



DOWNTOWN DIALOGUE

I'm Just Not Buying Unlawful Vending in Lower Manhattan

BY LIZ BERGER

Where in Lower Manhattan can you buy "Terror" and "Tragedy" photo books? Fake "Chanel," "Prada" and "Kate Spade"? T-shirts, tube socks, pocketbooks and sunglasses? Unhappily, the answer is the streets surrounding the World Trade Center site.

There ought to be a law, and in fact there is. In 2004, the State Legislature, led by our own Assemblyman, Sheldon Silver, passed legislation prohibiting street vending of any kind around the World Trade Center site. Under City, State and federal case law, street vending is permitted on many Downtown sidewalks, but not around this hallowed ground and intensely busy construction site, period.

While imperfect, existing laws and regulations are designed to safeguard pedestrians while allowing street vendors to sell their wares. Seven City agencies, and, in some parts of Lower Manhattan, the Port Authority, have jurisdiction over licensure (or concessioning) as well as where, when and how street vendors may operate. This much is clear: State and City statute and federal case law spell out in specific detail what constitutes lawful and unlawful vending.

It's time to respect and enforce these rules in Lower Manhattan.

Unlawful street vending in Lower Manhattan is first and foremost a threat to public safety, but it is also a threat to our community's economic vitality. The physical geometry of our pre-Revolutionary Period street grid was not designed for today's pedestrian and vehicular traffic. Streets originally laid out for hand carts and horses, at a time when the entire city's population was in the tens of thousands, now host cars, trucks, buses and millions of people a year. And, since 9/11, many of our narrow and twisting streets have been closed for security reasons or obstructed by construction. Related sidewalk and street congestion is at a breakpoint, and projected to get worse. In this context, can we continue to tolerate vendors who unlawfully block streets, sidewalks and building entrances? Operate unlawfully by vending at prohibited times, in prohibited spaces or prohibited ways? Ignore licensure requirements or sell counterfeit goods?

My great-grandfather was an immigrant peddler, and I strongly believe that street vending is a time honored New York City tradition: Lower Manhattan wouldn't be part of Gotham without it! Lawful vending provides our workers, residents and visitors with inexpensive dining and shopping alternatives, and entry-level entrepreneurs with a way to earn a living. But, with 318,000 workers, almost 57,000 residents and 6 million annual visitors, street vendors are only one part of the pedestrian experience in Lower Manhattan's one square mile and there is simply no room for unlawful vending activity. The result is chaos and frustration with unsafe and unsavory conditions which threaten pedestrians and erode investor confidence in Lower Manhattan.

While modifying the city-wide licensing and regulatory structure, as our own Council Member Alan Gerson has proposed, is an important goal, Lower Manhattan cannot wait for a global resolution of this local issue. Lawful vendors deserve the opportunity to operate safely and successfully. Pedestrians deserve navigable and welcoming streets and sidewalks. Both are hard to achieve in post-9/11 Lower Manhattan but I believe that clear and simple explication of existing vending laws, coupled with consistent and coordinated enforcement, will make a big difference in the safety, attractiveness and economic competitiveness of our community.

And, as Borough President Stringer has suggested, let's start with the perimeter of the World Trade Center site. Local property owners, commercial tenants, residents, lawful vendors, elected officials, the First Precinct, the Port Authority police department, Lower Manhattan Construction Command Center and Community Board 1 must continue to work together to create a safe and appropriate atmosphere there and then throughout Lower Manhattan. Allowing unlawful vending to continue to degrade the pedestrian experience is something I'm just not buying.

- Liz Berger is President of the Downtown Alliance