



To whom it may concern,

My name is Jackson Chabot, and I am the Director of Advocacy and Organizing at Open Plans, an over 20-year-old non-profit dedicated to safe and livable streets. We are submitting this testimony to highlight the issues with the proposed rules. These rules, proposed without any input from public space partners, neighbors, and elected officials potentially codify an increasingly cumbersome and bureaucratic program.

Furthermore, these rules make it increasingly onerous to volunteer for the city. The proposed hoops to jump through to include sourcing letters of support, drafting site plans, creating management plans for removing barricades, what happens with emergency vehicles, etc. These are examples of how city is offloading much of the responsibility for its program onto volunteers when it should be doing most of the heavy lifting to create and conduct management and outreach plans. These points and others listed below require technical expertise beyond what most New Yorkers possess especially volunteers and are more fit for trained urban planners. Big picture, if the City wants people to use the streets as easy as a vehicle can they shouldn't require a permit, site plan, run of show and to indemnify the City to do so.

Inherently this program is a beautiful expression of the best of New York: people, energy, and community building. We look forward to working with the agency and the administration to continue to improve the Open Streets. Please see our full comments below.

Commentary on the Proposed Rules

- Accessibility (as a general comment), needs to be clarified and better communicated in the rules and generally by DOT. It is clear from the several posts on the rules webpage that people are upset about the current process. While some might be attempts to take swipes at the program. The DOT must do a better job of communicating with and between Access-A-Ride, the disability advocacy groups, New Yorkers with disabilities and Open Streets. Access to Open Streets for Access-A-Ride is important, and we have seen that thus far drivers fully abused any access to an operating Open Street by driving down it while often not replacing the barrier behind them.
- **Add new penalty to Section 3-01 relating to open streets (Pg 2)**
 - We are dismayed and frustrated to see DOT and the City add any financial penalties to the Open Streets program. Individual Open Streets are primarily organized, managed, and operated for the city by volunteers and neighbors. It makes no sense to create this punitive dynamic to a program intended to provide safe and joyful public space. If this rule stays, Open Streets operators deserve explicit clarity about what triggers a penalty.
- **(D) A management, staffing and operations plan that details how barricades and any other traffic control devices, as applicable, will be managed and monitored,**



including the moving of barricades in the event of an emergency; how the applicant will ensure that the proposed open street is clear and roadway reopened at the conclusion of open street hours, as applicable; how the applicant will ensure programming providers and businesses will comply with the site plan; and, for full closure open streets, the proposed cleaning and trash disposal procedures; (Pg 4)

- **(E) A community outreach plan detailing how the applicant will regularly notify businesses, residents, and other relevant stakeholders about the proposed open street and its operation and programming; (Pg 4)**
 - Both sections (D) and (E) highlight the inherent challenges baked into this program. By asking typically new volunteers to understand this level of detail the city is creating a prohibitively high bar for New Yorkers to launch new open streets. If anything, there should be a mentoring program with SBS or DOT to educate the new Open streets applicants on how to undertake these steps. As a recurring theme, the city continues to over rely on and place the burden on volunteers to perform unpaid labor to launch and manage Open Streets. These sections should be the responsibility of the DOT, who has the actual expertise to complete these steps.
- **(F) At least three (3) letters of support from community stakeholders including, but not limited to, property owners and businesses on the proposed open street; nearby institutions, such as churches and schools; elected officials; other not-for-profit groups, neighborhood and block associations; and neighborhood residents; and (Pg 4)**
 - We are conflicted on this rule. We believe that letters of support are barriers to entry for most new Open Streets applicants. While reasonable to expect new Open Streets to garner support, this process feels simply like a way for the agency to cover itself if neighbors, community boards, or others sour on an Open Street. This step is time-consuming and has no tangible benefit to launching an Open Street. We also recognize letters of support can be useful, especially if different neighbors opposed to an Open Street come out of the woodwork.
- **(B) If the Department approves an application, it will notify the selected community organization and any affected City Council members, Community Boards, and Borough Presidents, and will notify the public by posting on its website, at least 30 days before designating the proposed open street. (Pg 5)**
 - We appreciate that this rule should be updated to make it explicitly clear that community boards do not get to vote on the approval of an Open Street.
- **(2) Management Agreement. A management agreement between the Department and the selected community organization may be required where the Department does not provide for the management of the open street. Such management agreement may include but is not limited to a concession agreement pursuant to Title 12 of the Rules of the City of New York. A community organization that does not enter into such a management agreement may nonetheless partner with the**

Department for purposes of providing programming or volunteers at an open street. (Pg 5)

- This section is unclear and should be clarified if an Open Street partner is liable. As it is written now, all evidence to date shows that DOT itself will likely bend this rule when Open Streets partners or BIDs push back and that people that do not know to push back will end up potentially being liable.
- **(2) Any person holding an event in an open street, where such event is subject to the permit requirements of the Mayor’s Office of Citywide Event Coordination and Management, must have an applicable permit from that office.**
- **(3) Any person engaged in filming or photography in an open street, where such activity is subject to the permit requirements of the Mayor’s Office of Film, Theatre & Broadcasting, must have an applicable permit from that office.**
- **(4) Any person using or operating any sound device or apparatus in an open street, where such use or operation is subject to the permit requirements of the New York City Police Department, must have an applicable permit from such department.**
- **(5) Any person holding a parade, procession, or demonstration in an open street, where such activity is subject to the permit requirements of the New York City Police Department, must have an applicable permit from such department. (All on Pg 8)**
 - We remain concerned about the requirement to get a SAPO permit for every single activity on an open street. This is a massive barrier to activating and programming Open Streets, comes with insurance requirements, and a whole mess of more city red tape. The fact of the matter is Open Streets are most successful when people see people centric, non-car activity on the street. It is simple, people attract people. If programming needs a permit every single time it becomes a lot harder to do and limits the organic nature of public space.
- **(9) Unless explicitly permitted by the Department, no operator of a vehicle or combination of vehicles shall operate, stop, stand or park any such vehicle on any open street categorized for full closure. (Pg 9)**
 - This rule, while well-intentioned, raises serious questions about the DOT’s plan to enforce said rule. Experience shows, even with the rule in place drivers will continue to park on most Open Streets unless there is towing or ticketing. What is the DOT’s plan to provide *car-free* Open Streets?
- **(13) No person shall occupy more than one seat with oneself or one’s belongings on an open street when to do so would interfere or tend to interfere with the use of such seats by others. (Pg 9)**
- **(14) No person shall leave any property unattended in an open street or place property in or on any open street in a manner that interferes with pedestrian and cyclist traffic, or, on limited local access streets, vehicular traffic. (Pg 9)**
 - Both rules 13 and 14 feel like thinly veiled attempts at policy targeting people who are unhoused. We are deeply concerned that these rules could be used to



harass and limit people's Open Street use and potentially be used as reasons to call the NYPD.

- **(27) Except as otherwise permitted by law, no person shall bring or place tables, carts, chairs or furniture in or on any open street. (Pg 10)**
 - This rule makes no sense. New Yorkers should be able to bring out their own chairs to enjoy an Open Street. This rule seems like a veiled attempt to prohibit street vending on Open Streets and should be clarified.