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CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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October 24, 2016

Hon. Melissa Mark-Viverito, Speaker  
City Council  
250 Broadway, Suite 1856  
New York, New York 10007

Hon. Rafael Espinal, Chair  
Committee on Consumer Affairs  
250 Broadway, Suite 1880  
New York, New York 10007

Hon. Corey Johnson  
City Council  
250 Broadway, Suite 1804  
New York, New York 10007

Hon. Gale A. Brewer  
Manhattan Borough President  
1 Centre Street, 19<sup>th</sup> floor  
New York, New York 10007

**RE: Vending legislation**

Dear Speaker Mark-Viverito, Council member Espinal, Council Member Johnson, and Borough President Brewer,

Manhattan Community Board 4 (MCB4) welcomes the opportunity to comment on the proposed package of legislation for reforming Street Vendor operations and licensing.

It is unfortunate, however, that MCB4 learned about the legislation and hearing only 13 days ago, when the bills were made public. The timing forced the Transportation Committee to address the legislation at its meeting and have it approved by the Executive Committee, preventing a full public hearing with discussion and vote of the full board. Considering the extent of the vending reforms put forth, greater transparency and more time to comment and better understand the legislation should have been exercised. While

MCB4 appreciates the opportunity to comment, the City Council's timing is hostile to public input and involvement and the board hopes additional hearings will be held on the legislation.

We appreciate the long history of vending in New York City and its role in empowering immigrants and US veterans. We also appreciate that the limit on vending permits, unchanged since the early 1980's, has led to a "black market" of vending permits allegedly costing as much as \$20,000/year and substantial illegal street vending. Reform is needed. However, we believe this legislation would exacerbate the problems, not address them.

This legislation, which would double the number of street vendors operating on New York City sidewalks, combined with LinkNYC installations, tour bus stop queues, long distance bus stop queues, sidewalk cafes, and encroachment from the non-enforcement of A-frame rules, shows a complete disregard for public space and pedestrian safety. Were this legislation to be good for New Yorkers, it must further protect, not endanger, pedestrians and street vendors.

MCB4 **opposes** the legislation, **unless** the following changes are made:

A proper consultation with the public is undertaken, with presentations to Community Boards, block associations, Business Improvement Districts, and other relevant parties. These presentations should include supporting data, including numbers of licenses, current locations where vendors are set up on a regular basis, and statistics on current enforcement practices.

Without the results of the Designated Vending Location programs or without having an inventory of where the carts can be sited in accordance with current regulations, giving more licenses than can be used legally will lead vendors who have invested their savings in a license to operate illegally.

Should any aspect of the legislation pass, we request that all of Community District 4 be included in the pilot Designated Vending area program run by the Department of Transportation.

**Placement and Siting:**

In no case should restrictions for placement of street vendors be relaxed. That the legislation would allow a vendor to setup 3' into the sidewalk from the curb and 5' from the corner is an unwarranted encroachment on the sidewalk and further privatizes public space. The rules should be made consistent with Vision Zero and pedestrian flow priorities and other sidewalk furniture. A logical reform would be to make street vending placement consistent with Newsstand guidelines, which include a 9.6 foot pedestrian right-of-way between the cart and the property line and that no item be placed on the cart that expands the footprint or protrudes into the pedestrian right of way.

Creating guidelines for street vendor locations would streamline the process and codify their existence; much like the city has done for other types of street furniture and uses of public space. Sites should be approved through that process and no additional licenses should be granted for use in the Central Business District (Manhattan below 60<sup>th</sup> Street). Greater scrutiny must also be given to the land use adjacent to the permitted spaces and whether or not it is an appropriate location for a vendor to operate (schools, restaurants, retail, and residential buildings). Vendors should not be allowed to operate on public plazas, without proper coordination and approval from the plaza maintenance partner.

Any reform of the licensing program must have pro-active measurements to prevent a license black market. Our board has received reports that licenses are copied and used by multiple vendors in multiple locations. New licenses should be embedded with GPS tags. This will prevent the duplication of licenses and allow the NYPD or any enforcement unit to properly monitor the location and operation of each vendor.

We recommend allowing food carts to operate in parking spaces, similar to DOT's Street Seats program, where their effect on pedestrian congestion will be less. This is the way food carts historically operated and would also prevent the need for vehicles to drive onto sidewalks to pick-up the carts at the start and end of the day.

### **Enforcement:**

We applaud the following:

- Creation of a dedicated enforcement unit;
- Creation of a training program with an examination on vending restrictions;
- Creation of a website and app with map of areas of the sidewalk where vending is not permitted, for both food and general vendors;
- Attaching fines to a cart and a license, which can be evaluated at renewal regardless of who pays the fine

The number of officers dedicated to enforcement is paltry. After seven years there could be over 8,000 street vendors; guaranteeing a healthy ratio of officers to vendors is critical to properly regulate if the city is going to permit an increase in licenses.

Many food carts generate noxious smoke that gets into nearby businesses or residential buildings. Creating smoke should be illegal. By contrast, a restaurant must vent its kitchen to the roof. Street carts should be subject to similar health regulations. Often this smoke comes from propane gas tanks and generators, whose loud, pollution-emitting engines should also be prohibited. In addition to creating health and safety standards for mobile vending, the City should be preventing mobile vendors from utilizing or obstructing bike lanes and proactively working on environmentally safe green carts and creating locations where vendors can plug in their carts.

### **Licenses:**

MCB4 appreciates that US veterans will get priority for vending licenses, and 5% are set aside for them through this legislation. However, that number should be at least doubled, to 10% of the eligible licenses, if the current cap is increased to 600/year over seven years.

Thank you for taking into consideration our comments.


Sincerely,



Delores Rubin  
Chair



Christine Berthet  
Co-Chair, Transportation  
Planning Committee



Yoni Bokser  
Co-Chair, Transportation  
Planning Committee