

RESOLUTION
FRANCHISE AND CONCESSION REVIEW COMMITTEE
CITY OF NEW YORK

Cal. No. ____

WHEREAS, By a contract dated November 1, 1983, as amended by contracts dated March 5, 1992 and April 18, 1992, Private Transportation Corporation ("Private") was granted a franchise and renewal to provide a bus service between Williamsburg and Borough Park, Borough of Brooklyn (the "Franchise Contract"); and

WHEREAS, The Franchise and Concession Review Committee ("FCRC"), by a resolution adopted on June 9, 1993 (Cal. No.2), authorized the extension of the operating authority of Private to December 31, 1997, in accordance with the terms and conditions set forth in the Franchise Contract; and

WHEREAS, The FCRC, by resolution adopted on December 10, 1997 (Cal. No.2D), authorized the extension of the operating authority of Private to January 1, 2001, in accordance with the resolution adopted by the FCRC on June 9, 1993 (Cal. No. 2), provided, however, that said extension is subject to the additional requirements set forth in the resolution adopted by the Department of Transportation ("DOT") on November 14, 1997; and

WHEREAS, Article XI of the Franchise Contract requires the Company, in the event a change of control is about to be effected (including through the sale of stock), to notify and file with the City all information and other data affecting such change; and

WHEREAS, By letter dated June 24, 1999, Private informed DOT that Jacob Marmurstein, the President, had purchased from Samuel Rottenstein, the Vice President, all the latter's stock (50%) in Private, leaving Mr. Marmurstein in possession of 100% of the stock of the company; and

WHEREAS, The FCRC, by a resolution adopted on August 11, 1999 (Cal. No.4), approved such change of control; and

WHEREAS, In a petition to DOT dated December 17, 1999, Private requested a fare increase from \$2.00 to \$2.50; and in a petition to DOT dated September 29, 2000, Private requested a ten-year renewal of its Franchise Contract; and

WHEREAS, On September 12, 2000, Local Law 52 was signed, authorizing DOT, with the approval of the FCRC, to extend the operating authority, as amended, of Private, to a date not later than December 31, 2003; and

WHEREAS, On January 10, 2001 (Cal. No. 2), the FCRC adopted a resolution approving the extension of the operating authority of Private for omnibus service over certain routes in the Borough of Brooklyn to December 31, 2003, and approved a staggered fare increase, subject to the additional requirements set forth in the resolution adopted by DOT, and authorized DOT acting by and through its Commissioner to sign any documents necessary to effectuate such extension in accordance with the provisions of the resolution; and

WHEREAS, In a petition to DOT dated July 15, 2003, Private requested an extension of its Franchise Contract; and

WHEREAS, On November 26, 2003, Local Law 71 was signed, authorizing DOT, with the approval of the FCRC, to extend the operating authority, as amended, to a date not later than June 30, 2004; and

WHEREAS, On December 23, 2003 (Cal. No. 2), the FCRC adopted a resolution approving the extension of the operating authority of Private for omnibus service over certain routes in the Borough of Brooklyn to June 30, 2004, subject to the additional requirements set forth in the resolution adopted by DOT, and authorized DOT acting by and through its Commissioner to sign any documents necessary to effectuate such extension in accordance with the provisions of the resolution; and

WHEREAS, In a petition to DOT dated May 3, 2004, Private requested an extension of its Franchise Contract; and

WHEREAS, On June 30, 2004, Local Law 28 was signed amending Section 378 of the New York City Charter, authorizing DOT, with the approval of the FCRC, to extend the operating authority, as amended, of Private to a date not later than June 30, 2007; and

WHEREAS, On June 29, 2004 (Cal.No.2), the FCRC adopted a resolution approving the extension of the operating authority of Private for omnibus service over certain routes in the Borough of Brooklyn to June 30, 2005, subject to the additional requirements set forth in the resolution adopted by DOT, and authorized DOT acting by and through its Commissioner to sign

any documents necessary to effectuate such extension in accordance with the provisions of the resolution; and

WHEREAS, In a petition to DOT dated May 16, 2005, Private requested a ten year extension of its Franchise Contract; and

WHEREAS, On June 29, 2005 (Cal.No.2), the FCRC adopted a resolution approving the extension of the operating authority of Private for omnibus service over certain routes in the Borough of Brooklyn to June 30, 2006, subject to the additional requirements set forth in the resolution adopted by DOT, and authorized DOT acting by and through its Commissioner to sign any documents necessary to effectuate such extension in accordance with the provisions of the resolution; and

WHEREAS, In a petition to DOT dated May 15, 2006, Private requested a two year extension of its Franchise Contract; and

WHEREAS, On June 28, 2006, a Local Law was passed by the City Council amending Section 378 of the New York City Charter, that allowed for an abbreviated public notice period for the Franchise and Concession Review Committee hearing; and

WHEREAS,

On June 30, 2006 (Cal. No.2), the FCRC adopted a resolution approving the extension of the operating authority, as amended, of Private to June 30, 2007, that authorized DOT acting by and through its Commissioner to sign any documents necessary to effectuate such extension in accordance with the provisions of the resolution; and

WHEREAS,

On May 9, 2007, the City Council adopted a Authorizing Resolution No. 838, amended by the Committee on Land Use on June 5, 2007 (as amended, Authorizing Resolution No. 838-A), authorizing the Department of Transportation to grant non-exclusive franchises for unsubsidized bus lines providing common carrier service to passengers along designated routes, including, *inter alia*, local service to operate between Williamsburg and Borough Park in the borough of Brooklyn; and

WHEREAS,

In a petition to DOT dated May 29, 2007, Private requested an extension of its Franchise Contract; and

WHEREAS,

On June 14, 2007, Local Law 30 was signed amending Section 378 of the New York City Charter, authorizing DOT, with the approval of the FCRC, to extend the operating authority, as amended, of Private to a date not later than June 30, 2008; and

WHEREAS,

On June 28, 2007 (Cal. No.2), the FCRC adopted a resolution approving the extension of the operating authority, as amended, of Private to June 30, 2008, that authorized DOT acting by and through its Commissioner to sign any documents necessary to effectuate such extension in accordance with the provisions of the resolution; and

WHEREAS,

In a petition to DOT dated May 19, 2008, Private requested a two-year extension of its Franchise Contract; and

WHEREAS,

On June 4, 2008 (Cal. No.5), the FCRC adopted a resolution, subject to the passing of a Local Law by the City Council and subsequent signing of such Local Law by the Mayor, amending Section 378 of the New York City Charter, approving the extension of the operating authority, as amended, of Private to June 30, 2009, that authorized DOT acting by and through its Commissioner to sign any documents necessary to effectuate such extension in accordance with the provisions of the resolution; and

WHEREAS,

On June 30, 2008, a Local Law was signed amending Section 378 of the New York City Charter, authorizing DOT, with the approval of the FCRC, to extend the operating authority, as amended, of Private to a date not later than June 30, 2009; and

WHEREAS,

DOT adopted a resolution extending the operating authority, as amended, of Private until June 30, 2009, and

WHEREAS,

In a petition to DOT dated April 28, 2009, Private requested an extension of its Franchise Contract; and

WHEREAS,

On June 10, 2009 (Cal. No.1), the FCRC adopted a resolution, subject to the passing of a Local Law by the City Council and subsequent signing of such Local Law by the Mayor, amending Section 378 of the New York City Charter, approving the extension of the operating authority, as amended, of Private to June 30, 2010, that authorized DOT acting by and through its Commissioner to sign any documents necessary to effectuate such extension in accordance with the provisions of the resolution; and

WHEREAS,

On June 29, 2009, a Local Law was signed amending Section 378 of the New York City Charter, authorizing DOT, with the approval of the FCRC, to extend the operating authority, as amended, of Private to a date not later than June 30, 2010; and

WHEREAS,

DOT adopted a resolution extending the operating authority, as amended, of Private until June 30, 2010, and

WHEREAS,

In a petition to DOT dated March 29, 2010, Private requested an extension of its Franchise Contract; and

WHEREAS,

On April 29, 2010, a Local Law was passed by the City Council amending Section 378 of the New York City Charter, authorizing DOT, with the approval of the FCRC, to extend the operating authority, as amended, of Private to a date not later than June 30, 2011; and

WHEREAS,

By resolution adopted on June 13, 2011, the FCRC approved the grant of a franchise, as contemplated by Authorizing Resolution No. 838-A, to Private; and

WHEREAS,

On June 27, 2011, Private and the City, acting by and through DOT, entered into a franchise agreement to provide a bus service between Williamsburg and Borough Park, Borough of Brooklyn (the “2011 Agreement”); and

WHEREAS,

On June 30, 2021, DOT and Private agreed to renew the 2011 Agreement for a ten-year renewal period, which will expire on June 30, 2031; and

WHEREAS,

Private has continued to provide a public service; and

WHEREAS,

Private has agreed to be bound by all the conditions, provisions, requirements and limitations of the Franchise Contract as amended; and

WHEREAS,

The City and the Franchisee agree to amend the 2011 Agreement.

WHEREAS,

The FCRC held a public hearing, on _____, 2022, regarding the proposed amendments to the 2011 Agreement, which was a full public proceeding in compliance with the requirements of the New York City Charter, and such hearing was closed on that date; and

NOW THEREFORE BE IT,

RESOLVED, that the Franchise and Concession Review Committee does hereby approve the above described proposed amendment.

THIS IS A TRUE COPY OF THE RESOLUTION ADOPTED BY THE
FRANCHISE AND CONCESSION REVIEW COMMITTEE ON:

June 8, 2022

Date: _____

Signed: _____

Title: Director of the Mayor's Office of Contract Services

