

LANDMARKS PRESERVATION COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Amendments to the Landmarks Preservation Commission Rules

What are we proposing? The Landmarks Preservation Commission (“LPC” or “the Commission”) is proposing to amend section 2-23 of its rules to permit the installation of bus shelters in areas under the LPC’s jurisdiction.

You can watch the proceedings of the Proposal to Initiate Rulemaking Under the City Administrative Procedure Act on LPC’s YouTube channel (<https://www.youtube.com/user/nyclpc/featured>)

When and where is the hearing? LPC will hold a public hearing, at which the public and interested parties are invited to submit comments and testimony on the proposed rule revisions, at 9:30AM on May 14, 2024. This hearing will be held at the LPC’s offices on the 9th Floor North at 1 Centre Street, New York, NY 10007 and also live-streamed. In-person and remote testimony will be taken. Please check the hearing page on LPC’s website (<https://www.nyc.gov/site/lpc/hearings/hearings.page>) for updated hearing information, sign-up sheet links, the agenda and Zoom instructions.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to Landmarks Preservation Commission, Municipal Building, One Centre Street, 9th Floor, New York, NY 10007, Attention: Mark Silberman.
- **Email.** You can email written comments to LPC at nycrules@lpc.nyc.gov.
- **Website.** You can submit comments to LPC through the NYC rules Website at www.nyc.gov/nycrules.
- **By Speaking at the hearing.** We encourage anyone who wants to testify on the proposed rule revisions at the public hearing to sign up in advance by going to the LPC hearing page (<https://www.nyc.gov/site/lpc/hearings/hearings.page>) starting on May 9, 2024. On that page you can find updated hearing information, sign-up sheet links, the agenda and Zoom instructions if available. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? Yes, you must submit written comments by 9:30AM on May 14, 2024.

What if I need assistance to participate in the hearing? Please contact LPC if you need a reasonable accommodation of a disability at the hearing. You can request a disability accommodation by mail at the

address given above or by contacting Gregory Cala, Community and Intergovernmental Affairs Coordinator, at gcala@lpc.nyc.gov or 212-602-7254. LPC will provide free language services, including written translations and in-person or telephonic interpretation, to any person requiring assistance. Call 212-669-7817 or email access@lpc.nyc.gov. Advance notice is required to allow sufficient time to arrange the accommodation or service. Please tell us by May 8, 2024 if you require an accommodation or language services. The building where the hearing will be held is fully accessible.

Can I review the comments made on the proposed rules? A few days after the hearing, submitted comments will be available to the public at LPC and the video of the hearing will be available on LPC's YouTube Channel at <https://www.youtube.com/@nyclpc>.

What authorizes LPC to make this rule? Section 25-319 of the Administrative Code and §1043 of the City Charter authorize LPC to make this proposed rule revision. These proposed rules were not included in LPC's regulatory agenda for this Fiscal Year because the Commission was unaware of the new franchise agreement.

Where can I find LPC's rules? LPC's rules can be found in Title 63 of the Rules of the City of New York.

What laws govern the rulemaking process? LPC must meet the requirements of Section 1043 of the City Charter when creating or amending rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rules

Introduction

The Landmarks Preservation Commission ("LPC" or "Commission") is proposing to amend Chapter 2, Section 2-23 by adding a new subsection (d) to:

- (1) make the work of the Commission more transparent and efficient;
- (2) address existing and new governmental criteria for the installation of bus shelters throughout the city, including in designated historic districts, as required by the Coordinated Street Furniture Franchise; and
- (3) delegate to the LPC Staff the authority to permit approved bus shelters to be located at official bus stops.

Description of Proposed Changes

The proposed amendments to section 2-23 would provide that no LPC approval is required for the installation of a Bus Shelter at a Bus Stop if the Bus Shelter has received the approval of the Public Design Commission, or its predecessor the Art Commission, and meets all design, material and other criteria required by the Coordinated Street Furniture Franchise. Installations that do not meet these requirements would be required to get a certificate, permit or report.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this Commission, unless otherwise specified or unless the context clearly indicates otherwise.

§ 1. Section 2-23 of Chapter 2 of Title 63 of the Rules of the City of New York is amended by adding a new subdivision (d), to read as follows:

(d) *Bus Shelters.*

(1) *Introduction.* New York City has had many systems of public transportation, including trolleys, elevated trains, subways, and bus service. Designated stops were an integral part of these public transportation systems. In 2006, the City awarded a city-wide non-exclusive franchise which provides the right and consent to install, operate and maintain bus shelters throughout the five boroughs.

(2) *Definitions.*

Bus Shelter. The term “Bus Shelter” means structures intended as bus stop shelters (including seating, if installed) which provide meaningful protection from precipitation, wind, and sun.

Bus Stop. The term “Bus Stop” means a stop on a bus route, designated by the MTA and, thereafter, managed by the New York City Department of Transportation.

Coordinated Street Furniture Franchise (CSFF). The terms “Coordinated Street Furniture Franchise” and “CSFF” mean the operative franchise granted by the City of New York which provides the right and consent to install, operate and maintain Bus Shelters throughout the City of New York.

Department of Transportation (DOT). The terms “Department of Transportation” and “DOT” refer to the New York City Department of Transportation, an agency of the City of New York.

Franchisee. The term “Franchisee” means the franchisee of the CSFF.

Historic Paving. The term “Historic Paving” means granite, bluestone, or brick paving, as defined and regulated in section 2-19 of the LPC rules.

Landmarks Preservation Commission (LPC). The terms “Landmarks Preservation Commission” and “LPC” refer to the Landmarks Preservation Commission, a commission of the City of New York.

LPC Rules. The term “LPC Rules” means the rules of the Landmarks Preservation Commission as promulgated and codified at Title 63 of the Rules of the City of New York.

New York State Metropolitan Transportation Authority (MTA). The terms “New York State Metropolitan Transportation Authority” and “MTA” refer to the Metropolitan Transportation Authority.

(3) Installation of a Bus Shelter. Except as indicated in this paragraph and in paragraph (4) of this subdivision, no application to the Landmarks Preservation Commission, and no certificate, permit, report, or approval is required for installation of a Bus Shelter where:

(i) the Bus Shelter complies with the design, dimensional and material specifications approved by the Public Design Commission, or its predecessor the Art Commission, including the number, size, and placement of advertising panels;

(ii) the Bus Shelter is to be installed and operated at a Bus Stop in compliance with all requirements of DOT and the CSFF, including all siting and clearance criteria, except that a Bus Shelter proposed to be installed on Historic Paving requires an approval from the LPC pursuant to subdivision (4); and

(iii) Removal of a Bus Shelter. The Franchisee must remove a Bus Shelter if DOT determines that the Bus Shelter is no longer required at a Bus Stop or if DOT orders its removal. Upon removal of a Bus Shelter, the Franchisee must restore the site to the condition prior to the installation of the Bus Shelter, or, with respect to installations on Historic Paving, must restore the site in accordance with an LPC approval issued pursuant to paragraph (4).

(4) Other Proposals.

(i) All proposals to install a Bus Shelter that do not satisfy the requirements of paragraph (3) of this subdivision must be reviewed and approved by the Landmarks Preservation Commission by a certificate of appropriateness, certificate of no effect, or permit for minor work or report, as appropriate, as set forth below.

(ii) Application Procedures for Proposals to Install a Bus Shelter Requiring a Certificate, Permit or Report pursuant to this paragraph. An application form(s) must be filed for proposed Bus Shelters. The application form must be signed by DOT as owner and the Franchisee as applicant.

In reviewing an application to install a Bus Shelter on Historic Paving, LPC staff will seek to the greatest extent feasible to preserve and reuse the existing Historic Paving but may allow the applicant to modify or replace the Historic Paving in kind where there is no feasible alternative to allow the installation of a Bus Shelter. If the LPC staff approves the modification or replacement of the Historic Paving in connection with the installation of a Bus Shelter, upon removal of the Bus Shelter the applicant must restore the paving to the condition prior to the modification or replacement of the Historic Paving.

(iii) Nothing in this rule shall be interpreted to obviate the need to obtain all necessary governmental approvals applicable to the installation of a Bus Shelter, including but not limited to any required DOT approvals.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Rules Relating to Bus Stop Shelters in Landmarked Areas

REFERENCE NUMBER: LPC-8

RULEMAKING AGENCY: Landmarks Preservation Commission

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

April 2, 2024
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Rules Relating to Bus Stop Shelters in Landmarked Areas

REFERENCE NUMBER: 2024 RG 025

RULEMAKING AGENCY: Landmarks Preservation Commission

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: April 2, 2024