

## **New York City Department of Transportation**

### **Notice of Adoption**

**NOTICE OF ADOPTION** relating to an amendment of DOT's Traffic Rules relating to the Theatre District Zone.

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN** the Commissioner of the New York City Department of Transportation (DOT) by Sections 1043 and 2903 of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter that DOT hereby amends and adds Section 4-20 of Chapter 4 of Title 34 of the Rules of the City of New York.

This rule was first published in the City Record on October 29, 2021 and a public hearing was held on November 29, 2021. DOT received written and verbal comments from the public.

### **Statement of Basis and Purpose of Rule**

The Commissioner of the New York City Department of Transportation (DOT) is authorized to issue rules regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter.

In accordance with Local Law 99 of 2021, DOT is promulgating rules relating to designated activity zones and pedestrian flow zones in the Theatre District Zone, including Times Square and Times Square Plaza in Manhattan.

Within less than a 0.1 square mile area, the Theatre District Zone encompasses 40 Broadway theaters, 39 hotels, 39 million square feet of office space, 170,000 jobs, 11 subway lines, and on a daily basis, 350,000-450,000 pedestrians. No other area in New York City faces greater pressure on its public spaces for as many hours of the day as the Theatre District Zone. There is a critical need for managing the many competing demands for space in this heavily used area. These rules are intended to allow for an array of commercial activities while preserving the ability of pedestrians to move through this area in a safe and unrestrained manner, by authorizing DOT to designate specific locations within the Theatre District Zone for commercial activity or pedestrian traffic.

The rule establishes designated activity zones and pedestrian flow zones to be enforced by the New York City Police Department (NYPD) in the Theatre District Zone, similar to the zones currently designated in the Times Square Plaza.

Specifically, the amendments to the DOT Traffic Rules are as follows:

- Amend the definitions of “Designated Activities” and “Designated Activity Zone” in Section 4-01
- Add a new Section 4-20 relating to the Theatre District Zone, specifically:
  - prohibiting a person from using a Pedestrian Flow Zone for any purpose other than the safe and continuous movement of pedestrian traffic; and

- prohibiting Designated Activities from occurring in areas not delineated as Designated Activity Zones, with certain exceptions listed in Section 4-20.
- Add new penalties to Section 3-01 in relation to the Theatre District Zone

New material is underlined.

[Deleted material is in brackets.]

**Section 1. The definitions of “Designated Activities” and “Designated Activity Zone” as set forth in Section 4-01 of Chapter 4 of Title 34 of the Rules of the City of New York are amended to read as follows:**

**Designated Activities.** The term “Designated Activities” means commercial activities, including solicitation of any kind, distribution of anything, entertainment or performances by individuals or groups, posing for or taking photographs or videos, and vending expressive matter, where any form of compensation, donation, or gratuity is requested or accepted. Persons who engage in designated activities shall be deemed to be engaged in such activities for the entirety of their interactions with each member of the public for the purpose of conducting commercial activity. Designated activities shall not include commercial activities by vendors who are licensed pursuant to sections 17-307 and 20-453 of the New York City Administrative Code.

**Designated Activity Zone.** The term “Designated Activity Zone” means an area [in a pedestrian plaza] designated as such by the Department by signage and/or markings in which individuals conduct Designated Activities.

**§ 2. Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new Section 4-20 to read as follows:**

**§ 4-20 Theatre District Zone.**

- (a) For purposes of this subdivision, the term "Theatre District Zone” has the same meaning as “theatre district zone” in section 19-157.1 of the Administrative Code.
- (b) **Pedestrian Flow Zones.** Where the Department has designated by markings and/or signage Pedestrian Flow Zones in or on the Theatre District Zone, no person shall use such zones for any purpose other than the safe and continuous movement of pedestrian traffic.
- (c) **Designated Activity Zones.**
  - (1) Where and when the Department has indicated by markings and/or signage one or more Designated Activity Zones on any block within the Theatre District Zone, no person on such block shall engage in Designated Activities outside Designated Activity Zones, except:
    - (i) where otherwise authorized by a concession agreement entered into by the Department; or
    - (ii) where otherwise authorized by an event permit issued by the Mayor's Office of Citywide Event Coordination and Management; or
    - (iii) where otherwise authorized by a permit issued by the Mayor’s Office of Media and Entertainment; or
    - (iv) at days and times when vendors licensed pursuant to section 17-307 and 20-453 of the Administrative Code may vend.

- (2) A person may engage in Designated Activities on a block in the Theatre District Zone if such person is not within a Pedestrian Flow Zone and if such block does not contain any Designated Activity Zones.
- (3) This subdivision shall not apply to operators of newsstands authorized by section 20-241.1 of the Administrative Code.

**§ 3. Section 3-01 of Chapter 3 of Title 34 of the Rules of the City of New York is amended by adding two new entries, in alphanumeric order, to read as follows:**

<u>Section</u>	<u>Description</u>	<u>Penalty</u> <u>(\$)</u>	<u>Default</u> <u>(\$)</u>
<u>34 RCNY § 4-20(b)</u>	<u>Use of a Pedestrian Flow Zone in the Theatre District Zone for any purpose other than the safe and continuous movement of pedestrian traffic.</u>	<u>500</u>	<u>500</u>
<u>34 RCNY § 4-20(c)</u>	<u>Engaging in Designated Activities within the Theatre District Zone outside of Designated Activity Zone(s), except where otherwise authorized.</u>	<u>500</u>	<u>500</u>

## **FINDING OF SUBSTANTIAL NEED FOR EARLIER IMPLEMENTATION**

I hereby find and represent to the Mayor that there is a substantial need for the implementation, immediately upon its final publication in the City Record, of the New York City Department of Transportation (“DOT”) rule relating to designated activity zones and pedestrian flow zones in the Theatre District Zone (pursuant to Local Law 99 of 2021), including Times Square and Times Square Plaza in Manhattan.

Within less than a 0.1 square mile area, the Theatre District Zone encompasses 40 Broadway theaters, 39 hotels, 39 million square feet of office space, 170,000 jobs, 11 subway lines, and on a daily basis, 350,000-450,000 pedestrians. No other area in New York City faces greater pressure on its public spaces for as many hours of the day as the Theatre District Zone. There is a critical need for managing the many competing demands for space in this heavily used area. These rules are intended to allow for an array of commercial activities while preserving the ability of pedestrians to move through this area in a safe and unrestrained manner, by authorizing DOT to designate specific locations within the Theatre District Zone for commercial activity or pedestrian traffic. The rule would establish designated activity zones and pedestrian flow zones to be enforced by the New York City Police Department (NYPD) in the Theatre District Zone, similar to the zones currently designated in the Times Square Plaza.

There is a substantial need for the earlier implementation of these rules because of the continued traffic safety concerns raised by the high number of pedestrians and commercial activities occurring on the sidewalks within the Theatre District Zone, especially in light of the upcoming holiday season, which will increase the number of visitors to and commercial activities occurring in the Theatre District Zone. It is therefore critically important that this rule take effect as soon as possible so that the City can create designated activity zones and pedestrian flow zones to better regulate pedestrian traffic and commercial activities.

Therefore, I find pursuant to section 1043(f)(1)(d) of the New York City Charter that there is a substantial need for this rule’s earlier implementation.

\_\_\_\_\_/s/\_\_\_\_\_  
Henry B. Gutman, Commissioner  
New York City Department of Transportation

APPROVED:

/s/  
Bill de Blasio  
Mayor

