



**DOT Proposed Rule – Outdoor Dining
Testimony of Carina Kaufman-Gutierrez
Deputy Director
Street Vendor Project
Urban Justice Center**

November 20th, 2023

Good morning Commissioner Rodriguez and the Department of Transportation, thank you for the opportunity to provide testimony

My name is Carina Kaufman-Gutierrez, I'm the Deputy Director at the street vendor Project, a membership-based organization of over 2,900, mostly immigrant, street vendors who work in NYC's public spaces selling food and merchandise. We organize vendors to have their voices heard as well as provide legal and small business assistance.

SVP supports the open dining program allowing use of the roadway as well as the area directly adjacent to the restaurant on the sidewalk. However, it is critical that existing street vendor locations not be displaced due to restaurant's expansion into public space.

First, the rules should clearly state that no outdoor dining establishment shall be granted for a location that includes space where a food vendor is currently operating, similar to how citbike stations, newsstands and other elements are required to be noted. I am sure that every restaurant that applies for a permit knows whether or not there is a food vendor usually operating within their proposed footprint, and they should have to certify this on their permit application. The actual permit should also state that food vendors must be accommodated in the public space, to avoid any inequality should a conflict arise.

Other ideas to ensure there is no loss of vending spaces should be to relegate restaurant dining to the streets as much as possible so the sidewalks are free for pedestrians and vendors. If sidewalks are used for restaurant dining, then five feet of space, the width of the largest vending cart, should be preserved from the curb, for food vendors. This could be done by allowing restaurants to use the space usually designated for sidewalk cafes, with additional space depending on the sidewalk width.

While we know that street vendors and restaurants have existed alongside each other for more than a century, we have seen during the temporary outdoor dining program that public space can be shared. In the past vendors have not had the same opportunities and legitimacy as brick-and-mortar businesses and we hope that this program can change this history, making it clear that restaurant expansion into the sidewalk space should not come at the expense of vendors' livelihood. The reality is, the open dining program truly lays bare the inequity in enforcement and opportunity – food vendors are enforced by sanitation police with guns, while open dining enforced by civilian DOT inspectors.

We recognize that the City must do more to support all small businesses including restaurants and street vendors. Allowing restaurant dining on streets and plazas should be part of the plan, but more support for street vendors including the bare minimum of making sure they are not displaced is critical as the City to ensure equity for all small businesses.

Thank you for the opportunity to testify today.