

PLANA6605 Urban Informality

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The Music Underground: Busking in the NYC Subway

Busking, otherwise known as street performing, is the act of performing in a public space for gratuities. Performances can be anything from musical performances and singing to living statues and magic. Busking happens throughout all cultures, Patricia Campbell in her book *Passing the Hat: Street Performers in America*, even said, “There have been street performers at least as long as there have been streets.” Busking can mean different things for different people, for some it is a primary source of income, and for others it is a way to get more comfortable performing or to promote their art. Many musicians got their start this way, including Indie band and New York City natives, AJR, who started performing in Washington Square Park as children, using their earnings to pay for new instruments and equipment so they could eventually make their own music¹.

Street performing in New York City has been contested in the last century, as this practice was banned by Mayor La Guardia in 1936, claiming that “street performance was for beggars and the city should not tolerate it. By the 1940s, only the poorest of the poor would busk in the street. It wasn’t until 34 years after street performances were banned, did Mayor Lindsay make busking in the streets legal again, after protesters called the ban an act against freedom of speech; however, subway performances were still banned. The subway ban was eventually lifted into 1985 after the *People v. Manning* court case determined that the ban was in violation of the First and Fourteenth Amendment, but the MTA subway system is still one of the most contested places for buskers.²

Despite busking being completely legal now in Subway stations, this technically informal practice has its share of day-to-day difficulties. Musicians are allowed to play in subway stations without a permit, but only acoustic performances are allowed on platforms, and any amplified performance must be done on subway platforms. The only place buskers aren’t allowed to be is inside the subway car³; yet, many musicians do. Seldom do I take the train and not have a performer, whether they be a dancer, saxophone player, or gymnast climbing around on the

¹ La Gorce, Tammy. (2019). [How the Members of the Band AJR Spend Their Sundays.](#)

² Feinberg, Joel. (2018). [The History of NYC Busking.](#)

³ Everynight Charley Crespo. (2021). [Busking in NYC: What's Legal and What Isn't?](#)

bars, perform in exchange for attention and tips. The performances range in quality, but most change cars at the stations having made a little bit of money from their short act.

For some buskers, this is a full time job. There is one man that had ridden the train everyday for five years with his guitar, because after trying it out a few times he realized he could make more money busking, doing something he actually enjoyed than he could waitering or doing any other job he didn't really care about. A woman singing in a station shared a similar story: she came to New York trying to make it as a singer, working part time as a nanny to pay the rent, but over time audition after audition began to wear her down. Having always admired buskers she decided to try it, quickly realizing that she could make a lot more money doing busking than she could as a part time nanny.⁴ For these two and many others, busking is a big part about the money, but also about sharing music with the public. I have yet to meet a busker that does not enjoy what they are doing.

The MTA does have a more formalized form of busking called the Music Under New York (MUSIC) program, in which it provides musicians with personalized MUSIC flags to hang when they perform, as well as coordinates schedules and prime locations for said musicians. However, the program is application only, and selected musicians must go through rounds of auditions before finally being selected. While the membership lasts for life, only about 30 people are selected each year out of about 300 applicants. The process pretty much enables the MTA to control who can and cannot perform in the subway systems.⁵ This status as a MUSIC member also helps to protect musicians from altercations with law enforcement.

While subway busking has been legal since 1985, the practice is still heavily policed, and navigating the MTA's rules of conduct can at times be challenging. If musicians follow three main rules, no blocking access, including doors, elevators, fire extinguishers, stairs, or walkways, limit music to under 85 decibels to allow people to still hear loudspeaker announcements, and don't sell merchandise (CDs included), they are typically well within their right and the law to busk in the city's subway stations.⁶ However, at one point or another buskers will have a run in either NYPD or MTA Police. Once again, although the practice of busking is illegal, buskers will often be charged with fines for thirteen different rule violations, including interfering with passenger movement, non-transit use, or use of a sound production

⁴ Sound Field. (2020). [What It's Like Performing in the NYC Subway: Busking](#).

⁵ NYC 311. [Musician or Performer Permit: Subway](#); Everynight Charley Crespo; Sound Field.

⁶ Everynight Charley Crespo.

device. Each individual fine could run musicians anywhere from \$25 to \$100⁷, and more frequently those fines are stacked, which could be detrimental to performers that rely on busking as their primary source of income. Those that only get fined though, are the lucky ones as buskers are often victims of police brutality. In 2017, Jia Doughman, a violinist, was assaulted by three officers, all of whom were much larger than her, while busking. Doughman reported injuries to her right wrist ligament and left knee, leaving her in a cast and with crutches.⁸ I am actually interested to see how police intervention in busking practices change with Mayor Adams' new law to remove homeless individuals from the subway system. Will buskers also become more likely to be removed?

Busking is not unique to nor does it originate from New York, but street and subway performers add vibrancy to the city. As one performer said, busking allows them the opportunity to meet people where they are, to go into public space and perform for everyone, regardless of their race, gender, economic status, etc. While the job isn't always glamorous and Mayor La Guardia saw the practice as something beneath the city, busking does present performers with the opportunity to yes, make money, but also for them to share their passions. It can take a lot to gain the attention of a New Yorker hustling to get from one place to the next, but if a performer can get just one person to look up and see them, then maybe it's worth all the bad parts.

⁷ NYC 311.

⁸ [Street Arts & Buskers Advocates](#).