YORK CITY COUNCIL COMMITTEE ON TRANSPORTATION -**  
**HEARING**  
**SEPTEMBER 9, 2020**

Good morning,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank the Committee on Transportation chair Ydanis Rodriguez for holding this hearing on the open streets program.

The Department of Transportation's open streets program allows New Yorkers to take advantage of car-free spaces in their neighborhoods. People can jog, ride bicycles, exercise, or walk through streets. Even areas with less park space per capita have open streets now. Initially, the rollout was based on places with parks nearby so this change is welcome for neighborhoods without much green space are able to benefit.

I look forward to DOT officials explaining the next steps with the program, such as an earlier start date next year. Before the pandemic, we understood well there was a lack of green spaces for communities of more color. We should not forget this going into the spring once the weather gets warmer.

At the same time, DOT offers outdoor dining with participation from thousands of businesses. Businesses have been able to recover some income because of this program. Despite an abrupt rollout, people are eating outside at mostly local restaurants. I support the continuation of the program next year.

But, clearly, based on the fears from business owners we have heard in previous City Council hearings, more needs to be done. As the weather becomes colder, outdoor dining will end. Without indoor dining, businesses may decide to rely on take-out or close for good. We need to remember that businesses still have expenses yet to be addressed by this administration or the Governor. I am concerned about reports of racially disparate enforcement against businesses owned by people of color. State officials are willing to aggressively suspend liquor licenses from businesses, instead of offering clearer guidance of current and future dining rules. I urge the Governor and his team to reconsider their enforcement and work with businesses to be in compliance.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK  
**Jumaane D. Williams**

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While outdoor dining has been well received by businesses owners and their patrons, there have been several reports of tables and chairs blocking the sidewalk, which is illegal based on the Americans with Disabilities Act - and more than an inconvenience for individuals in wheelchairs, walkers, or using strollers. Our streets must be accessible for everyone. There are additional concerns that sneeze guards are not enough, particularly for people who use wheelchairs. Some places may offer no protective barrier between diners and disabled New Yorkers. Business owners and staff can move these chairs and tables, but we should have a barrier-free design within this program. We should take into consideration such concerns considering the various setbacks for people with disabilities during the pandemic.

It is possible to have an outdoor dining program that does not come at the expense of people with disabilities. We can look at San Francisco, where outdoor dining requires "ADA-compliant sidewalk access." The Department of Transportation should ensure restaurants are complying with ADA requirements immediately, and provide adequate support for businesses to become and remain compliant, rather than just use violations.

While outdoor dining has been a useful tool that has allowed some businesses to operate during the pandemic, without substantial financial support our City's small business sector will continue to suffer. My legislation, Intro. No. 1990, is a solution for our small businesses along with independent contractors and non-profit organizations by having the Department of Small Business Services administer interest-free loans. They need financial help or else they may close. The longer we wait, the worse it will be for the City's economy.

I understand concerns regarding the City's financial health and the federal government's failure to provide assistance during one of the worst financial crises since the Great Depression. I agree that we are in a dire moment. But now is the time to figure out solutions such as taxing the rich. I, along with many New Yorkers, support it. I even crafted a policy report explaining different proposals to tax the rich. I await state officials to do the obvious.

Overall, we should celebrate the open streets program as innovative for New Yorkers to enjoy the summer and an essential tool for businesses to weather this crisis. Open streets mean more space for people to walk or eat outside of certain restaurants. However, it is clear that more needs to be done with solutions for business relief and expanding access for neighborhoods with little to no green space. Thank you again to the chair, and I anticipate today's discussion.

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## **Open Streets Testimony** Before the New York City Council Committee on Transportation Jeffrey LeFrancois Via Zoom | September 9, 2020

My name is Jeffrey LeFrancois and I am the Executive Director of the Meatpacking Business Improvement District in Manhattan.

Thank you to Speaker Johnson and Chair Rodriguez for holding this oversight hearing today. I would also like to thank the administration and the Department of Transportation for standing up the Open Streets programs, which has given street space back to people, and allows for the operation of restaurants for outside dining.

The Meatpacking BID represents over 200 businesses. The District employs 26,000 people, 6,000 of which are in the foodservice and hospitality industries. Despite the large workforce and visitor population, 80% of public space is dedicated to cars, while just 20% of space outside, including 30,000 square feet of plazas, is space for pedestrians and sidewalk cafes. The OS program helps to bring those numbers closer together as the district works to bring a more pedestrian focus and pedestrian safety to its streetscape. After all, it is people who eat and shop, cars do not.

The district was a strong advocate for the Open Streets and Open Streets: Restaurants program and it would not have been possible without the Council's push to bring these programs to life. We're proud to be managing 6 blocks of the program, including one at the Robert Fulton Houses, a NYCHA Development on West 17<sup>th</sup> Street.

The Meatpacking BID fully supports making the Open Streets and Open Streets: Restaurants programs a permanent part of the city's streetscape. As a part of making these programs permanent, we also ask the city provide winter guidance for outdoor dining, too. While indoor dining may be on the horizon, many people may not feel comfortable eating inside. There is no reason the city cannot provide parameters for restaurants to operate heaters, partial enclosures, and other elements so New Yorkers can dine outside year round. Providing that guidance now will allow restaurants to prepare and the supply chain to meet demand of what will be needed.

The program should also be expanded to create a network of open streets that safely connects neighborhoods. It should also allow for non-restaurants establishments to use outdoor space, with guidance provided by the city much like DOT did for the Open Streets: Restaurants program.

This program has not been without its problems.

Vehicular drivers are reckless and destroyed all of the DOT/NYPD-provided barriers. The BID purchased its own barriers and has employed a significant signage program to educate drivers, but barriers continue to be destroyed as drivers ignore the rules, which endanger pedestrians. Ironically, our plazas are lined with large granite blocks as a means of protection for pedestrians from cars, but it's a 15lb piece of metal used to block off the street to make this program work. The city should be bold and provide guidance for infrastructure to make barriers stronger and potentially permanent.

By increasing the amount of safe space outside, visitors and workers alike benefit.

While we recognize this program was put together quickly, this is exactly the type of thinking New York City should be doing to bring our city into the 21<sup>st</sup> Century. As global cities around the world install protected bike networks, vastly improve public transit, and expand business outside, New York has an opportunity to be bold and do so with smart planning. Providing more resources and guidance can make that happen.

We look forward to continuing to manage the Open Streets program this year and in the years to come.

Thank you.

My name is Melodie Bryant and I thank the members of the Transportation Committee for allowing me to testify.

I live on a block I am convinced is the noisiest in Manhattan: West 22<sup>nd</sup> between 7<sup>th</sup>-8<sup>th</sup> Aves. As a single woman when I first rented an apartment there I remember thinking: I don't know. This street is a little quiet. Maybe too quiet. That was the last time I had that thought for 30 years – until now. The trucks and honking were constant. There was always a moving van, a contractor double parked, and aggravated drivers honking to get them out of the way so they could get to the top of the block. All that has changed.

Initially the idea was for West 22<sup>nd</sup> Street to be an Open Streets for pedestrians to social distancing against Covid 19. Our sidewalks are narrow. We were dodging each other, trash piled for collection, and dog walkers. We needed more space.

The neighborhood took to it instantly. The next thing I knew, people were strolling in the street with their dogs, with grocery carts, walking hand in hand. After months cooped up in tiny apartments because of COVID19, we really needed this. We still do.

I thought there'd be lot of push back from drivers. There is a garage on the street, so there are still cars coming through. But they move slowly now, drivers nearly always closing the barriers behind them. And the drivers who park on the block, are relieved to have less competition from through traffic.

There are still many trucks on the street, but now the workmen can get their work done without a hassle, because through traffic is virtually nil.

When strangers see me moving the barriers, they frequently thank me for the quiet we now have. Neighbors I've never met, pitch in to keep the barriers closed throughout the day. But the best part? The best part are the new sounds you hear on West 22<sup>nd</sup>: The guy in his wheelchair with a speaker playing salsa, riding safely in

the street, no longer having to navigate uneven pavement; the sounds of skateboards, scooters and Citibike bells, or kids calling out to their parents as they practice learning how to ride their bikes. They come from other blocks to do this, and I have photos of all of it.

It seems the City wants to cancel Open Streets at the end of October, but since we will still have a pandemic, social distancing will still be needed. As Winter drives us back indoors, I am hoping the deadline will be extended for streets like mine till the end of the pandemic. Having the street open for walking has transformed West 22nd. We'd like to keep it.

Thank You,

Melodie Bryant

My name is HP .I'm a World War II veteran and Director of UMEWE a self-funded Veteran Advocacy Organization, which for the last 3 years has been working on behalf of 12,000 veterans attending CUNY schools and colleges in the city. Our mission is to enable them to purchase Metro cards at the same price as seniors.

Mindful of the MTA's financial difficulties, we focused on ways in which the money needed to fund the discount would not have to come from their budget. To accomplish this

2 State Bills were re-written , Assembly Bill AO2131A and Senate Bill S 3372A.. These bills enable all veterans to the discount, not just those in college. We secured a majority of legislators to support the Bills. Yet they have not been put up for a vote

Over 2 years ago with the help of Chaim Deutsch ,Bill Perkins. Erick Urlick and Corey Johnson The Mayor and City Council approved allowing veterans attending CUNY colleges to get a discount. Unfortunately the Mayor Changed the requirements for qualification and after 2 years only 240 out of 12,000,were approved. Mr. Mayor why did you make the changes? And when will you correct this injustice?

We recognize due to the decimation of budgets caused by covid-19 . We needed a new source of revenue which would not impact your budget as well as that of the state and suggested the creation of A Veterans Scratch Lotto to the Chairman of the Gaming commission. Not only did he think it was an innovative approach, but it could be done within the existing law.

Senator John Brooks sponsor of S3372A is planning to present the lotto to the Governor and it is endorsed by Gary Pretlow Chairman Of Assembly's Gaming Commission..

I ask this council and you Mr. Mayor, to join us by writing the governor requesting he approve the creation of the Veterans lotto and announcing it on Veterans Day. Your Department of Veterans Service is waiting for your approval.

Veterans contribute to the economic growth of the City. Over the last 10 years we have lost 35% of our veteran population, one of reasons being the high cost of Public Transportation. It will cost a veteran younger than 65 over \$65,000 during their lifetime. Is that Fair Fare!!!

I ask that on Veterans Day, when you thank us for our service. You demonstrate it by requesting the Governor to create A Veterans Scratch Lotto.

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**Testimony of Patrick McClellan  
Director of Policy  
New York League of Conservation Voters**

**City Council Committee on Transportation Oversight Hearing on DOT's Response to  
COVID-19 and the Open Streets Program  
September 9, 2020**

Good morning, my name is Patrick McClellan and I am the Director of Policy at the New York League of Conservation Voters (NYLCV). NYLCV represents over 30,000 members in New York City and we are committed to advancing a sustainability agenda that will make our people, our neighborhoods, and our economy healthier and more resilient. I would like to thank Chair Rodriguez for the opportunity to testify today.

New York's Open Streets program, spurred by a bill this committee held a hearing on in April, has been a success. It began during the darkest days of the COVID-19 pandemic, when New Yorkers were desperate for fresh air and the ability to get some exercise and interact with their neighbors safely. Since then there has been widespread use of and enthusiasm for Open Streets, and some Open Streets have even been modified to include outdoor dining, thereby also helping small businesses. However, the program has not been without its shortcomings, which is why we are grateful to the Council for providing this opportunity to highlight potential improvements.

First, we have been disappointed by the Administration's lack of transparency about Open Streets decision-making. How are streets selected in the first place? What is the rationale for closing some Open Streets?<sup>1</sup> Without a transparent process around these types of questions, it is difficult for communities to play a role in administering the program and to fairly evaluate the Department of Transportation's performance.

Second, Open Streets would function better as a connected network of roads that are closed to thru traffic rather than as isolated, and short, sections. A Transportation Alternatives study found that half of Open Streets are 0.16 miles or less in length and that the average Open Street is just 0.22 miles in length.<sup>2</sup> This might be acceptable if the point of the program is to provide a small number of isolated blocks with room to breathe, but our understanding and hope for the Open Streets program is that it can provide extended corridors for walking, biking, and safe socializing.

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<sup>1</sup>

<https://gothamist.com/arts-entertainment/nyc-adds-172-miles-new-open-streets-removes-277-miles-previous-open-streets>

<sup>2</sup> <https://www.transalt.org/open-streets-progress-report>

Third, too many Open Streets are disregarded by drivers, who at times have destroyed wooden sawhorses and essentially taken vigilante action to return Open Streets to cars.<sup>3</sup> We do not believe that police enforcement is necessary for this program to succeed, but surely the City can provide communities with sturdier barriers to keep families safe and further deter reckless drivers.

Fourth, and most important by far, the Open Streets program is not equitable.<sup>4</sup> In its early days the program disproportionately benefited wealthier and whiter neighborhoods, and while there has been commendable progress on making it more equitable since then, it is not enough to say that all New Yorkers have relatively equal access to Open Streets. Parks, open space, and safe infrastructure for pedestrians and cyclists are not equitably distributed across the city. The impacts of COVID-19, both on people's health and their livelihoods, were not and are not equitably distributed across the city. A truly equitable Open Streets program should prioritize and disproportionately benefit neighborhoods that have fewer parks, less open space, and have been hit harder by COVID-19.

Finally, I would like to comment on an issue that is related to DOT's COVID-19 response but not the Open Streets program. The pandemic has led to a boom in bike sales and cycling, and the recent legalization of e-bikes and e-scooters is likely to bring many more of those transportation options to our roads as well.<sup>5</sup> Some New Yorkers are newly using bikes to commute, some are using them to get or stay fit, some are using them just to get out of the house and get some fresh air, and some of us are using them to stay sane. No matter why New Yorkers are riding more though, NYLCV hopes and expects that biking will become a permanent shift for many people even after the pandemic ends.

Having safe and cost-effective transportation alternatives will also be critical when congestion pricing is implemented. And, they will serve as part of the solution as we move to cleaner modes of transportation to fight climate change and air pollution caused by cars and trucks. The City needs to have a plan for how to safely accommodate these new cyclists, and it can't wait for the Master Plan, which is not due for more than a year. While I understand that the City is facing immense budgetary challenges, we need plans, and action, for more safe bike lanes and bike parking now. NYLCV encourages the City to develop and release such a plan as soon as possible if one is not already being worked on.

Thank you for the opportunity to testify today.

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<sup>3</sup> <https://gothamist.com/news/open-streets-program-rife-little-enforcement-and-broken-barricades>

<sup>4</sup> <https://www.transalt.org/open-streets-progress-report/#shortcomings>

<sup>5</sup> <https://www.nytimes.com/2020/07/03/nyregion/coronavirus-nyc-bike-paths.html>

# North Brooklyn Open Streets Community Coalitions Testimony - 9 Sept 2020

Presented by Noel Hidalgo, Executive Director of BetaNYC. I speak on behalf of BetaNYC and my personal experiences maintain open streets.

I am one of 80 North Brooklyn neighbors who are maintaining our open streets. We have formed the North Brooklyn Open Streets Community Coalition to build, maintain, repair, and set up our barriers. Eight local non-profits and our two Council members (CM Reynoso and Levin) are part of the coalition that is collectively stitching together solutions to the issues that appear on our open streets.

Collation organizations - North Brooklyn Neighbors, Brooklyn Greenway Initiative, Transportation Alternatives and Transportation Alternative's North Brooklyn Committee, Park Church CO-OP, North Brooklyn Mutual Aid and their North Brooklyn Stewards program, BetaNYC, North Brooklyn Parks Alliance, El Puente, Council Member Antonio Reynoso, and Council Member Stephen Levin.

I have witnessed construction vehicles drive crush barricades in protest, and my neighbors have witnessed others ram barricades in frustration.

I have been yelled at and cursed at for setting up barriers. I have been called a communist and have been nearly hit while setting up barricades.

I have witnessed countless delivery truck drivers continue to make their normal deliveries without a problem.

I have witnessed small businesses reestablish themselves on the sidewalk and reclaim a bit of revenue.

I have witnessed families enjoy the summer and spaces in front of their apartments. I have witnessed elderly neighbors get their steps in, neighbors in wheel chairs enjoy the street while the sidewalk they pass has pinch points less than 2 feet wide.

After months of sheltering in place and witnessing the deaths of Breonna Taylor, Daniel Prude, Ahmaud Arbery, and George Floyd, I am here to testify that our open streets have helped new yorkers reclaim their dignity.

## Things to mention:

\* Since Memorial Day weekend, we've been maintaining barricades around North Brooklyn.

\* Currently, we are overseeing 2.3 miles of open streets - 42 intersections.

\* Ready Set donated 15 gallons of white paint. Community members have donated brushes and rollers, and BetaNYC has spent \$500 in rope, supplies, and tools.

\* We have replaced over 50 legs; including 18 legs in one day. **Currently, we need 40 legs and 10 cross bars.**

**Capt Fahey of the 94th Precinct has been extremely helpful in getting replacement barriers but it has taken 2.5 weeks to process this request. Also, we've been told that NYPD won't be able to provide any more barricades, and we will have to buy or build future barricades.**

## Streets that are not working well:

\* South 9th - zero community support

\* North 3rd - there are three parking garages on this street.

\* Grand st - destroyed barriers and need to be replaced.

\* Nassau ave - destroyed barriers and need to be replaced.

## Streets that are working well:

\* Sharron st - Friends of Cooper Park is doing a great job at maintaining barriers.

\* West st - This is maintained by the Brooklyn Greenway Initiative.

\* Russell st & Driggs - The community's attitude has changed and we have lovely painted barricades.

\* Berry st - is a gem but takes quite a bit of work.

### **A brief story about Berry...**

- \* Berry street is a mile long stretch and cuts across two police precincts.
- \* Both police departments did not have the resources to remove the barriers at 8 pm nor set them up at 8 am.
- \* The community has come together to support Berry St to be a 24/7 operation.
- \* Our volunteers have walked Berry Street and talked to 22 businesses about a proposed petition to make Berry st permanent. 16 are in favor of making the street a permanent open street. (6 yes + 10 in favor and needs to see the final text.)
- \* On the Southside, we have had overwhelming support from the 90th Precinct. On the Northside, we've been working with the 94th Precinct to address a few inconsiderate neighbors. Collectively, both Precinct are supportive of making Berry St a permanent open street.

### **Insights:**

- \* If you give a car an inch, they will drive through it. NYC drivers are some of the most arrogant and we need barriers that truly minimize vehicle movement.
- \* We need better communication and collaboration with DOT, NYPD, Sanitation, and small businesses waste carting companies.
- \* We have painted barriers lighter colors to change the relationship between the community and the perception that this is a law enforcement issue
- \* We have lashed legs to cross bars with rope to minimize legs dropping and getting damaged.
- \* While we have placed LARGE signs on all of the cross bars, only repeated barriers at multiple intersections prevent drivers from using the street. one / two block open streets are nearly pointless.
- \* In Greenpoint, there are many short, one way blocks that should be altered to make super blocks that minimize through traffic.

### **What we want:**

- \* We want timely resources from the NYPD and DOT. I'm explicitly talking about barriers and durable signage.
- \* In North Brooklyn, we want Berry st to be permanently classified as an open street. On other streets, we need permanent traffic calming solutions.
- \* Lastly, we want the program to be extended throughout the winter.
- \* AND we need a network of pedestrian prioritized streets throughout the neighborhood. Our families need the freedom to move. It is an injustice that these open streets privilege the city's more affluent neighborhoods.

We stand with our allies and testify that NYC's open streets will only be a success if there are vibrant volunteers, community partners, and appropriate resources delivered in a timely manner.

Good morning everyone, Thanks for letting me testify! I'm here in support of the City's Open Streets programs. They've been a ray of sunshine in an otherwise dark year. They have provided our communities with badly needed space for physical distancing and brought joy to those who can now enjoy our streets.

I'd like to raise a few points about their utility for cyclists.

1) This infrastructure must be made permanent and 24/7 to supplement our nascent bike network. I've personally biked home after 8 p.m. on some of these routes to find them filled with double parked cars and speeding drivers.

2) We need to maintain or allocate road space for bike commuters within the open streets. The needs of commuters and working cyclists are different from those of children learning to bike or leisurely recreational cyclists.

3) Several open streets were unpopular amongst pedestrians, or lacked dedicated programming. Many can be converted or lengthened to corridor-length bike boulevards. These would employ frequent diverters to discourage "through drivers" while maintaining connectivity for cyclists. This would create low-stress cycle routes and maintain access for local drivers, without requiring significant construction.

Thank you again for implementing this program, especially for the "Miracle on 34th Avenue." I encourage you to continue expanding, developing, and improving on this year's successes.

Good afternoon and thank you for hosting this session. My name is Jackson Chabot, and I am here today representing Open Plans as a Transportation Policy Associate. I wholeheartedly support the continuation and expansion of the Open Streets program.

I would like to highlight three recommendations to build upon the program's successes:

1. Open streets *should be made permanent, open 24/7, and supported by a DOT administered small grants program*. This will ensure pedestrians and cyclists know the streets are for them and they can safely use the street. This program has galvanized community members to create Open Streets Coalitions. Dedicated volunteers set up and break down the Open Streets on Ave B, 34th Avenue, and in North Brooklyn twice a day. This ongoing effort requires significant volunteer coordination and makes the program cumbersome for communities to manage. The grants program would directly support community led management and programming.
2. Open streets *need better barriers and signage* to protect users from drivers. Open Streets are spaces where friends and families gather at safe physical distances, children bike and play, and restaurant seating is at capacity. Open Streets Coalition members have consistently reported drivers running over the wooden sawhorses and ignoring clearly marked Open Streets signage.
3. The DOT must *extensively engage communities using an equity lens*, safely meeting them where they are at and on their terms. The engagement process should focus on areas that have been systematically under-resourced to best understand what communities might want from the Open Streets program umbrella. Open Streets have provided many, but not all communities with wonderful public space this summer.

Thank you for your support and vision to ensure that Open Streets became a reality. The program must be expanded and improved because many systemically under-resourced communities have not been able to partake and access the benefits of Open Streets. To the City Council, I ask that you continue to insist the DOT develop and expand the program using an equity lens to ensure that all New Yorkers can safely use their streets.

ATTN: NYC Council Transportation Committee  
RE: Open Streets

Dear Council Members,

My name is Thomas Huzij and I am a lifelong New Yorker. I grew up next to Woodhaven Boulevard dodging high speed traffic to get home from school. I have witnessed the devastation caused by motor vehicle traffic and the neighborhood fragmentation created by the massive infrastructure built to carry those cars. It is a historical tragedy that we ever ceded as much space to private automobiles as we did and it is one that we continue to pay the price for today with injuries, fatalities, pollution, and inequitable distribution of our public space. What gives me hope for the future is the ingenuity of New Yorkers who want to see a better city that works for everyone. The Open Streets experiment is a perfect example of what can be achieved when communities come together to build something from the ground up.

Open Streets is an idea whose time has come. No longer should we think of streets as the domain of the automobile. We have seen firsthand that there is a better use of our public spaces. After Berry Street in Brooklyn became an Open Street my neighbors came out and immediately started to use the space. What had previously been a chasm of street parking and speeding cars was instantly a new public space where families were playing and friends were convening. After months of strict lockdown people had space to breathe, stretch their legs, and see their loved ones again in a responsible manner. Sidewalks in New York are all much too narrow for people to maintain proper distance. Parks only have so much space when we cannot get too close to one another. We are desperate for public space and the activation of each Open Street only proves that we could use more.

The City and the Department of Transportation need to do more to support these spaces. Community groups exist that have stepped up and amassed a network of volunteers ready to shepherd this space but we need more resources. Drivers destroy wooden barriers and it is too much to ask of volunteers to repair them. We need sturdier protection for our Open Streets. There is a disparity between neighborhoods when these resources are provided by local police precincts who choose what spare materials they are willing to commit. There is a disparity between neighborhoods when the DOT fails to provide a minimum basic level of support from materials to community outreach. We must do better.

Open Streets should become a permanent part of New York City. They should be preserved year-round and be open 24/7. They should be rapidly expanded and turned into a network that allows New Yorkers to walk and bike all over the city without the threat of traffic violence and the health impacts of exhaust pollution. We know that a better New York is possible and our communities are ready to do the work. Now we just need our government to do their part.

Sincerely,  
Thomas Huzij  
18 Meserole St  
Apt 2B  
Brooklyn, NY 11206



## Re: Transportation Committee Oversight Hearing Open Streets - September 9, 2020

My name is Christine Berthet, I am the founder of CHEKPEDS, a pedestrian rights organization.

Our community on the west side of Manhattan asked for open streets in order to provide distancing for pedestrians and a front yard for residents who live in tiny flats or are piled up in small apartments.

The program the DOT announced was consistent with our expectation of a simple request form for communities who wished to open their block, similar to the Play Streets program . The barricades were to be provided and operated by NYPD , with the community's assistance. DOT designed and announced the program in two weeks an extraordinary performance under COVID quarantine.

Of the 20 requests for Open Streets in our district, eventually 10 were approved. Such a demand proves that the population has an appetite for more space in front of their homes and Open streets serves a valuable purpose. Those streets that stayed open were very popular .

What went right : each community group could choose to participate or not; the application form was simple; whenever there was a BID, or a highly committed block association , the open street was a success

What were the obstacles : NYPD stopped operating the barricades, due to higher priorities. The barricades were of poor quality and drivers broke them too easily. Watching the barricades turned out to be too much of a lift for many block associations whose members and leadership were not in town. Some bars used the Open Street as a party space , and many underserved communities were not even aware of the program .

### How to make it better :

Provide much sturdier barricades, water filled that cannot be easily moved.

Provide official signage on poles on barricades.

Hold NYPD to their commitment.

Enroll Council members and Borough Presidents to spread the word to all communities and sponsor civic associations that are committed to do the (minimal) work for theirs and others' blocks.

Considering that "Open Streets" was launched less than 6 months ago, in the middle of the COVID quarantine, this is an excellent start for a program that can deliver the rarest of commodities: a front yard to a majority of New Yorkers.

We do not want to change the design or purpose of the program, we just need to make sure we improve on it and make it available to those who deserve it the most.

**Testimony on Behalf of the United Parcel Service (UPS)  
to the NYC Council's Committee on Transportation Oversight hearing  
on the DOT's Response to COVID-19 and the Open Streets Program  
September 9, 2020**

UPS thanks Speaker Johnson and Chair Rodriguez for holding this important oversight hearing today, and for the opportunity to provide feedback to the Open Streets Program, which has allowed for much needed outdoor solutions in the wake of social distancing requirements due to the COVID-19 pandemic. We would also like to thank Council Member Rivera for her leadership and advocacy of this initiative.

Throughout the pandemic, UPS has been working to ensure that communities across the globe and in New York City, continue to receive their packages in a timely and safely manner. With many more New Yorkers working remotely and the drastic increase of e-commerce activity, our change in delivery patterns have been impacted significantly. UPS is proud to use its logistics capabilities in assisting NYC's response to COVID-19 and ensure that local small businesses can survive. It is important to note that as the COVID-19 pandemic and its long-term effects on the economy continue to play out, so does the nature of deliveries and their demand.

UPS has been grateful for the ongoing collaboration between the Department of Transportation (DOT) and the freight industry to ensure that deliveries can continue without interruption since the inception of the Open Streets program. COVID has started important conversations about the allocation of public space but we must ensure that this conversation also includes innovative solutions to curbside/freight management and traffic congestion. As an industry leader in the global logistics and sustainability industries, UPS envisions alternatives that reduce congestion and allow for more efficient deliveries. One example of this is the cargo electric bikes pilot program, in partnership with DOT, which will reduce congestion by cutting down truck dwell time, instances of double parking, and other challenges associated with limited curbside space.

UPS has also proposed a number of interventions that can reduce congestion and help to re-imagine our streetscape. These initiatives include creating "commercial green zones" to incentivize zero emission trucks in dense locations, help the City meet its other OneNYC goals and to reduce diesel pollution. As vehicle ownership increases and more New Yorkers turn to for-vehicles as their preferred method of transportation, enforcing existing commercial parking restrictions will be essential to reducing traffic congestion in the city. Another proposed solution has been the promotion of our self-automated lockers that reduces redelivery attempts and decreases overall carbon footprint and traffic congestion. Through these proposed innovative solutions, we will be able to maintain our delivery service but also assist the City in envisioning how to efficiently use public spaces beyond the pandemic.

Thank you for your time and consideration. UPS looks forward to continue working with the Council to support the City's long-term COVID-19 recovery response efforts.

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