

New regs push filmmakers and photogs to the curb

C ON THE STREET

BY MENGLY TAING

New Yorkers, permanent and transient, document New York City streets with their hand-held cameras and cell phones every day. Their unscripted accounts offer a candid look into the world's most photographed metropolis. They post their videos on YouTube, share their photos on Flickr and have never had to worry about breaking the law—until now. Since 9/11, the City has made efforts to try to codify its procedures to control filming and photography in public places. Two weeks ago, the New York Mayor's Office of Film, Theater and Broadcasting (MOFTB) released its latest proposal for issuing permits to film or photograph public property in the city. If it is approved, anyone with a camera will need to watch his or her next step.

Under the new proposal, anyone would be allowed to use a hand-held camera or tripod for an unlimited amount of time as long as they do not create an obstruction, which includes taking up one or more lanes of traffic, or taking up more than half of the sidewalk or leaving less than eight feet of free space for pedestrians, whichever is larger. Anything exceeding these space limitations will require a permit, which is offered free through the MOFTB. To attain the permit, filmmakers and photographers will need to provide proof of at least \$1 million of insurance coverage.

These rules will not apply to credentialed press photographers or student filmmakers, who are normally covered by their school's insurance program, but they will apply to the many independent and amateur filmmakers and photographers in the city. The proposal does not address the size of sidewalks, so if sidewalks are smaller than eight feet, filmmakers and photographers may not shoot there or will have to move to the edge of the sidewalk to avoid causing an obstruction.

The current proposal is a modified version of a proposal introduced in May, which would have limited the number of people and the amount of time groups could publicly assemble at a single location to shoot still or video photography. It also would have placed a 10-minute limit on groups of five or more people using a tripod. This was the first time the City had attempted to create explicit rules of this nature, but after a passionate outcry from the New York Civil Liberties Union and other advocacy groups, photographers and filmmakers—including Picture New York, a coalition that collected more than 26,000 signatures on a protest petition—the City swapped those provisions in favor of its current proposal.

Public comment is now open for the current draft of the rules. The City will be holding a public hearing for the revised proposal on Dec. 13. Chelsea Now hit the streets recently to find out what New Yorkers think about the city's film permit rules, and whether NYPD will be able to enforce them.



"At first I was kind of torn about this, but the more I think about it, I think it's almost like the city now is using a little bit of fear. It's a little too much infringement. I agree that there definitely need to be some regulations, but overall this seems very hard to enforce. And how much money will the city spend to try to enforce this?"

— Tom McKoun, 36, designer, Jersey City



"These rules seem ridiculous from the get-go. I don't think the city should tell you where to stand unless it's threatening to somebody. And I don't know if they'll be able to enforce it. I live right near where the World Trade Center went down, and I don't think that had anything to do with taking photographs of the city. That's what people look to do when they're in New York."

— Devorah Kleinbeast, 53, artist, TriBeCa



"I think these rules are needed for society. I think eight feet is a reasonable length for pedestrians to walk around. We have to consider the rights of the pedestrians in the city, too. Sometimes when people are shooting a film or a photograph, they can block the street or the sidewalk. It damages the rights of the people who walk down the street. Once you get permission, you can shoot whatever you want. But I think this may be hard to keep track of."

— Joonil Kim, 31, student, Upper West Side



"It's a little out of control. I understand concerns about terrorism, but it just seems so oppressive, and almost impossible to enforce. New York City is the best backdrop anyone could want for a photograph. People come from all over the world, but this rule is all very subjective—they'll use it against people they don't like. Besides, there are a lot of other ways city sidewalks are already being taken up. We can't be afraid of the terrorists all the time either. That's an excuse."

— Michael Giuseffi, 47, credit manager, Chelsea



"Are the police going to be out looking for photographers? There are other issues they should be focusing on. There should be rules, but I don't think they should have this permit for the average person. It depends on the intent of the work, too. You have to give people their space. Not everyone is a terrorist. Not everyone is up to something bad. There are only some precautions that we can take before we go overboard with it."

— Elizabeth Schoth, 24, student, New Jersey



"Right after 9/11, they were pretty strict about not being able to photograph subways and infrastructure. They've seemed to loosen that a bit. There's always that tension between protecting people and people's intentions when they're photographing. The city has an interest in protecting residents. With some security goes giving up some rights. But I wouldn't want this to impede filming potential here."

— Jeff DeMarco, 42, Web marketing, Upper West Side