

In Re FCRC June Remote Public Hearing NYC - Mayor`s Office of
Contract Services (MOCS)
June 12 2023

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REMOTE PUBLIC HEARING
FRANCHISE and CONCESSION REVIEW COMMITTEE

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June 12, 2023
2:35 p.m.

Remotely via
Microsoft Teams

Julia M. Speros
Court Reporter

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Contract Services (MOCS)
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A P P E A R A N C E S:

Mayor:
Bill Heinzen

Office of the Mayor:
Malcolm Cain

Corporation Counsel:
Amrita Barth

Office of Management and Budget:
Yvonne Quintian

Comptroller:
Christian Stover

Borough President of Bronx:
Tom Lucania

Borough President of Brooklyn:
John Douglas

Borough President of Manhattan:
Tomi Vest

Borough President of Queens:
Allan Swisher

Borough President of Staten Island:
Lauren Lefkowitz

Department of Transportation
Michelle Craven

Clerk:
Kimberly Egbert

1 PROCEEDINGS

2 MR. HEINZEN: Again, good afternoon.
3 My name is Bill Heinzen. I'm Chair of
4 the FCRC. The Franchise and Concession
5 Review Committee Remote Public Hearing
6 will now come to order.

7 (Automated Message.)

8 "This meeting is being transcribed".

9 (Automated Message.)

10 "This meeting is being recorded".

11 THE CLERK: Apologies for that,
12 Bill. You can go ahead.

13 MR. HEINZEN: I'm sorry, did you not
14 hear me?

15 (No response.)

16 MR. HEINZEN: Can you guys hear me?

17 THE CLERK: Yes, we can hear you.

18 MR. HEINZEN: Okay. Did you hear me
19 start the meeting?

20 THE CLERK: We did, yes.

21 MR. HEINZEN: Okay. So, can you
22 start the roll then, Kim?

23 THE CLERK: For sure. Thank you.
24 Mayor.

25 MR. HEINZEN: Here, Bill Heinzen.

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1 THE CLERK: Office of the Mayor.

2 MR. CAIN: Malcolm Cain, here.

3 THE CLERK: Comptroller.

4 MR. STOVER: Christian Stover, here.

5 THE CLERK: Corporation Counsel.

6 MS. BARTH: Amrita Barth, here.

7 THE CLERK: Office of Management and
8 Budget.

9 MS. QUINTIAN: Yvonne Quintian,
10 here.

11 THE CLERK: President, Borough of
12 the Bronx.

13 MR. LUCANIA: Tom Lucania, here.

14 THE CLERK: President, Borough of
15 Brooklyn.

16 (No response.)

17 THE CLERK: President, Borough of
18 Brooklyn.

19 MR. DOUGLAS: Apologies -- John
20 Douglas, here.

21 THE CLERK: President, Borough of
22 Manhattan.

23 MS. VEST: Tomi Vest, present.

24 THE CLERK: President, Borough of
25 Queens.

1 MR. SWISHER: Allan Swisher,
2 present.

3 THE CLERK: President, Borough of
4 Staten Island.

5 (No response.)

6 THE CLERK: Let the record reflect
7 President, Borough of Staten Island is
8 not present.

9 Representative, Department of
10 Transportation.

11 MS. CRAVEN: Here, Michelle Craven.

12 THE CLERK: Thank you.

13 MR. HEINZEN: Okay. Thank you.
14 Just to -- Kim, do you think the Staten
15 Island rep will be showing up or are
16 they --

17 THE CLERK: I don't believe so cause
18 we've reached out and we have not gotten
19 a response.

20 MR. HEINZEN: Okay.

21 THE CLERK: So, I think we're good
22 to proceed.

23 MR. HEINZEN: Okay. And then,
24 Christian, just if you speak later, it's
25 very hard to hear you. So, there might

1 be a mic problem on your end, just to
2 let you know.

3 MR. STOVER: I appreciate that.
4 I'll speak up.

5 MR. HEINZEN: Thank you.

6 Okay. Welcome to this Remote Public
7 Hearing of the FCRC.

8 The hearing being conducted today
9 has been publicly advertised in
10 accordance with the New York City
11 Charter and Concession Rules of the City
12 of New York.

13 We want to be sure that anyone
14 desiring to be heard has an opportunity
15 to do so. We are registering
16 individuals now for later testimony.

17 Those registered will be called upon
18 to testify after their calendar item has
19 been called. All persons wishing to
20 speak must now provide their name,
21 affiliation, indicate which calendar
22 item they wish to testify on, and
23 whether you are for or against the item
24 at this time.

25 Kim, are we good having all the

1 people registered, do you think?

2 THE CLERK: Yeah, so I already have
3 a list of people who have pre-registered
4 through the email address.

5 MR. HEINZEN: Yeah.

6 THE CLERK: If you have not been
7 able to pre-register and you would like
8 to register now to speak, please let me
9 know your name, affiliation, which
10 calendar item you're speaking on, and
11 whether you are for or against.

12 (Cross-Talk.)

13 MS. ANSARI: So, my name is Nuha
14 Ansari and I'm -- I'd like to speak on
15 behalf of Friends of the Upper East Side
16 Historic District and I would like to
17 speak on the proposal -- the proposed
18 amendment to the Franchise Agreement
19 between the City of New York Department
20 of Transportation and JCDecaux Street
21 Furniture and we -- our position is
22 against this proposed amendment.

23 THE CLERK: Thank you.

24 MR. WEISMAN: This is James Weisman
25 from United Spinal Association and our

1 position -- it's the same issue. Our
2 position is for it.

3 THE CLERK: Okay. Great. Thank
4 you.

5 MS. PLUM: This is Betsy Plum. I
6 believe I'm registered, but I didn't
7 receive confirmation.

8 I am from Riders Alliance speaking
9 on the same amendment and we are for it.

10 THE CLERK: Thank you.

11 MR. LAKE: Hi. My name is Adam Lake
12 and I'm the Head of Communications at
13 Climate Group. I emailed but didn't get
14 anything back, so I'm just confirming
15 I'll be testifying and I'm for the
16 (indiscernible).

17 THE CLERK: Okay. Thank you.

18 MR. GIANNECHINI: I'm Larry
19 Giannechini. I'm Deputy Director for
20 Programs and Operations at Public Art
21 Fund and we're speaking on the same
22 matter here in support of the same
23 amendment.

24 MR. ZDANIUS: Hi. I'm Casimir
25 Zdanius, Principal of Grimshaw

1 Architects, designer of the bus
2 shelters. We advocate for the bus
3 shelters as a great extension to the
4 family.

5 THE CLERK: Thank you so much. Can
6 you please -- can you please repeat your
7 name? I didn't quite catch it.

8 MR. ZDANIUS: Yes, I sent an
9 email in -- Casimir Zdanus,
10 C-A-S-I-M-I-R, Zdanus, Z-D-A-N-I-U-S.

11 I have a bit of (indiscernible) at
12 the moment. I'm feeding my daughter, so
13 I'll jump on mute. I'm from Grimshaw
14 Architects.

15 THE CLERK: Great. Thank you very
16 much.

17 MS. CHOO: Hi. My name is Julie
18 Choo. I'm affiliated with Public
19 Bathroom Working Group.

20 Currently, we submitted written
21 testimony from Community Board 1, 4, and
22 5 in Manhattan. We're for the APTs.

23 THE CLERK: Thank you.

24 Is anyone else on the call that
25 would like to register to testify?

1 (Cross-Talk.)

2 MR. WOODOFF: My name is Jeremy
3 Woodoff. I'm representing the Victorian
4 Society in New York and I'd like to
5 speak on the same item -- the
6 Coordinated Street Furniture Franchise
7 -- opposed in part.

8 THE CLERK: Okay. Thank you.

9 MR. SALTONSTALL: My name is David
10 Saltonstall. I'm the Vice President for
11 Government Relations and Policy at the
12 Central Park Conservancy and we would
13 like to testify in opposition to the
14 street furniture amendment.

15 THE CLERK: Great. Thank you.

16 Is anyone else on the call who has
17 not already registered that would like
18 to get on the list to testify today?

19 MS. BAER: This is Barbara Baer from
20 the New York Foundation for Seniors. I
21 believe I'm on the list from early
22 morning, but I just want to confirm that
23 I am.

24 THE CLERK: You are, yes. Thank
25 you, Barbara. You're on the list.

1 MS. BAER: Thank you -- thank you.

2 MR. NOGHRAY: Hi. This is Steve
3 Noghray. I'm speaking on behalf of 437
4 Madison Avenue, Sage Realty.

5 I sent a message by Friday. I just
6 want to confirm I'm on the list.

7 THE CLERK: Can you -- I'm sorry,
8 can you please repeat your name?

9 MR. NOGHRAY: Steve Noghray speaking
10 on behalf of 437 Madison Avenue with the
11 respect to the proposed bus shelters.
12 We are against it.

13 I submitted a written testimony last
14 week and didn't receive a confirmation.

15 THE CLERK: Okay. Thank you. We've
16 got you on the list now. Thank you.

17 MS. LEVIN: This is Brenda Levin. I
18 just registered electronically. I
19 represent JCDecaux and I am in favor on
20 item one.

21 THE CLERK: Okay. Thank you very
22 much.

23 MS. BRUSSELL: Hi. This is
24 Gabrielle Brussell from JCDecaux. I
25 registered. I just want -- I just

1 registered. I just wanted to make sure
2 I'm on the list to speak in favor.

3 THE CLERK: Yes, thank you. I've
4 got you on the list.

5 MS. BRUSSELL: Thank you so much.

6 MS. MUTTERPERL: Hi. It's Barbara
7 Mutterperl for Lola Finkelstein. I'm --
8 I registered. I'm on the list?

9 THE CLERK: Yes, you're on the list,
10 Barbara.

11 MS. MUTTERPERL: Thank you.

12 THE CLERK: Thank you.

13 Okay. Does anyone else --

14 MR. SULLIVAN: Sorry -- I didn't
15 mean to interrupt you.

16 THE CLERK: Go ahead.

17 MR. SULLIVAN: This is Alan Sullivan
18 from JCDecaux. I am -- I'd just like to
19 confirm I'm on the list.

20 THE CLERK: Yes, confirming.
21 You're on the list. Thank you.

22 MR. SULLIVAN: Thank you very much.

23 MR. HEINZEN: Okay. And then just
24 to clarify, how many people are speaking
25 for JCDecaux and are they speaking in

1 different capacities or will they be
2 giving roughly the same testimony?

3 (Cross-Talk.)

4 MR. SULLIVAN: Sorry, Brenda.

5 My name is Alan Sullivan and I will
6 be representing JCDecaux. There are
7 other representatives discussing
8 JCDecaux's position as well that are
9 offering slightly different testimony.

10 MS. LEVIN: This is Brenda Levin. I
11 represent JCDecaux. My testimony will
12 be very different.

13 MR. ZDANIUS: Yes, this is Casimir
14 Zdanius, Grimshaw, and my testimony will
15 also be very different.

16 MR. HEINZEN: Okay -- okay.
17 Ideally, we would have one, but I
18 understand you're doing different ones.

19 Just a reminder that each speaker is
20 going to be allotted three minutes and
21 we're going to keep you -- we really
22 need to keep you to that. We have a
23 very large number of people testifying.

24 When you testify, we ask that you
25 restate your name and your affiliation,

1 if any. You may also submit written
2 testimony to the Clerk and that will be
3 made part of the record of this hearing.

4 Any written submissions should be
5 given to the Clerk before the close of
6 this Remote Public Hearing, and that
7 would be via email to the following
8 email address, which I can -- oh,
9 sorry -- fcrc@mocs.nyc.gov -- so, that's
10 fcrc@mocs.nyc.gov -- and that will
11 provided to the testimony (sic) after
12 the hearing.

13 Will the Clerk please call the first
14 Calendar Item?

15 THE CLERK: New York City Department
16 of Transportation, Calendar Item number
17 1, in the matter of the intent to seek
18 Franchise and Concession Review
19 Committee approval of a proposed
20 amendment to the Franchise Agreement
21 between the City of New York, by and
22 through its Department of Transportation
23 and JCDecaux Street Furniture New York,
24 LLC, to install, operate, and maintain
25 bus stop shelters, self-cleaning

1 automatic public toilets, and public
2 service structures, and to install and
3 maintain newsstands in the Boroughs of
4 the Bronx, Brooklyn, Manhattan, Queens,
5 and Staten Island.

6 The proposed Franchise Agreement is
7 requesting to extend the term of the
8 agreement by five years and incorporate
9 additional rights and responsibilities,
10 including, without limitation, an
11 increase in the overall number of bus
12 shelters and automatic public toilets
13 that the company may install, maintain,
14 and operate, and the modification of
15 certain revenue requirements applicable
16 to the company.

17 MR. HEINZEN: Okay. Thank you.

18 Additionally, changes to the
19 concession documents have been
20 distributed to the Committee and so I
21 would like DOT to now please read those
22 changes into the record.

23 MS. CRAVEN: Good afternoon, Chair
24 Heinzen and members of the Franchise and
25 Concession Review Committee.

1 My name is Michelle Craven. I am
2 Assistant Commissioner for Cityscape &
3 Franchises at the New York City
4 Department of Transportation. Thank you
5 very much for the opportunity to testify
6 today.

7 The proposed amendment to the
8 Amended and Restated Franchise Agreement
9 will provide a number of benefits to the
10 City and to New Yorkers. Under the
11 proposed amendment, which includes a
12 five-year extension to the franchise
13 term, the City will receive additional
14 street furniture amenities, as well as
15 stability in maintenance and
16 compensation for the next eight years.

17 Specifically, the amendment includes
18 the following changes:

19 First, the City will be able to
20 install 360 new bus shelters. 60 of
21 these will be at predetermined locations
22 in Manhattan, as listed in Schedule Y.
23 DOT plans to site the remaining 300
24 throughout the five boroughs, in
25 consultation with the City Council, the

1 Borough Presidents, the Community
2 Boards, and in response to constituent
3 requests.

4 Second, the amendment provides a
5 mechanism for the City to install up to
6 40 automated public toilets, 20 more
7 than what is authorized under the
8 original Franchise Agreement.

9 Third, the amendment will insert a
10 30 percent MWBE target into the
11 agreement. This target will support
12 local construction companies and other
13 vendors throughout the City. The
14 current agreement contains no MWBE
15 requirement.

16 Lastly, the amendment includes
17 certain compensation adjustments:

18 In years '19 and '20 of the
19 contract, JCDecaux will pay the City a
20 minimum of 50 million dollars per year.
21 In addition, the City will receive, from
22 JCDecaux, 50 percent of its revenues
23 over 105 million dollars per year.

24 In years '21 through '25 of the
25 contract, JCDecaux will pay the City a

1 minimum of 35 million dollars per year.
2 In addition, the City will receive, from
3 JCDecaux, 50 percent of its revenues
4 over 110 million dollars per year.

5 In addition, in years '21 through
6 '25, JCDecaux will provide over 26
7 million dollars in NYC promotional
8 advertising annually on JCDecaux street
9 furniture in cities throughout the
10 world, and the City will continue to
11 have access to 22-and-a-half percent of
12 the ad panels locally for NYC
13 promotional advertising and public
14 service advertising.

15 JCDecaux has a presence in over 80
16 countries globally, which is invaluable
17 to the City in our efforts to return to
18 pre-pandemic tourism levels.

19 Regarding the five-year extension,
20 the original Authorizing Resolution for
21 the franchise permitted a maximum
22 20-year term. However, on May 11, 2023,
23 the City Council approved a new
24 authorizing resolution, Resolution
25 number 625 of 2023, which authorizes DOT

1 to extend the Franchise Agreement for
2 five years, bringing the total term of
3 the agreement to 25 years.

4 DOT supports this amendment,
5 including the five-year extension, which
6 will offer numerous benefits for the
7 City and New Yorkers. The amendment
8 will provide additional street
9 furniture, as well as continuity of
10 design and maintenance of such
11 infrastructure.

12 The additional bus shelters will
13 improve the riding experience for
14 thousands of bus riders by providing
15 seating and protection from sun, wind,
16 rain, and snow.

17 The bus shelters, including those
18 listed on Schedule Y, will serve riders
19 from throughout the City. Nearly 68
20 percent of bus riders are people of
21 color and over half are immigrants.

22 In addition, JCDecaux has been a
23 good maintenance partner to the City,
24 maintaining and repairing street
25 furniture quickly, even under

1 challenging circumstances throughout the
2 pandemic.

3 Finally, I would like to address an
4 issue that has arisen concerning a
5 proposed change to the language
6 regarding electronic media in section
7 4.4.2 of the Franchise Agreement:

8 In the existing agreement, that
9 section reads, in pertinent part,
10 "Electronic media will be permitted on a
11 case by case basis, and except for
12 backlighting of printed posters, will be
13 subject, except as otherwise may be
14 permitted by the City, to the applicable
15 zoning regulation for the property
16 adjacent to the site".

17 Initially, the proposed amendment
18 would have changed the words "subject
19 by" to "guided by".

20 In addition to -- in order to
21 address concerns that this was intended
22 to change the meaning of the sentence,
23 which it was not, the proposed amendment
24 now before you retains the "subject to"
25 language of the current agreement, and

1 does not make any changes to that
2 sentence.

3 Thank you again for the opportunity
4 to testify today.

5 MR. HEINZEN: Okay. Thank you,
6 Assistant Commissioner Craven.

7 We are about to take testimony from
8 the public, but first I would like to
9 ask if any members of the Committee
10 would like to give a statement.

11 (No response.)

12 MR. HEINZEN: Yes, from the
13 Manhattan Borough President's Office,
14 Ms. Vest.

15 MS. VEST: Thank you. Yes, I would
16 like to give a statement on behalf of
17 Manhattan Borough President.

18 First, let me start by saying that
19 the Manhattan Borough President fully
20 supports public transportation and
21 investments in infrastructure that
22 serves bus-riders throughout the City.

23 The proposed amendment to the Street
24 Furniture Franchise Agreement with
25 JCDecaux will add 360 new bus shelters,

1 300 of which are at locations across the
2 City that actually need them. In
3 addition to the new bus shelters, the
4 amendment will provide the City with
5 needed revenue and includes up to 40
6 automated public toilets, as we've heard
7 from our partners at DOT.

8 Increasing the number of public
9 bathrooms continues to be a major
10 priority for the Borough President. If
11 this agreement stopped there, it would
12 likely have unanimous support.

13 But, unfortunately, it goes further,
14 allowing the franchisee to place
15 shelters in areas not based on transit
16 needs, but instead based on one thing
17 and one thing only; their interest in
18 generating millions in ad revenue.

19 The amendment allows JCDecaux to
20 place flashing digital advertisements
21 along sections of Fifth Avenue and
22 Madison Avenue. Without demonstrating
23 that these shelters are even necessary,
24 the Department of Transportation is
25 asking retailers on these same avenues,

1 who are still recovering from the
2 impacts of the pandemic on
3 brick-and-mortar retail, to bear the
4 additional burden of having ads and bus
5 shelters placed in front of their
6 businesses, blocking large segments of
7 their storefronts.

8 This amendment also comes at the
9 incalculable expense of visual and
10 physical impacts to one of the City's
11 greatest treasures, Central Park. The
12 proposed bus shelter with digital
13 advertising along the perimeter of the
14 Park is unprecedented and will
15 undoubtedly mar the character of
16 Manhattan's nature-based oasis.

17 The Borough President strenuously
18 objects to this Times Square'ification
19 (sic) of Central Park, but the impact of
20 bus shelters is not limited to its
21 visual environments. The 11 proposed
22 bus shelters that the Central -- that
23 abut Central Park pose a threat to the
24 double row of American Elms along Fifth
25 Avenue, which are considered one of the

1 nation's oldest and most significant,
2 intact stance of American Elms surviving
3 today.

4 The construction and infrastructure
5 of the bus shelters could damage root
6 systems, significantly impacting the
7 health of these extraordinary trees.
8 The City ought to be fighting to protect
9 these vital pieces of green
10 infrastructure rather than waging their
11 viability on advertising revenue.

12 Though we can all agree that
13 additional bathrooms are sorely needed
14 in New York City, the true benefit of
15 the automatic public toilets is,
16 unfortunately, difficult to discern
17 because the amendment fails to guarantee
18 that the 34 new toilets will
19 successfully be sited and installed, and
20 only requires replacement of the
21 existing six, once JCDecaux redesigns
22 the new toilets.

23 It does not address the significant
24 siting issues or infrastructure
25 problems, such as access to power and

1 DEP infrastructure that currently
2 impedes the installation of these toilets
3 across the City, and, alarmingly, the
4 franchisee is given a pass on this
5 requirement if they run into challenges
6 beyond their control.

7 In other words, this Franchise
8 Amendment does not ensure that the City
9 will receive even one additional public
10 toilet, nor does it guarantee
11 replacement of the existing six.

12 The proposed amendment for the
13 Street Furniture Franchise Agreement
14 with JCDecaux clearly offers some
15 benefits, but at what cost.

16 On Wednesday, the FCRC is being
17 asked to approve a high value Franchise
18 Amendment with wide ranging impacts to
19 the street-scape and public
20 transportation infrastructure across the
21 City with less than a month's notice.
22 Given the complexity of this agreement
23 and the lack of consensus, we believe
24 the vote should be delayed, allowing the
25 FCRC members more time to engage with

1 stakeholders and reach an independent
2 determination as to whether the terms
3 are actually a good deal for the City.

4 It's our understanding that the
5 terms of this amendment have been under
6 negotiation for over a year, so
7 postponing the vote for a month should
8 not be a challenge. We also urge the
9 Department of Transportation to conduct
10 further stakeholder engagement before
11 bringing this amendment to a vote before
12 the FCRC.

13 Thank you for your time. That
14 concludes my statement.

15 MR. HEINZEN: Thank you very much,
16 Ms. Vest, from the Manhattan Borough
17 President's Office.

18 I want to note for the record that
19 we are joined by Lauren Lefkowitz on
20 behalf of the Staten Island Borough
21 President.

22 At this time, does any other member
23 wish to make a statement?

24 (No response.)

25 MR. HEINZEN: Okay. Thank you.

1 Kim, can you please call the first
2 person to testify?

3 THE CLERK: Yes, thank you and
4 before I begin, I just want to remind
5 everyone who is testifying that we are
6 holding everyone to a three-minute limit
7 on testimony and I also want to
8 apologize if I mispronounce your name
9 when I call you.

10 Please be patient. We do have a
11 long list, so we will get to you. If it
12 seems like a long wait, I apologize.

13 First, we have Alan Sullivan.

14 Please provide your full name and
15 affiliation for the record.

16 MR. SULLIVAN: Good afternoon. My
17 name is Alan Sullivan and I am the
18 co-CEO of JCDecaux Street Furniture New
19 York.

20 On behalf of JCDecaux, we thank the
21 members of the FCRC and your New York
22 City colleagues for their work in
23 connection with this amendment to the
24 Coordinated Street Furniture Agreement.

25 To the Mayor's Office, including

1 (indiscernible), OMB, the City Council,
2 the Comptroller, the Law Department, and
3 Public Design Commission, we say thank
4 you.

5 Most especially, we would like to
6 thank our partners at the Department of
7 Transportation, Commissioner Rodriguez,
8 Deputy Commissioner (indiscernible), and
9 particularly, Assistant Commissioner
10 Michelle Craven and her team, with whom
11 we partner every day.

12 We are proud to have provided, and
13 maintained to a high standard, bus
14 shelters and public toilets to New
15 Yorkers and visitors since the
16 (indiscernible) in 2015 and we are
17 particularly thankful to our frontline
18 union workforce who kept the coordinated
19 street furniture program going
20 throughout the pandemic.

21 We are pleased to respond to the
22 leadership of Mayor Adams and the City's
23 elected officials who recognize the need
24 to provide additional services to New
25 York City bus riders who live in all

1 five boroughs. This amendment will
2 commit the addition of 360 new locations
3 enabling the City to expand an amenity
4 that provides comfort, safety, dignity,
5 and illumination, as well as shelter
6 in the winter and shade in the summer.

7 The expansion of bus shelters will
8 bring service to millions of New York
9 City transit riders traveling to and
10 from boroughs and throughout Manhattan.

11 Equally important, this amendment
12 authorizes doubling the number of
13 automatic public toilets, bringing the
14 potential total number of this amenity
15 to 40, and they will all be brand new
16 JCDecaux units, which are the most
17 innovative and efficient technology
18 available today, and are also designed
19 to stand the test of time on the City
20 street-scape. We are excited to work
21 with the City to expand this vital
22 service to New Yorkers.

23 The amendment provides that this
24 program and the daily maintenance,
25 operated by JCDecaux, will continue for

1 an additional five years, including
2 during the 2026 World Cup when the New
3 York area will host eight games,
4 including the final.

5 The City will be able to expand its
6 in-City public service messaging,
7 receiving 22-and-a-half percent of the
8 new display space, as well as continued
9 access to out-of-City tourism on the
10 only global advertising network across
11 80 countries, an additional value of
12 approximately 132 million dollars.

13 This advertising for international
14 businesses to New York City is
15 contributing to the economic health of
16 the City in a very substantial manner.
17 We are honored to serve the people of
18 New York City and we are for this item.

19 Thank you.

20 THE CLERK: Thank you.

21 Next, we'll hear Edward Wallace.

22 Please state your full name and
23 affiliation for the record.

24 (No response.)

25 MR. HEINZEN: Ed Wallace, are you

1 there?

2 THE CLERK: Yes, go ahead -- oh,
3 sorry.

4 MR. HEINZEN: Why don't we move --

5 UNKNOWN SPEAKER: Hi. Are you
6 standing by for Ed Wallace?

7 MR. HEINZEN: Yes, please.

8 UNKNOWN SPEAKER: One second -- I'll
9 give about 10 seconds and he'll be
10 connected.

11 (No response.)

12 UNKNOWN SPEAKER: Please feel free
13 to skip Ed Wallace and come back to him
14 after the next speaker.

15 MR. HEINZEN: Okay. In general, I
16 would just ask that people be ready to
17 testify. I understand people are busy,
18 but all of the other people waiting are
19 busy as well.

20 Kim, who's next?

21 THE CLERK: Next, we have Larry
22 Giannechini.

23 Please provide your full name and
24 affiliation for the record.

25 MR. GIANNECHINI: Good afternoon. I

1 am Larry Giannechini, Deputy Director
2 for Programs and Operations at Public
3 Art Fund. It is my pleasure to present
4 testimony this afternoon in support of
5 the JCDecaux amendment, which will
6 enable more shelters to be installed on
7 City streets.

8 As a leader in our field, Public Art
9 Fund brings dynamic contemporary art to
10 a broad audience in New York City and
11 beyond. Because we are a nonprofit
12 organization, we rely on visionary
13 partners, like JCDecaux, to -- free
14 exhibitions of international scope and
15 impact.

16 These exhibitions offer New Yorkers
17 and visitors to the City powerful
18 experiences of art in the urban
19 environment, surprising and delighting
20 them, while providing inspiration and
21 relevance to their daily lives.

22 Since 2017, our groundbreaking
23 exhibition, Ai Weiwei: Good Fences Make
24 Good Neighbors, JCDecaux has been an
25 incredible partner for public art with

1 us showcasing the work of 75 artists
2 from over 30 countries across the globe,
3 including five solo artist exhibitions
4 and two large-scale group artist
5 exhibitions.

6 Their in-kind donation of
7 advertising in bus shelters across New
8 York makes it possible for us to bring
9 cutting edge artworks and a diverse
10 range of artists' voices to often
11 underserved neighborhoods and has
12 (indiscernible) over two billion
13 impressions to date.

14 New York City is known for its
15 culture and thriving arts community.
16 JCDecaux partners with Public Art Fund
17 to eliminate barriers so that everyone
18 can access amazing art. Together, we
19 are able to offer the public experiences
20 with art that are integrated into the
21 fabric of our City.

22 While waiting for the bus, walking
23 around the City, and going about our
24 daily lives, New Yorkers' lives are
25 enriched by these artworks and JCDecaux

1 is a tremendous supporter, offering us
2 hundreds of spaces two times each year
3 to bring exhibitions to all corners of
4 the City and the partnership has also
5 grown beyond New York with its
6 popularity here, allowing us to offer
7 similar programming in Boston, Chicago,
8 and in international cities like
9 Abidjan, Ivory Coast and Mexico City,
10 Mexico.

11 Art inspires us all and we know that
12 representation matters, particularly
13 when it comes to immigrants, artists of
14 color, trans and queer artists, emerging
15 artists, women artists, and artists of
16 all ages and stages of their careers.

17 When people walk throughout the
18 City, they see themselves reflected in
19 these works and tell us how much art
20 brings them inspiration, restoring their
21 energy and igniting their creativity.

22 "It's a fuel for our fires", said one
23 young New Yorker when we asked about
24 these public artworks.

25 JCDcaux has worked closely with us

1 to realize artists' dreams and bring
2 these important voices to the forefront.
3 We know that these opportunities must
4 continue in order to nurture young
5 artists and to foster an ongoing
6 appreciation for the arts.

7 JCDcaux is a champion of public art
8 and a critical partner in building civic
9 pride in our community. Thank you.

10 THE CLERK: Thank you.

11 Do we have Edward Wallace on the
12 line now?

13 (No response.)

14 THE CLERK: Okay. We'll move on.

15 Betsy Plum, please provide your full
16 name and affiliation for the record.

17 MS. PLUM: Hi there. My name is
18 Betsy Plum and I am the Executive
19 Director of Riders Alliance. Is it okay
20 to begin?

21 THE CLERK: Go ahead. You have
22 three minutes.

23 MS. PLUM: Great. Thank you.

24 Good afternoon, everyone. My name
25 is, again, Betsy Plum. I'm the

1 Executive Director of Riders Alliance.
2 We are New York's grassroots
3 organization of subway and bus riders.
4 We fight for better public transit in
5 order to achieve a more just and
6 sustainable New York City.

7 One of our core campaigns is our
8 campaign for better buses. In that
9 campaign, we fight for fast, reliable,
10 convenient bus service that meets the
11 needs of all riders, particularly those
12 who live in areas with poor subway
13 access.

14 After all, while not every part of
15 the City is equally accessible by
16 subway, buses can reach nearly every
17 block.

18 For years we have pushed New York
19 City mayors to build bus-ways and bus
20 lanes and we secured commitments from
21 DOT and the MTA to implement features
22 that make riding the bus more
23 convenient, more reliable, more
24 comfortable for riders. These include
25 bus shelters, as we're discussing today,

1 but also countdown clocks and other
2 initiatives like all-door boarding.

3 Our Better Buses Campaign makes sure
4 that these commitments are delivered
5 equitably and quickly to best serve bus
6 riders, particularly outer borough
7 riders who rely most on buses. It is
8 with this background and context that I
9 offer our full support for the amendment
10 in front of you from JCDecaux. A
11 proposal that allows multiple
12 improvements for City residents and
13 visitors will allow more shelters to
14 reach more riders and that is important.

15 Bus shelters are a matter of basic
16 equity and basic dignity for bus riders.
17 If you go to any commuter rail
18 station -- if you go to any subway
19 station -- seating is standard; a roof
20 to wait under is standard. Bus riders,
21 however, are often forced to wait in the
22 rain, in the snow, in the scorching
23 heat, often with no cover and nowhere to
24 sit. This has, unfortunately, been an
25 intentional decision in cities across

1 the country.

2 We know that the legacy of racism is
3 real surrounding public transit and
4 especially surrounding the bus; a
5 history we are seeing exposed by many of
6 those speaking in opposition today. A
7 bus shelter is a common sense street
8 design that shows a city cares about all
9 of its residents, not just some.

10 For our members, and hundreds of
11 thousands of their fellow bus riders,
12 streets and avenues like Madison Avenue
13 and Fifth Avenue have a real and urgent
14 need for infrastructure to be inclusive.
15 Our street and sidewalk space must be
16 inclusive. After all, the vast majority
17 of it belongs to all of us, not just
18 some of us.

19 Without more shelters though, in a
20 City with the slowest buses in America,
21 not advancing this amendment for more
22 shelters is an insult to injury. Per
23 Riders Alliance, every bus rider should
24 have a bus shelter.

25 The more bus shelters that we can

1 bring to our City streets, the better.
2 I hope that it's the same vision and
3 approach of this Committee. We offer
4 our full support. Thank you.

5 THE CLERK: Thank you.

6 Next, we'll hear from Barbara Baer.

7 Please provide your full name and
8 affiliation for the record.

9 MS. BAER: Good afternoon. My name
10 is Barbara Baer. I am the Program
11 Director of Home Sharing for the New
12 York Foundation for Senior Citizens and
13 I will refer to the -- (indiscernible)
14 -- as to the Foundation.

15 I'm here to testify on behalf of
16 JCDecaux and the City DOT Application
17 for the Franchise and Concession Review
18 Committee to extend the franchise for
19 five years.

20 The Foundation, whose President is
21 Linda Hoffman, is the only nonprofit,
22 nonsectarian organization serving New
23 York City's older adults throughout all
24 five boroughs, housing more than 1,500
25 residents and having 35 programs serving

1 thousands of older adults and employing
2 over 1,000 people. Our mission is to
3 keep people in their homes and to --
4 and, therefore, to be able to go out and
5 about.

6 The Home Sharing Program, which is
7 more than four decades old, pairs hosts
8 with an extra room in their home or
9 apartment with compatible guests.
10 Either the host or the guest must be
11 60-years-old. The New York City Aging
12 Report issued in 2017 set out guidelines
13 for New York City to become an
14 age-friendly city.

15 Part of the purpose of the report
16 was to cite the demographics, which
17 demonstrate that New York City must
18 become age-friendly because the older
19 population is increasing. In a few
20 years, one out of five New Yorkers will
21 be an older adult.

22 Bus shelters and self-cleaning
23 automatic public toilets are supplied
24 free to the City by the Franchise that
25 hopefully will be granted. The

1 Foundation supports this Application.
2 Simply stated, the continued growth of
3 the older population heralds the need
4 for the street furniture.

5 Not only do shelters provide a place
6 for older adults to shelter from adverse
7 weather conditions, but the Decaux
8 company has graciously published
9 information about home sharing in the
10 bus shelters by donating space twice for
11 months at a time to display information
12 about home sharing, which is a simple
13 solution to low income and a lack of
14 affordable housing.

15 Additionally, the public toilets are
16 needed as the older population grows.
17 While other portions of the City may be
18 out on the street traveling to and from
19 work, the older adult population is more
20 likely to be retired and out and in
21 around the City to do errands and
22 socialize. Older adults deserve the
23 ability to use a public facility. There
24 is less likelihood of going to an office
25 or a restaurant.

1 For these reasons, the street
2 furniture will contribute to an
3 age-friendly New York, and for these
4 reasons, the New York Foundation
5 supports this Franchise Application and
6 I thank you for listening.

7 THE CLERK: Thank you very much.

8 Next we have Barbara Mutterperl.

9 Please provide your full name and
10 affiliation, if any, for the record.

11 MS. MUTTERPERL: Okay. Barbara
12 Mutterperl and I have no particular
13 affiliation. I'm reading testimony for
14 my mother, Lola Finkelstein. This is
15 her testimony.

16 "I am going to be 97. I am legally
17 blind and I use a walker. I served 30
18 years on Manhattan Community Board 5,
19 three as Chair, which we all know is
20 voluntary. What many people do not know
21 is that a Community Board is a
22 government agency.

23 Community Boards play a vital role
24 in the providing of City services. It's
25 tough, but rewarding public work.

1 Bus shelters and automatic public
2 toilets are a great public service of
3 public necessity. I take the bus and am
4 appreciative every time there is a bus
5 shelter with the essential bench. I
6 applaud DOT for making this application
7 to add bus shelters, especially in
8 underserved communities, and automatic
9 public toilets at a time when the City
10 Council and some Community Boards are
11 requesting them.

12 I cannot imagine anyone opposing the
13 installation of bus shelters, especially
14 shop owners whose customers and
15 employees will benefit. Bus shelters
16 are at the curb and do not prevent
17 window shopping. We need bus shelters.
18 We need automatic public toilets.

19 The day the Mayor became the Mayor,
20 we became the City of "yes". Please say
21 "yes" to this Application, which will be
22 a big plus for the City. Thank you for
23 your consideration".

24 THE CLERK: Thank you, Barbara.
25 Please give our thanks to your mother.

1 MS. MUTTERPERL: I will.

2 THE CLERK: Next, we have James
3 Weisman.

4 Please provide your full name and
5 affiliation for the record.

6 MR. WEISMAN: Thank you -- excuse
7 me. My name is James Weisman. I'm
8 General Counsel of United Spinal
9 Association. We are a membership
10 organization of 60,000 -- over 60,000
11 people around the United States. The
12 vast majority use wheelchairs and have
13 mobility impairments.

14 We would like to speak -- we're
15 headquartered in New York City. We are
16 the largest chapter in New York City.
17 We'd like to speak in favor of the
18 proposal to add bus shelters.

19 Bus shelters make more disabled
20 people able to ride public transit.
21 When they are unable to ride public
22 transit, they become a problem that is
23 solved by providing Access-A-Ride at
24 great expense.

25 People are eligible for

1 Assess-A-Ride based on -- many of them
2 -- based on weather conditions. If they
3 can't be outside in the heat -- in the
4 sunlight -- they're eligible for
5 paratransit. If it's too cold, they're
6 eligible. If it's inclement weather,
7 they're eligible for paratransit. These
8 are people who would use mass transit,
9 but can't be outdoors without -- or
10 exposed for that long a period of time.

11 Therefore, we do support the
12 proposal to add bus shelters. Adding
13 accessible toilets, of course, is a
14 necessity for people in wheelchairs.
15 There are very few public accessible
16 bathrooms in the City and this has been
17 a 30-year fight to add more accessible
18 public toilets to the City and we'd love
19 to see it happen.

20 Thank you DOT for bringing this
21 proposal forward and thanks, City
22 Council, for supporting it. Thanks,
23 Decaux, for your support in making the
24 world a more accessible place. Thank
25 you.

1 THE CLERK: Thank you very much.

2 Edward Wallace, if you're on the
3 call, we've heard that you're having
4 trouble connecting. You can push *6
5 from your touch-tone phone if you're
6 muted.

7 MR. WALLACE: Can you hear me?

8 THE CLERK: Yes.

9 MR. WALLACE: Wonderful. I
10 apologize for my technical lack of
11 skill.

12 My name is Edward Wallace. I'm
13 Co-Chair of Greenberg Traurig New York
14 City and have served as outside general
15 counsel with JCDecaux for 30 years
16 around the entire U.S., which includes
17 bus shelter programs in Los Angeles and
18 Chicago. I want to share my perspective
19 on that.

20 Having once served in the City
21 government myself, both in elected and
22 appointed positions, I'm very honored to
23 appear before you to speak in favor of
24 the amendment and to thank you for your
25 good public service.

1 Speaking of public service,
2 supported here by advertising revenue,
3 at no cost to taxpayers, JCDecaux has
4 produced, along with DOT, beautiful,
5 well-maintained bus shelters and other
6 sidewalk amenities, but the prior
7 franchisee went out of business for lack
8 of revenue.

9 For some reason that I cannot
10 explain, people in high rent areas seem
11 to fear bus shelters. Let's call it
12 "shelter phobia". Is it the bus riders?
13 Is it the ads? Is it the structures
14 themselves that scare them? It's
15 probably a bit of all three, but we are,
16 after all, simply talking about bus
17 shelters.

18 Architecturally sensitive clear
19 glass amenities serve every-day New
20 Yorkers, sheltering them from snow, and
21 rain, and intense sun, and providing a
22 seat for the weary. The economics of
23 this free-to-the-City program are very
24 simple. A small number of
25 high passenger -- and I want to stress

1 -- high passenger -- high bus routes --
2 but also high advertising revenue
3 shelters support the entire City-wide
4 program.

5 So, no one wants advertising where
6 there are no bus routes or no bus
7 riders, but where there are the
8 combination -- the perfect storm, if you
9 will -- of high passengers, high bus
10 routes, and high advertising revenues,
11 bus shelters help this program exist.

12 Advertisers, like the Gap or Dior,
13 want to reach customers. Fortunately,
14 these locations, specifically Madison
15 and Fifth, have among the highest need
16 for shelter service. They have more
17 routes and more riders who go to all
18 five boroughs. So, this is not about
19 just local residents. Additionally,
20 they serve tourists from around the
21 world.

22 To put it in that perspective, 15
23 shelters on retail Fifth Avenue have
24 3,500 City-wide, produce 17 percent of
25 the revenue that pays for the program

1 and provides tens and tens of millions
2 of dollars to the City Treasury. Sadly,
3 the lack of high passenger, high revenue
4 shelters not only leaves the workers
5 from Lenox Hill Hospital and other
6 medical offices up and down the spine of
7 Park Avenue, Madison Avenue, and Fifth
8 Avenue standing in the cold or in the
9 rain. There is no reason for this.

10 The amendment before you expand the
11 service. 360 new shelters, of which 300
12 will be disbursed around the City and in
13 the neighborhoods that do not produce
14 always the highest revenue but do
15 produce the need for this service.
16 These shelters improve the lives of
17 every-day bus riding New Yorkers and
18 they do it everyday.

19 Additionally, the program drives
20 tourists from around the U.S. and the
21 world because of the overseas
22 advertising and out of City advertising.

23 THE CLERK: I'm sorry, we're at time
24 now. Thank you so much for your
25 testimony.

1 MR. WALLACE: Thank you.

2 THE CLERK: Next, we'll hear from
3 Julie Choo.

4 Please provide your full name and
5 affiliation for the record.

6 MS. CHOO: Hi. My name is Julie
7 Choo and I currently lead a public
8 bathroom working group comprised of a
9 number of Community Boards and we have
10 written testimony this afternoon from
11 Manhattan CB 1, CB 4, and CB 5.

12 We are in support of the additional
13 APTs, but have the following suggestions
14 that we hope will make the APTs more
15 successful in New York than it has been
16 in the past 17 years.

17 Number one, amendment to siting
18 requirements. Given all the competition
19 for space in our public realm, which has
20 been made even more challenging with the
21 Open Restaurants Program, we ask the DOT
22 to consider placing the APTs in the grow
23 beds on streets that are permanently
24 closed open streets and in the
25 neighborhood plaza created through the

1 New York City Plaza Program.

2 Number two, updates to exterior
3 clouding. The stainless steel and brown
4 exterior of these units has been at
5 issue in siting. The PDC has rejected
6 these units in certain locations because
7 the Commission thought the APTs
8 clearance was inconsistent with the
9 surrounding built -- environment.

10 The exterior clouding of the APTs
11 should have options for different
12 locations with a design so that it is
13 appropriate for all locations in the
14 City. Maryland has APTs clad in light
15 beige masonry panels that might be more
16 appropriate than what has been approved
17 in New York City.

18 Number three, siting timeline. We
19 ask the City to schedule installation of
20 the 35 APTs within the first three to
21 four years of the remaining eight years
22 of the contract, as we need these
23 bathrooms now.

24 Four, review process. We ask the
25 City to revisit and streamline the

1 current approval process for APTs, which
2 require six levels of approval for each
3 unit.

4 While we want to expedite the siting
5 process, we believe the community input
6 is important and urge the DOT to engage
7 with Community Boards and the public
8 bathroom working group on APTs going
9 forward.

10 We do not know what sites the City
11 has considered since 2006 and we suggest
12 that sites that have been proposed or
13 will be proposed for APTs be posted on a
14 website similar to ULURP Application
15 postings by the CCP so the community may
16 review and follow.

17 Number five, sustainability. To
18 further New York City's sustainability
19 goals in keeping with the "City of Yes"
20 initiative, we ask that these units have
21 low flow plumbing fixtures, LED light
22 fixtures, and be composed of low carbon
23 materials and incorporate fuller panels
24 where it's possible.

25 Number six, regarding the service --

1 service contract. We ask that the
2 revenue generated from this franchise be
3 used to service New York City public
4 bathrooms and suggest that JCDecaux
5 provide a full-time attendant to go with
6 these units.

7 In San Francisco, APTs are paired
8 with a pit-spot program, where JCDecaux
9 pays a local nonprofit to provide an
10 ambassador at each APT to create a
11 welcoming amenity for the neighborhood.

12 Number seven, hours of operation.
13 Currently, the APTs are open from 8 to
14 8, with JCDecaux servicing the unit at
15 the beginning and end of the day. We
16 ask that hours of operation be extended
17 from 7 to 11 p.m. We ask that the units
18 are --

19 THE CLERK: I'm sorry, we're at
20 time. Thank you so much for your
21 testimony.

22 MS. CHOO: Thank you.

23 THE CLERK: Next, we'll hear from
24 Adam Lake.

25 Please provide your full name and

1 affiliation, if any, for the record.

2 MR. LAKE: Hello. My name is Adam
3 Lake. I'm Head of Communications at
4 Climate Group and I've been Head at
5 Climate Week NYC for that five years. I
6 have no affiliation and I am in support
7 of this amendment.

8 Climate Group is one of the largest
9 climate (indiscernible) in the world.
10 We have offices in London, New York,
11 India, and Europe and Climate Week NYC
12 is the largest climate event of its kind
13 in the world and puts together between 4
14 and 500 events every year from across
15 the five boroughs in New York City.

16 I'd like to use the opportunity to
17 testify today on behalf of Climate Group
18 and I'm testifying in support of the
19 amendment, and for the past four years,
20 JCDecaux has supported Climate Week NYC
21 by providing incredibly generous
22 quantities of advertising space
23 throughout the City.

24 Thanks to JCDecaux's continued
25 support, we've been able to use this

1 opportunity to showcase New York's
2 thriving community of (indiscernible)
3 activists, campaigners, and volunteers.
4 We use our partnership to create a
5 platform for these people -- people
6 whose voices have too often been
7 forgotten -- and, in particular, we'd
8 like the space that JCDecaux provides to
9 highlight those campaigns for youth
10 action, support development groups,
11 environmental justice, and education.

12 From the start, our partnership with
13 JCDecaux has been based on the obvious
14 support of fighting climate change. In
15 addition to providing advertising space
16 to Climate Group, they also have become
17 a member of our RE100 initiative. This
18 is an initiative that commits
19 organizations to using 50 percent
20 renewable energy by 2030 and 100 percent
21 by 2050.

22 They've also contributed
23 (indiscernible) panels and
24 (indiscernible) pieces on the
25 (indiscernible) communications

1 infrastructure in fighting for climate
2 change.

3 Final piece -- and you can hear, I'm
4 originally from London, but I now live
5 in New York City -- I rely on the bus
6 and public transportation is an
7 essential weapon in our war against
8 climate change.

9 Anything that can make bus
10 transportation easier and more enjoyable
11 is a positive thing and New York's
12 (indiscernible) of high quality bus
13 shelters provided by JCDecaux
14 demonstrates to New Yorkers and visitors
15 that New York City is committed to
16 supporting public transportation.

17 We feel every bus shelter is a
18 stage. You've heard today from
19 organizations like us that have
20 benefitted from the platform that
21 JCDecaux provides and we're very happy
22 to lend our support today. Thank you.

23 THE CLERK: Thank you very much.

24 Next, we'll hear from David
25 Saltonstall, please.

1 Please provide your full name and
2 affiliation for the record.

3 MR. SALTONSTALL: My name is David
4 Saltonstall. I'm the Vice President for
5 Government Relations and Policy at the
6 Central Park Conservancy and I'm here
7 today to express the Conservancy's
8 opposition to allowing commercial
9 advertisements in Central Park, which is
10 integral to the 11 bus shelters that
11 would be placed along Fifth Avenue under
12 this proposal.

13 If approved, this amendment would
14 upend decades of successful legal and
15 regulatory precedent aimed at protecting
16 not just Central Park, but all City
17 parks from commercial exploitation and
18 impose a devastating physical and visual
19 impact on the Park's iconic perimeter.

20 Central Park was created as a
21 respite from the stresses of every-day
22 urban life. Placement of large
23 advertisements that are lit 24/7 -- some
24 with potential for audio sound -- would
25 be a permanent blow to the historic

1 spirit and purpose of the Park.

2 The perimeter around the Park is an
3 official and very purposeful part of the
4 Park designed to serve as a threshold
5 from City to nature. That's why Central
6 Park is an official New York City Scenic
7 Landmark all the way to the curb, not
8 just the wall.

9 As outlined in a separate letter we
10 have submitted, the proposal would also
11 run counter to many of the City's own
12 rules related to the protection of City
13 parks and trees, including the
14 excavation and trenching required for
15 the proposed shelters posing a threat to
16 the root systems of all nearby trees --
17 and please understand the uniqueness of
18 these particular trees.

19 The double row of American Elms
20 along Fifth Avenue is in fact considered
21 to be one of the nation's oldest and
22 most significant intact stands of
23 American Elms today. They survived in
24 part because of the City's strong,
25 longstanding regulations related to

1 protecting street trees, especially when
2 it comes to siting bus shelters and
3 other sidewalk infrastructure.

4 DOT regulations require bus shelters
5 to be five feet from tree trunks,
6 canopies, and tree pits, and three feet
7 from street beds or (indiscernible).

8 Based on analyses conducted by the
9 Conservancy, we believe that most, if
10 not all, of the proposed sites for Fifth
11 Avenue would violate one or more of
12 these restrictions and should be
13 eliminated from consideration for these
14 reasons alone.

15 Furthermore, since 1940, New York
16 City has banned advertising signs within
17 view of a public park of one half-acre
18 or more. Central Park is 843 acres and
19 throughout its history, has remained a
20 respite, free of commercial advertising.

21 For those who would argue that bus
22 shelters are needed along Fifth Avenue
23 to protect transit riders, we note that
24 park benches already line the perimeter,
25 giving riders plenty of places to sit,

1 and the uniformed tree canopy provides
2 shade and protection from the elements,
3 comforts that most other City bus stops
4 lack.

5 THE CLERK: I'm sorry, we're at time
6 now. Thank you so much for your
7 testimony.

8 Next, we'll hear from Jeremy
9 Woodoff.

10 Please provide your full name and
11 affiliation, if any, for the record.

12 MR. WOODOFF: My name is Jeremy
13 Woodoff. I'm speaking for the Victorian
14 Society New York.

15 Founded in New York City in 1966,
16 the Victorian Society in America is
17 dedicated to fostering the appreciation
18 and preservation of our 19th and early
19 20th century heritage. The New York
20 chapter promotes preservation of our
21 historic district, individual and scenic
22 landmarks, interiors and civic art.

23 The Victorian Society opposes the
24 proposed amendment to the Franchise
25 Agreement that would allow installation

1 of bus shelters with advertising on the
2 perimeter of Central Park. We fully
3 support the June 9, 2023 letter of the
4 Central Park Conservancy describing the
5 reasons for the Conservancy's
6 opposition.

7 The adverse impacts to this New York
8 City scenic landmark and national
9 historic landmark would be every bit as
10 severe as stated and it would set a bad
11 precedent for similar installations at
12 the perimeter of other scenic landmarks
13 and parks throughout the City.

14 We note that the Draft Resolution
15 you are considering states that DOT
16 found the proposed action to be Type II
17 under the City Environmental Quality
18 Review Act and not subject to further
19 environmental review. This cannot be a
20 correct finding.

21 Type II Actions are specified in
22 Chapter 6, Section 16 -- 617.5 of the
23 City's Rules and Regulations and actions
24 of the type proposed are not included.
25 No action that involves physical

1 alterations to a historic site can be a
2 Type II Action.

3 Rather, this is an Unlisted Action,
4 and, as such, requires an environmental
5 assessment that examines the effects
6 that the project would have on the
7 Central Park historic site. Short
8 circuiting the CEQRA process by claiming
9 this project is a Type II Action appears
10 to violate the letter and spirit of the
11 CEQRA law and regulations.

12 Finally, to depend on the Landmarks
13 Commission's future review of the
14 proposed Central Park locations to
15 mitigate damage is futile. Landmarks
16 repeatedly notes that its review of work
17 in scenic landmarks, like Central Park,
18 is advisory only.

19 In recent years, it does nothing
20 more than make suggestions to the
21 applying agency. It chooses never to
22 require changes to design or scope. It
23 leaves the binding review to the Public
24 Design Commission, but the PDC has
25 neither the expertise, nor interest to

1 review work in scenic landmarks for
2 historic appropriateness.

3 This leaves this important historic
4 park with no entity to ensure that work,
5 such as that proposed, is
6 architecturally, visually, and
7 historically appropriate and has no
8 adverse impact.

9 For these reasons, we request that
10 you eliminate the proposed shelters
11 within the Central Park scenic landmark
12 from the proposal and/or ensure that a
13 proper environmental review is
14 undertaken. Thank you very much.

15 THE CLERK: Thank you.

16 Next, we'll hear from Gabrielle
17 Brussell.

18 Please provide your full name and
19 affiliation for the record.

20 MS. BRUSSELL: Thank you. Good
21 afternoon, members of the Franchise and
22 Concession Review Committee and everyone
23 else.

24 My name is Gabrielle Brussell and I
25 am the Chief Development Officer for

1 cities of JCDecaux's Street Furniture
2 New York. I am responsible for the
3 daily management of this franchise and I
4 work with the great team at DOT, as well
5 as many stake -- community stakeholders.

6 It is a privilege to provide
7 services on New York City streets, from
8 bus shelters to art exhibitions to
9 public toilets, and a privilege to
10 engage with City constituents to expand
11 those services, including stakeholders
12 of Riders Alliance, the Public Art Fund,
13 the Climate Group, the working group on
14 public toilets of Community Boards 1, 4,
15 and 5, the New York Foundation for
16 Senior Citizens, the United Spinal
17 Association, as well as New Yorkers such
18 as Mrs. Finkelstein, and the wonderful
19 architects at Grimshaw, all of whom are
20 testifying or will testify today.

21 As a third generation New Yorker who
22 was raised on the upper east side and in
23 the Village, and now lives in Long
24 Island City with adult children living
25 in Brooklyn, I am well aware of the

1 balance between historic street-scapes
2 and the provision of the street
3 furniture, as well as the balance that
4 needs to be struck in a City with
5 millions of stakeholders within such a
6 range of lifestyles and a range of
7 access.

8 Thank you for the opportunity to
9 speak today and for the opportunity to
10 hear the many voices of people engaging
11 with public services in our City. I ask
12 that you approve this amendment so that
13 those services may be expanded to people
14 who really need them. Thank you.

15 THE CLERK: Thank you.

16 Next, we'll hear from Matthew Bauer.

17 Please provide your full name and
18 affiliation for the record.

19 (No response.)

20 THE CLERK: Matthew Bauer, are you
21 on the line?

22 (No response.)

23 THE CLERK: If you're muted, you can
24 push *6 on your phone to un-mute.

25 (No response.)

1 THE CLERK: Okay. We'll move on.

2 Next, we'll hear from Nuha Ansari.

3 MR. BAUER: I'm here.

4 THE CLERK: Oh, I apologize.

5 Matthew Bauer?

6 MR. HEINZEN: Okay. Please give us
7 your testimony, Mr. Bauer.

8 MR. BAUER: Sure. Hi. My name is
9 Matt Bauer. I'm the President of the
10 Madison Avenue Business Improvement
11 District, which covers Madison Avenue
12 between East 57th and East 86th Streets.
13 I've also submitted written testimony
14 regarding some of the concerns of our
15 businesses.

16 But it's really welcome news this
17 afternoon that the phrase in Section
18 4.2.2 regarding electronic media is now
19 not being changed, keeping the text that
20 electronic media will be permitted on a
21 case-by-case basis and except for
22 backlighting, printed posters will be
23 subject to the applicable zoning
24 regulations for property adjacent to the
25 site.

1 From the inception of the
2 coordinated street furniture franchise
3 program, bus shelter advertising was
4 explicitly tied to zoning regulations.
5 The environmental assessment statement
6 prepared for this project -- CEQRA
7 number 96-DOT-010Y -- stated electronic
8 media will be permitted only on a
9 case-by-case basis and except for the
10 backlighting, printed posters will be
11 subject to the applicable zoning
12 regulations for the site.

13 The statement was included in the
14 Negative Declaration for the then
15 proposed street furniture franchise in
16 May 1996.

17 The City Planning Commission report
18 regarding the application for approval
19 of an RFP for the coordinated street
20 furniture franchise in October of 1996
21 stated that the intent of the proposed
22 RFP is to ensure that electronically
23 animated media are permitted only on a
24 case-by-case basis and only in zoning
25 districts where the zoning resolution

1 allows them.

2 City Council Resolution number 1004,
3 2003 stated that DOT should develop
4 siting criteria for the franchise
5 structures to be included in any RFP or
6 the solicitation. This shall address,
7 but not be limited to, the permitted
8 uses on adjacent zoning lots.

9 The New York City Department of
10 Transportation's request for proposals
11 for a franchise to install, operate, and
12 maintain bus stop shelters, issued on
13 March 26, 2004, states that electronic
14 media will be permitted only on a
15 case-by-case basis and except for the
16 backlighting of printed posters, will be
17 subject to the applicable zoning
18 regulations for property adjacent to the
19 site.

20 Section 4.2 of the Amended and
21 Restated Franchise Agreement between the
22 City of New York and Cemusa, dated
23 October 1, 2015, which is the current --
24 in place -- says, again, that electronic
25 media will be permitted only on a

1 case-by-case basis, and except for the
2 backlighting of printed posters, will be
3 subject to the applicable zoning
4 regulations for property adjacent to the
5 site.

6 Madison Avenue from East 57th Street
7 to East 61st Street is zoned C5-3.

8 Madison Avenue from East 61st to East
9 86th Street is zoned C5-1. According to
10 the Zoning Resolution, flashing or
11 illuminated signs are not permitted in
12 the zoning district. Therefore, the
13 illuminated electronic signage planned
14 for the bus shelters on Madison Avenue
15 are thus not permitted under the current
16 or now the new Franchise Agreement.

17 THE CLERK: I'm sorry --

18 MR. BAUER: Thank you.

19 THE CLERK: -- we're at -- thank you
20 so much. We're at time. Thank you.

21 Okay. Next, we'll hear from Nuha
22 Ansari.

23 Please provide your full name and
24 affiliation for the record.

25 MS. ANSARI: Hi. My name is Nuha

1 Ansari and I'm testifying on behalf of
2 Friends of the Upper East Side Historic
3 District.

4 Founded in 1982, Friends is an
5 independent, not-for-profit organization
6 dedicated to the preservation and
7 celebration of the architectural legacy,
8 livability, and (indiscernible) of the
9 Upper East Side.

10 We recently learned, although with
11 little public notice, that the NYC
12 Department of Transportation is
13 proposing an amendment to their
14 Franchise Agreement with JCDecaux to
15 allow for an increase in the number of
16 bus shelters the company installs and
17 operates, including 11 new bus shelters
18 proposed along Fifth Avenue on the
19 perimeter of Central Park, which could
20 include electronically lit advertisement
21 panel as part of their design.

22 While we understand the potential
23 benefits of installing bus shelters, we
24 are concerned that installing these bus
25 shelters around the perimeter of Central

1 Park, a New York City scenic landmark
2 and national historic landmark, would
3 have a significant negative impact on
4 the character and visual appeal of one
5 of the City's most treasured public
6 spaces.

7 The perimeter of Central Park is
8 part of the landmark site and its
9 protected features include the hexagonal
10 asphalt pavers and granite blocks of the
11 perimeter sidewalk, as well as the trees
12 lining the perimeter, which are both
13 integral parts of the Park. Indeed, the
14 double row of elm trees along Fifth
15 Avenue are considered to be one of the
16 nation's oldest intact stands of
17 American Elms that survive today.

18 The proposed bus shelter would
19 impede the enjoyment and experience of
20 this part of the Park and would be out
21 of keeping with the character of this
22 historic street-scape.

23 Comparable landmark parks in other
24 cities, such as Regent's Park in London
25 or the Bois de Boulogne in Paris, do not

1 allow advertising along their perimeters
2 and New York City's own regulations
3 have, since 1914, banned commercial
4 advertising within view of a public
5 park, larger than half an acre.

6 In addition, the DOT siting
7 guidelines for bus shelters specify that
8 shelters must be five feet away from
9 tree trunks, canopies, and street --
10 three feet from street lights or traffic
11 signals. We also understand that
12 JCDecaux proposes to place bus shelters
13 along Madison Avenue within the historic
14 district.

15 Friends expressed their concerns
16 about the proposed bus shelters in 2019,
17 and even though they have been
18 redesigned with a narrower profile, we
19 still believe that they obstruct views
20 of the storefronts, one of the most
21 significant character-defining features
22 of the avenue, as designed in the LPC's
23 Historic District Designation Report.

24 They would be detrimental to the
25 pedestrian experience of Madison Avenue,

1 whose storefronts maintain visually
2 striking modular rhythms derived from
3 the 20 to 25-foot width of the row
4 houses within which they are housed.

5 THE CLERK: Okay. We're at time --
6 I'm sorry. Thank you. We're at time.

7 Next, we'll hear from Brenda Levin.

8 Please provide your full name and
9 affiliation for the record.

10 MS. LEVIN: Good afternoon, members
11 of the FCRC. I am Brenda Levin. I am a
12 consultant to JCDecaux. This testimony
13 is very personal.

14 I was a Commissioner for
15 nine-and-a-half years on the New York
16 City Planning Commission. I was a
17 member of Manhattan Community Board 6
18 where I chaired the Land Use Committee
19 and I was Director of Community
20 Relations for the City's Olympic Bid
21 Committee, the people who suggested a
22 stadium on the far west side of
23 Manhattan -- a stadium that now stands
24 in New Jersey. I am no stranger to
25 opposition.

1 As a member of a Community Board, I
2 was both a supporter and opponent. As a
3 Planning Commissioner, I had the
4 privilege of being one of a group of
5 decision-makers. Community Boards are
6 my favorite, even when they do not like
7 my client's projects. Not wanting a
8 stadium is understandable, but not
9 wanting bus shelters is inexplicable.

10 Historic neighborhoods are not
11 unique to New York City. Great shopping
12 streets and magnificent public parks are
13 not unique to New York City, but
14 Hamilton the musical has it right. We
15 are the greatest city in the world. Why
16 would we think we do not need bus
17 shelters and self-cleaning automatic
18 public toilets?

19 Cities many times older than New
20 York with more fragile historic areas
21 have bus shelters and, yes, automatic
22 public toilets. A city's responsibility
23 is to provide public services, great and
24 small. When business improvement
25 districts were before the Planning

1 Commission, I voiced my concern that
2 lesser-advantaged neighborhoods would
3 not be able to have bids and that bids
4 would provide vital City services. I
5 was assured that vital City services
6 would continue to be provided by the
7 City. They would not be the exclusive
8 purview of the bids.

9 Now, a bid asks you to deny bus
10 shelters. I consider bus shelters
11 vital. Why would anyone have to stand
12 in the rain? Unfortunately, we can
13 never have bus shelters at every bus
14 stop, but the City Council verbally
15 mandated equity. The Madison Avenue bus
16 routes are equity bus routes, taking day
17 workers home to neighborhoods
18 considerably less advantaged than
19 Madison Avenue on the Upper East Side.

20 Please grant all neighborhoods the
21 opportunity to have bus shelters and
22 self-cleaning automatic public toilets.
23 Thank you.

24 MR. HEINZEN: Thank you, Ms. Levin.
25 I just want to make a statement.

1 At this point, we're well -- we're
2 into the second hour of testimony. I
3 asked at the beginning and I was told
4 there would be two representatives from
5 JCDecaux speaking. At this point, we've
6 had three representatives from JCDecaux,
7 none -- not including the two who
8 identified themselves.

9 I would ask that the -- those two,
10 obviously, can testify. I would ask
11 everyone to keep in mind the
12 three-minute limit.

13 I would ask also that additional
14 JCDecaux representatives who may be
15 thinking of speaking, please submit
16 written testimony. All of it will be in
17 the public record. All of that will be
18 available to the members of the
19 community and to the public for our
20 consideration.

21 But just in the interest of time, we
22 have many people waiting to testify and
23 it's important that everyone's viewpoint
24 be allowed to be heard. Thank you.

25 THE CLERK: Thank you, Bill.

1 Next, we'll hear from Casimir -- I
2 apologize. I don't think I wrote your
3 last name down.

4 MR. ZDANIUS: Yeah, that's okay. Hi
5 there.

6 THE CLERK: Hi. Please provide your
7 full name and affiliation.

8 MR. ZDANIUS: Sure. Casimir
9 Zdanus, Principal at Grimshaw
10 Architects, designers of the New York
11 City Bus Shelter Coordinated Street
12 Franchise, also representing
13 (indiscernible) partner, who is also on
14 the call.

15 Okay. So, thank you for the
16 opportunity to provide testimony. We
17 are strongly in favor of the new bus
18 shelters.

19 During the Mayor's initiative
20 decades past were improved streets for
21 people in place-making and gradual
22 changes took places to create a City
23 more for people -- a high density city
24 successful for its occupants, not built
25 around its roads, cars, buildings,

1 narrow sidewalks.

2 Improved streets and place-making
3 were undertaken by reviewing successful
4 European models. Pre-qualification
5 design and excellence programs were all
6 created with an eye on the future for a
7 City built for people, boosting social
8 integration and activity longevity for
9 the people.

10 Visitors to cities for major events,
11 for example, the Olympic games, are
12 always asked for their positive and
13 negative impressions of the city or
14 event. Without exception, public
15 elements, stanchions, signage systems,
16 waste systems, public transportation
17 infrastructure are always right at the
18 top of the list in these surveys.

19 We design these bus shelters to the
20 surroundings, clean and see-through, not
21 to encroach facades or sidewalks; a
22 lasting clean design that does not
23 represent an age or aging
24 infrastructure. These approaches work
25 well in the ability of a design to be

1 adjusted over time -- longer or shorter
2 versions of units, such as the extended
3 design for the rapid bus service or the
4 (indiscernible). We've modified smaller
5 foundations to protect the below-ground
6 pre-existing conditions, all without
7 having to reinvent the (indiscernible).
8 They (indiscernible) units and a
9 temporary appeal. These factors are
10 important for such elements.

11 The ability to create orientation or
12 identification, may convey social
13 integration of quality of life
14 throughout all boroughs without
15 prejudice, ADA accessibility, and a
16 sense of security and sited by
17 consistent maintenance considerations.

18 We are strongly in favor of the
19 boroughs receiving more bus shelters
20 from a family design that can be adapted
21 to a variety of conditions, of the same
22 family -- of the same inclusivity -- the
23 five boroughs connected through these
24 familial transportation elements.

25 Thank you for the opportunity to

1 testify in favor of the bus shelters.

2 THE CLERK: Thank you very much.

3 Next, we'll hear from Steve Noghray.

4 Please provide your full name and
5 affiliation for the record.

6 MR. NOGHRAY: Good afternoon. My
7 name is Steve Noghray. I am with Sage
8 Realty calling on behalf of 437 Madison
9 Avenue in Midtown Manhattan.

10 We're submitting our verbal comments
11 today to strongly oppose the amendment
12 to the Coordinated Street Furniture
13 Franchise Agreement.

14 We are the owner of the building
15 located at 437 Madison Avenue and have
16 significant concerns with the Agreement,
17 specifically with regards to the new bus
18 shelters as defined in Schedule Y of the
19 Agreement.

20 There are two new bus shelters
21 proposed on Madison Avenue directly at
22 the entrance to 437 Madison. 437
23 Madison has frontage on Madison Avenue,
24 49th and 50th Street, and has a lot area
25 of approximately 38,360 square feet.

1 Importantly, 437 Madison has two public
2 plazas located on the property.

3 In other words, approximately
4 10,000 square feet is dedicated to
5 public use and enjoyment, but is
6 privately owned and maintained.

7 The plazas have strict requirements
8 for fixed and movable seating, signage,
9 plantings, lighting, and much more.
10 Moreover, due to the grading at the
11 property, there are fixed wall benches
12 surrounding the property line at the
13 public sidewalk creating a unique
14 pedestrian walking path.

15 We have not been provided plans of
16 the bus shelters proposed to be located
17 at 437 Madison and we suspect that due
18 to the grading and amenities, it would
19 be challenging, if not impossible, to
20 meet the DOT specifications for bus
21 shelters. Therefore, the Agreement
22 should be approved as written and should
23 be modified to remove specific bus
24 shelter locations without prior review
25 by DOT and the property owners.

1 In addition to the physical
2 constraints at 437 Madison, we also have
3 social and security concerns. We are
4 supporters of the benefits of public
5 open space throughout the City, however,
6 with these beautiful amenities at our
7 building, it also attracts undesirable
8 activities such as loitering, vandalism,
9 and drug use, which negatively impacts
10 our employees, tenants, and customers.

11 Our management has respectfully
12 handled these challenging issues, which
13 have significantly worsened since the
14 COVID pandemic. The Agreement does not
15 outline bus stop risk assessment
16 considerations, crime prevention
17 designs, or policies and procedures in
18 addressing such concerns.

19 The public plazas at 437 Madison
20 already draw crime and we are concerned
21 that the bus shelters will further add
22 to this problem.

23 For the reasons stated, the
24 Agreement should not be approved until
25 the bus shelter locations are reviewed

1 by all parties to ensure that they do
2 not negatively impact the quality of
3 life of our residents, workers, and
4 tourists, and we continue to strive to
5 make Midtown Manhattan the neighborhood
6 it was before the pandemic.

7 Thank you for your consideration.

8 THE CLERK: Thank you very much.

9 I just want to confirm that everyone
10 who is registered has given -- had an
11 opportunity to speak. I've reached the
12 end of my list. I want to make sure I
13 didn't miss anyone.

14 (No response.)

15 THE CLERK: Okay. It appears we
16 have now heard all testimony on this
17 Calendar Item.

18 MR. HEINZEN: Thank you.

19 Would you please call the next
20 Calendar Item?

21 THE CLERK: New York City Mayor's
22 Office of Contract Services, Calendar
23 Item number 2, in the matter of a public
24 hearing on Agency Annual Concession
25 Plans for Fiscal Year 2024, pursuant to

1 Section 1-10 of the Concession Rules of
2 the City of New York and proposed
3 changes to the Administrative
4 Procedures.

5 At this remote public hearing, the
6 Clerk, on behalf of the Franchise and
7 Concession Review Committee, will
8 solicit comments about the provisions of
9 the Concession Rules and planned
10 Administrative Procedure changes from
11 the vendor community, civic groups, and
12 the public at large.

13 The FCRC shall consider the issues
14 raised at the remote public hearing in
15 accordance with the procedures set forth
16 in the Charter under the City
17 Administrative Procedure Act.

18 (No response.)

19 THE CLERK: Bill, you're muted.

20 MR. HEINZEN: Sorry, that's not
21 helpful.

22 We will take testimony from the
23 public, but first, does any member of
24 the Committee wish to make a statement
25 on this Calendar Item?

1 (No response.)

2 MR. HEINZEN: Okay. Will you please
3 call the first person who wishes to
4 testify on this item?

5 THE CLERK: We have heard all
6 testimony on this Calendar Item.

7 MR. HEINZEN: Okay. Thanks -- thank
8 you very much.

9 Before we conclude, I just want to
10 ask if any of the agencies presenting
11 the items today have any statements for
12 the record prior to the close of the
13 hearing?

14 MS. CRAVEN: No, we have no
15 statement.

16 MR. HEINZEN: Okay. If no one else
17 wishes to speak, that concludes today's
18 hearing.

19 We ask that the reporter make the
20 entire Public Hearing Agenda, which was
21 made publicly available and distributed
22 at this hearing, part of the final
23 record of the proceeding.

24 The hearing is now closed. Thank
25 you.

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THE CLERK: Thank you all so much.
(Time noted: 3:51 p.m.)

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CERTIFICATION

I, JULIA M. SPEROS, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose testimony as
herein set forth, was duly sworn by me;
and that the within transcript is a true
record of the testimony given by said
witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome
of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of June, 2023.



Julia M. Speros