

Franchise and Concession Review Committee Special Public Meeting
September 28, 2015

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SPECIAL PUBLIC HEARING
FRANCHISE and CONCESSION REVIEW COMMITTEE

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22 Reade Street
Spector Hall
New York, New York 10007

Monday, September 28, 2015
2:30 p.m.

APPEARANCES:

- Mayor: Primary, Peter Hatch
- Office of the Mayor: Primary, Benjamin Furnas
- Corporation Counsel: Alternate, Howard Friedman
- Office of Management and Budget: Primary, Yvonne Quintian
- Comptroller: Alternate, Susie Sohn
- Bronx Borough President: Alternate, Thomas Lucania
- Brooklyn Borough President: Alternate, Jeffrey Lowell
- Manhattan Borough President: Primary, James Caras
- Queens Borough President: Primary, Elisa Velazquez
- Staten Island Borough President: Alternate, James Shipp
- Clerk: Primary, Stephanie Ruiz

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MR. HATCH: Good afternoon. The Special Public Hearing will now come to order. Will the Clerk please call the role.

MS. RUIZ: Mayor?

MR. HATCH: Here.

MS. RUIZ: Office of the Mayor?

MR. FURNAS: Here.

MS. RUIZ: Comptroller?

MS. SOHN: Here.

MS. RUIZ: Corporation Counsel?

MR. FRIEDMAN: Here.

MS. RUIZ: Office of Management and Budget?

MS. QUINTIAN: Here.

MS. RUIZ: President, Borough of the Bronx?

MR. LUCANIA: Here.

MS. RUIZ: President, Borough of Brooklyn?

MR. LOWELL: Here.

MS. RUIZ: President, Borough of Manhattan?

MR. CARAS: Here.

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MS. RUIZ: President, Borough of
Queens?

MS. VELAZQUEZ: Here.

MS. RUIZ: President, Borough of
Staten Island?

MR. SHIPP: Here.

MR. HATCH: Welcome to this
Special Public Hearing of the Franchise
and Concession Review Committee. The
hearing being conducted today has been
publicly advertised in accordance with the
New York City Charter and Concession Rules
of the City of New York.

We want to be sure that anyone
desiring to be heard has the opportunity
to do so. All persons wishing to speak
must fill out a request slip, which may be
obtained from the clerk. Each speaker
will be allotted approximately three
minutes. When you testify, please state
your name and affiliation, if any. You
may also submit written testimony to the
Clerk, which may be made part of the
record. Any written submissions must be

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given to the Clerk before the close of the public hearing.

Will the Clerk please call the first calendar item.

MS. RUIZ: New York City Department of Transportation, Calendar Item No. 1: In the matter of the intent to seek Franchise and Concession Review Committee approval relating to: One, the approval of a proposed change in control of Cemusa NY, LLC, which, pursuant to an assignment from Cemusa, Inc., holds a non-exclusive franchise giving it the right to install, operate and maintain bus shelters, automatic public toilets and public service structures, and install and maintain newsstands on the inalienable property of the City of New York, and sell and place advertising as set forth in the franchise agreement and to derive revenue therefrom; and, two, the approval of proposed amendments to the franchise agreement.

MR. HATCH: At this time, I'd

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like to invite Michelle Craven, Senior Executive Director of Cityscape and Franchises for the New York City Department of Transportation, to make a brief statement and read into the record changes that have been made to Schedule X since its distribution to the FCRC.

MS. CRAVEN: Good afternoon, Chairman Hatch and Members of the Franchise and Concession Review Committee. My name is Michelle Craven, and I am the Senior Executive Director of Cityscape and Franchises at the New York City Department of Transportation. I am joined here today by Bryan Grimaldi, Chief Operating Officer and General Counsel at NYC and Company. Also here today is Bernard Parisot, Co-CEO of JCDecaux North America, the prospective parent company of Cemusa, Inc.

I am delighted to request the FCRC's approval of the proposed change in control of and amendments to one of the City's largest franchises. And before I go ahead with my statement, I will go

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ahead and read the changes into the record.

There are three changes to Schedule X to the Amended and Restated Agreement. Item No. 1, which was formerly listed as MN01496, approximately 390 Fifth Avenue, between 35th and 36th Streets, is now MN01495, approximately 376 Fifth Avenue, between 35th and 36th Streets. No. 14, which had been MN01518, approximately 720 Fifth Avenue, between 56th and 57th Streets, is now MN01536, approximately 546 Fifth Avenue, between 45th and 46th Streets. And No. 15, which might have been the latest version, I think, as listed "TBD" is now MN01537, approximately 556 Fifth Avenue, between 45th and 46th Streets. And those should be all the changes at this time.

MR. HATCH: Thank you.

We will take testimony from the public, but first I'd like to add -- do you?

MS. CRAVEN: Oh. I was going to

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talk some more.

(Laughter.)

MR. HATCH: Back over to you.

MS. CRAVEN: As many of you may recall, in 2006 DOT awarded a 20-year franchise to Cemusa, Inc. for the construction, installation, and maintenance of bus stop shelters, newsstands, automated public toilets, and public service structures.

In addition to constructing, installing, and maintaining the street furniture structures at no cost to the City, Cemusa provides the City with three forms of compensation: One, a franchisee fee of approximately \$50 million per year; two, access to 22.5 percent of the New York City street furniture ad panels, including 2.5 percent for City agency public service advertisements, all of which are programmed and managed by NYC and Company; and three, alternative compensation in the form of approximately \$20 million worth of advertising in

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Cemusa's four foreign markets each year.

A guaranty from Cemusa's ultimate parent company, FCC, S.A., ensures that the City will receive three years of the franchise fee in the event that Cemusa defaults on the Agreement. Cemusa, Inc. assigned its interest in the franchise agreement to its wholly-owned subsidiary, Cemusa New York, LLC, in 2007. Cemusa New York, LLC is the current franchisee and will remain so under the proposed change of control.

In November 2013, Cemusa petitioned DOT for a change of control, in which JCDecaux, North America would purchase Cemusa, Inc., the franchisee's parent company. We thank Cemusa for its many accomplishments, including an almost complete build-out of remarkably striking, transparent, and resilient structures and dedicated maintenance efforts. Now we look forward to working with Cemusa in conjunction with JCDecaux, which will bring its decades of street furniture

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experience around the world to the streets of New York City.

The Agreement remains largely unchanged. In connection with the change of control, JCDecaux requested some amendments to the Agreement and we viewed this as an opportunity to clarify and amend certain provisions. For example, we resolved an issue that the Comptroller's Office raised in a 2013 financial audit regarding the inclusion of the European Union's Value Added Tax when computing the value of the City's alternative compensation for prior years. Consistent with the Comptroller's recommendation from the 2013 audit, we resolved this issue in the City's favor.

The City will be receiving additional alternative compensation in the future as repayment for the inclusion of the value added tax in prior years' calculations of the alternative compensation. The Amended and Restated Agreement also adds language clarifying

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the exclusion of value added taxes from
alternative compensation going forward.

Under the proposed Amended and
Restated Franchise Agreement, New York
City and Company will receive access to
approximately seventy of JCDecaux's
international markets that are not
available to the City from Cemusa. The
proposed agreement will also eliminate the
City's right to trade its share of the New
York City street furniture ad panels for
cash, an option that the City has never
exercised, and as a practical matter,
would most likely never use.

New York City and Company's
analysis has demonstrated that the
additional international markets are of
equal or greater value than the cash
trade-in option. Their analysis further
revealed that the cash trade-in amount is
lower than what NYC and Company would have
to spend to purchase equivalent space.

Finally, consistent with DOT's
ability to direct Cemusa to install

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shelters at any bus stop in the City,
under the Amended and Restated Agreement,
Cemusa will be installing fifteen bus
shelters on Fifth Avenue, between 34th and
59th Streets, in Manhattan. The City will
also receive an additional sixty shelters
to be installed throughout the five
boroughs, thirty in settlement of
outstanding amenities owed and thirty
"Reciprocal Shelters" in exchange for the
shelters on Fifth Avenue. DOT will work
with the Borough Presidents' Offices to
site these additional shelters.

I would also like to note that
the City will continue to receive its
annual fee of approximately \$50 million
and the franchisee will be guaranteed by
JCDecaux North America's parent, JCDecaux,
S.A., a company worth over 2 billion
euros.

Bryan and I are available to
answer any questions you may have
regarding the proposed amendments and
change of control, but first, I would like

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to introduce Bernard Parisot, Co-CEO of
JCDecaux, North America.

MR. PARISOT: Chairman Hatch,
Members of the FCRC Committee, thank you
for this opportunity.

Good afternoon. My name is
Bernard Parisot. I'm the President and
Co-CEO of JCDecaux North America, the
prospective parent of Cemusa, Inc. We
have been headquartered here in New York
City for more than twenty years and I have
been the CEO of JCDecaux for nineteen of
these years, so we're not new to New York;
we're not new to America.

First, thank you for affording
me this opportunity to introduce JCDecaux
formally to the Members of the FCRC and to
tell you about our plans to deliver
first-rate quality street furniture and
maintenance, and a much broader platform
for telling tourists around the world to
come visit New York City. We're grateful
for the open-mindedness and the
constructive dialogue that we've had with

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the New York City Department of Transportation, with NYC and Company, with borough presidents and the Comptroller, which has brought us to this hearing here today, and hopefully a positive vote on Wednesday.

I'm here to respond to any questions you may have and ask for an approval on the resolution before you.

Before proceeding, I want to thank the City team that worked with us to craft amendments, which produced more bus shelters than required by the 2006 agreement, more -- a lot more overseas free advertising for NYC and Company, and the possibility of more revenue for New York City.

Specifically, the Deputy Mayor's Office, the Department of Transportation, as well as the Law Department team, and NYC and Company all helped craft a deal which protects the City and creates a condition for an even more successful franchise.

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I also want to note that, even though we competed against Cemusa in 2006, they have served the City very well with a very well-designed street furniture program.

Now, the transaction before you assures the following: At least seventy-five more bus shelters than required by the 2006 agreement; first-rate maintenance and first-rate repairs; over \$200 million in foreign advertising outside of New York, 3,500 more cities around the world than you currently have access to for the promotion of tourism by NYC and Company over the remaining term of the franchise; in-city advertising on 22.5 percent of ad panels evenly distributed throughout the five boroughs; \$650 million in guaranteed payments through 2026, which is the balance of the initial \$1 billion guaranteed.

By way of background, JCDecaux is the world's largest bus shelter and outdoor advertising company. We pride

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ourselves on the quality of our designs, service, and commitment to the cities we serve. We believe we are unique in being a street furniture company that supports public service through the sale of advertising, rather than an advertising company where public service is just an afterthought.

Our company has humble beginnings and a record of satisfying the cities we serve. In 1964, fifty-one years ago, our founder, Jean Claude Decaux, invented the advertising-supported free bus shelter when he saw riders standing in the rain waiting for the bus. Since then, he has created many other free advertising-supported public services, all well-designed, all well-maintained.

And from the early days, Jean Claude Decaux really dreamed of serving New York City. So, we would be really honored if you would allow the company, founded by the man who did not want to let people stand in the rain, to serve the

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people of this great City.

I would be happy to answer any questions you have.

MR. HATCH: At this time, are there any Members of the Committee who have questions?

(No response.)

MR. HATCH: Thank you.

MR. PARISOT: Thank you.

MR. HATCH: Are there Members of the Committee who would like to make statements at this time?

Manhattan.

MR. CARAS: This involves some really difficult issues. It's our understanding that Cemusa, the current franchisee, is trying to exit this business, and Decaux is unwilling to purchase the Cemusa interest unless they can see some way of making it more profitable and be sure they can meet all their obligations under the agreement. Decaux requested about thirty-four new bus shelters on Fifth and Madison Avenues.

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Because of the narrow sidewalks on Madison, the Manhattan Borough President said that new shelters on Madison Avenue was a non-starter.

We also raised serious concerns about bus shelters on Fifth Avenue, especially in the high 40s and 50s, some of the most congested blocks in the City.

On the other hand, bus shelters are important amenities, and we have concerns as to what it could mean for all bus shelters in Manhattan and across the City if a company that is trying to exit this business is forced to continue to operate. We already know that as a result of Cemusa's winding down of many of its foreign operations, the City is losing overseas advertising opportunities and the attendant tourism revenue, so we've tried hard to come up with a compromise that would allow the change of ownership to occur but minimize problems.

Over the last several weeks, we've worked with the administration to

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2 reduce the original request for about
3 thirty-four Fifth Avenue bus shelters to a
4 cap at fifteen, and over the last several
5 days, we've been working hard to refine
6 the locations. On Friday, the
7 administration agreed to move two of the
8 bus shelters slated for Fifth Avenue
9 between 49th and 57th Street south below
10 47th Street, they're the shelter
11 originally slated for Fifth Avenue and
12 56th Street and the one originally slated
13 for Fifth Avenue and 51st Street. I know
14 this isn't a perfect solution, but
15 attempts to balance valid competing
16 interests rarely are. But, I'm certainly
17 interested to hear what everyone has to
18 say on this.

19 Thank you.

20 MR. HATCH: Thank you.

21 Any other Members of the
22 Committee?

23 (No response.)

24 MR. HATCH: Will the Clerk
25 please call the next person who wishes to

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testify.

MS. RUIZ: Tom Cusick.

MR. CUSICK: Good afternoon. My name is Tom Cusick. I'm president of the Fifth Avenue Association of Business Improvement District which, district, for the purposes of this testimony, begins at 46th Street and ends at 61th Street along our avenue.

Please be advised that my board of directors adopted a resolution to oppose the section of the proposed amendment that would place bus shelters in six or seven spots within this district. With reference to Schedule X, we are specifically referring to locations 8 through 15. The Board's vote was fifteen to oppose and zero in favor of this plan.

I realize there were some changes established. I'd like clarification on it in a moment.

Pedestrian counts no longer apply on Fifth Avenue. Here we have tripped into pedestrian "gridlock," which

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2 simply means that after peaking at about
3 11,000 per hour, the crowds begin to
4 seriously slow down. Counters can't count
5 when nobody is moving, nor can their
6 counts reflect reality when pedestrians
7 are moving at a severely impeded pace.
8 This happens during high-volume sales
9 periods on Fifth Avenue, especially every
10 Christmas season. People have to shuffle
11 past each other to progress north and
12 south.

13 Placing bus shelters on our
14 sidewalks will compromise pedestrians'
15 safety and is contrary to the Mayor's
16 Vision Zero goal. Some aggressive walkers
17 won't wait for these very slow crowds to
18 move ahead and will walk into the roadbed.
19 I have described this in our letter in
20 opposition, and I'll leave that as it's
21 written.

22 Also, please be advised that
23 Community Board 5's Executive Committee
24 has adopted a resolution that echoes our
25 opposition and I have submitted a copy of

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this resolution for your review.

We further believe that this proposal violates a number of provisions in City Council's Authorizing Resolution, the requirement to submit these locations to the Design, or Art, Commission, and Section 32-60 of the Zoning Resolution prohibiting advertising signs.

Finally, while the City is in the position to receive free bus shelters on Fifth Avenue and the City expects to receive additional revenue from the successor franchisee and also receive additional advertising opportunities in other countries, it's the private sector that will be burdened with paying for all of this. Our property owners and our retailers don't want the shelters, but once they go up, many of them will feel impelled to purchase the advertising panels so that competitors don't drain business away from them.

I would like to just ask for a repeat of those location changes, because

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it sounded like at least one of them was [sic] the wrong number and I'm wondering if I have the right list. You said 14 and then identified 720, that looked like 13. Do I have the wrong list?

MS. CRAVEN: We issued a new list today, which you can get a copy of.

MS. RUIZ: (Handing.)

MR. CUSICK: Okay, thank you.

If you have any questions, I'd be happy to answer them.

MR. CARAS: Tom, thanks for your testimony. To the two changes I referred to, I know we had spoken and I've spoken, also, with some people at the Community Board, and it seems like there was a lot of concern about the area between 49th Street and 57th Street. So two of the bus shelters that are being moved were from that area. Is that helpful?

MR. CUSICK: Of course any elimination of the proposed locations helps, absolutely. We still believe that this area is going to be dangerous. I

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know that the Applicant presents an image of people funneling into the area between the building line and the shelter; unfortunately, on Fifth Avenue, when people are walking like this (indicating) during the Christmas season, that's not going to happen. We have seen it on various days of the week when some peddlers are out there illegally, block that area of the sidewalk, people walk out into the roadbed. This is going to cause accidents.

So, we believe that between 46th Street, which, by the way, is one block away from the Diamond District, which is why it's one of the highest congested areas of the City. And just to emphasize this, DOT regularly takes pedestrian counts, and back in 2011 there was an article in The Times about their pedestrian counts, and the second highest one was on 54th Street and Fifth Avenue. So, we think this is a serious issue.

MR. CARAS: Thank you.

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MR. HATCH: Thanks.

Will the Clerk please call the next person who wishes to testify.

MS. RUIZ: Michael Kallman.

MR. KALLMAN: Hello. My name is Michael Kallman. I was trained as an architect, but I haven't practiced as an architect for a while. However, training as an architect gives you a certain eye to urban design and urban architecture. What architecture is is a way of creating an environment for people that is most conducive to a pleasant existence, whether it's a domestic existence, a work environment, or moving around the City. Anything we can do to create a more pleasant urban environment is, from an architect's point of view and from any New York or City resident's point of view, an absolute plus.

I think included in that is any amenity that you can put on the street, which certainly includes bus shelters to help people, shelter them from inclement

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weather. And I think the positives of creating these bus shelters certainly outweigh the negatives, certainly from a point of view of urban design and the point of view of anybody moving around the City.

Thank you.

MR. HATCH: Will the Clerk please call the next person who wishes to testify.

MS. RUIZ: Lola Finkelstein.

MS. FINKELSTEIN: Good afternoon. I'm Lola Finkelstein. I'm a long-term member of Community Board 5. I was the Chair of Community Board 5 for two terms and I served as Chair of the East Midtown Rezoning consideration group. But today I speak primarily for myself.

As a person who has particular handicaps in getting around, I would be very grateful for bus shelters on Fifth Avenue. The conditions on Fifth Avenue that were described might be true at certain times of the year, but those are

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the particular times of the year when a bus shelter would be most advantageous. If it's raining or if it's snowing, a bus shelter could be a great asset not only to the handicapped, but to the average office worker and the tourist who's in the area. Somehow or other, it seems to me to be elitist to exclude Fifth Avenue from the possibility of bus shelters.

Perhaps there was a time in history when Fifth Avenue was a different street, even when it was primarily residential at one point, but today it is a commercial street like any other street, and I think that the people of New York would benefit greatly from having bus shelters.

Thank you very much.

MR. HATCH: Please call the next person who wishes to testify.

MS. RUIZ: Barbara Mutterperl.

MS. MUTTERPERL: Good afternoon. My name is Barbara Mutterperl. I'm a Manhattan resident and I support the

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Decaux. I, too, am a Fifth Avenue bus rider. Bus shelters are a significant amenity, common throughout the United States and abroad. Lack of bus shelters affects particularly the elderly and the disabled, but all users of our City's public transportation are adversely affected.

I hope that individual merchants and property owners on Fifth Avenue have a more enlightened and supportive view than the Fifth Avenue BID.

Thank you for your consideration.

MR. HATCH: Will the Clerk please call the next person who wishes to testify.

MS. RUIZ: Rachel B. Sherman.

MS. SHERMAN: Hi. I'm Rachel Sherman, speaking on behalf Carole Rifkind, who couldn't be here today. I'll read you her letter.

"Honorable Members:

I am an enthusiastic New York

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City resident and activist, a writer/historian on architecture and urbanism, and a proponent of cultural tourism. My sense of civic responsibility prompts these comments on the New York City bus shelters.

Of minimal form, beautiful proportions and quality materials, the Grimshaw-designed bus shelters are a superb feature of the public realm, producing a moment of calm in the cacophony the streetscape. At least twice a day, passing my "home" bus shelter on First Avenue between 57th and 58th Streets, I note how effectively the shelter's transparency and horizontality unifies the street facade, which is composed of buildings of diverse architectural styles, dating from the 1870s, 1920s, and 1940s. I enjoy a similar visual experience near my dentist's office, at the 57th Street and Sixth Avenue" bus "shelter, and feel strongly that the Grimshaw shelters

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wonderfully complement the urban environment.

Similarly, the high-design quality of the advertising panels and their mode of installation and attractive illumination add to the sense of custodianship that the shelters impart. Certainly, the superb commodity of the bus shelters would render them a welcoming element on Fifth Avenue, improving the pedestrian pathway for natives and visitors alike.

Further, there is good sense and good value in the arraignment with JCDecaux that provides some \$20 million a year of free advertising abroad to promote tourism to New York City.

I hope you will approve JCDecaux's operation of New York City's bus shelters."

MR. HATCH: Thank you.

Can the Clerk please call the next person who wishes to testify.

MS. RUIZ: Suzanne Davis.

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MS. DAVIS: Good afternoon,
Members of the Committee. I'm Suzanne
Davis, and I am Former Senior Vice
President of JCDecaux. At the time I
first wrote to Jean-Francois Decaux in
February 1991, I didn't even know the term
"street furniture;" most people didn't.
But then I learned the culture and the
benefits of street furniture, an amenity
that people in major cities all over the
world have come to expect and depend upon,
and now I depend upon them too.

I am a public transportation
person. I take buses nearly every day,
and as an older person, I am particularly
always looking for a place to sit down
comfortably while I wait, and to be
protected from sun or the wind or the
rain. Every morning as I sit at "my"
shelter on Broadway and 61st Street, I
think about what a pleasure it is to have
this simple, wonderful invention. I do
not take it for granted, honest. I seek
out the stops where there are shelters and

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am always so happy when there is a shelter alternative.

I understand well why there is a need for shelters along Fifth Avenue, the Champs-Elysee of our wonderful city, the street where millions of tourists who visit us each year always walk and shop and would welcome a place to sit and be protected from the elements while they wait for a bus. They probably are curious why this prime boulevard lacks the basic amenity that is standard elsewhere in New York City and on major streets in their home cities. With tourism such an important part of the New York City economy, it seems a no-brainer to enhance the shopping and touring experience on this important throughfare for New Yorkers and visitors alike.

I urge you to support the efforts of the largest and most experienced street furniture company in the world, JCDecaux, the company that invented the bus shelter, to bring their expertise in maintaining

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the equipment and selling high-end ads, thereby providing additional revenue to the City and, through the extensive JCDecaux network, to offer the City the opportunity to reach potential visitors in cities all over the world. This can only happen economically if they are allowed to expand the shelter presence to Fifth Avenue.

The shelters are really jewels that dot the landscape, improve the public transportation experience, and help sustain New York City's image as a world-class city.

Thank you.

MR. HATCH: Will the Clerk please call the next person who wishes to testify.

MS. RUIZ: Susan Gwertzman.

MS. GWERTZMAN: Good afternoon, Members of the Committee. I'm Susan Gwertzman, a citizen activist. I appreciate good urban planning and the amenities and the benefits that come as a

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result. I especially value the bus shelters and believe that they will work perfectly on Fifth Avenue as they do everywhere else in the City and in major and not so major tourist capitals throughout the world.

There doesn't seem to be a logical reason for opposing them, especially because so many people who travel by bus on Fifth Avenue will benefit. And buses on Fifth Avenue are not just transporting people on Fifth Avenue, two of the bus lines are taking tourists and shoppers to 34th Street and workers or commuters to Penn Station.

The bus shelters are transparent. They have a bench. The advertisers know that their ads must be well designed with maximum great visuals and minimum verbiage to get people's attention. To be well received, they must be in good taste. The ads and the shelters will be appropriate to the urban characterize of a very lively Fifth

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Avenue.

On a very different note, I would like to point out that in the 25th year of the ADA law, people with walkers, wheelchairs, or canes should not be waiting in the rain or the snow for a bus. They should have a shelter. People with disabilities who prefer a bus and who can rely on waiting in a bus shelter are maintaining their independence and saving the City quite a bit of money by not using Access-A-Ride, and the City is committed to a more comfortable and workable City for our aging population.

I, therefore, urge you to approve bus shelters on Fifth Avenue between 34th and 59th.

Thank you.

MR. HATCH: Will the Clerk please call the next person who wishes to testify.

MS. RUIZ: Martha Bailey.

MS.BAILEY: Hi. My name is Martha Bailey. I have a statement

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submitted by Derek Johnson, who agrees with the previous speakers, and I will hand in his statement at the end.

Thank you.

MR. HATCH: All right.

Will the Clerk please call the next person who wishes to testify.

MS. RUIZ: Ellen Imbimbo.

MS. IMBIMBO: Hello. Thanks for the opportunity to comment. My name is Ellen Imbimbo. I'm representing myself.

I agree with the comments made by the previous speakers. I think they've covered all aspects of the problem, and I will spare you the time of repeating them.

Thank you.

(Laughter.)

MR. HATCH: Thank you.

Please call the next person.

MS. RUIZ: Brenda Levin.

MS. LEVIN: I'm Brenda Levin, and out of respect for your time, I will not testify. I report to JCDecaux and I support this project, and I hope you will

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also.

Thank you.

MR. HATCH: If no one else
wishes to speak, that concludes today's
hearing.

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

The hearing is now closed.

Thank you.

(Time noted: 3:26 p.m.)

C E R T I F I C A T E

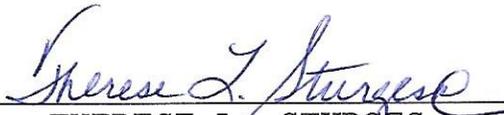
STATE OF NEW YORK)
) SS:.
COUNTY OF RICHMOND)

I, Therese L. Sturges, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

I reported the proceedings in the within-entitled matter and that the within transcript is a true record of such proceedings.

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 of October, 2015.



THERESE L. STURGES

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**Franchise and Concession Review Committee Special Public Meeting
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SPECIAL PUBLIC HEARING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MONDAY, SEPTEMBER 28, 2015 @ 2:30 P.M.

22 READE STREET, NEW YORK, NY

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, 253 BROADWAY, 9TH FL., NEW YORK, NEW YORK, N.Y. 10007 (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.

*Franchise and Concession Review Committee Special Public Hearing
Monday, September 28, 2015 @ 2:30 P.M.*

NEW YORK CITY DEPARTMENT OF TRANSPORTATION

No. 1: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval relating to: 1) a proposed change in control of Cemusa NY, LLC ("Franchisee"), which, pursuant to an assignment from Cemusa Inc. (immediate parent of Franchisee), holds a non-exclusive franchise giving it the right to (a) install, operate and maintain bus shelters, automatic public toilets, and public service structures and install and maintain newsstands on the inalienable property of the City and (b) sell and place advertising as set forth in the franchise agreement and to derive revenue therefrom. In this transaction, all of the shares of Corporación Europea de Mobiliario Urbano, S.A. (immediate parent of Cemusa Inc.) in Cemusa Inc. would be transferred to JC Decaux North America, Inc., thereby resulting in a change in control of Franchisee (hereinafter referred to as the "2015 Change in Control"); and 2) proposed amendments to the franchise agreement, in the form of an amended and restated franchise agreement ("franchise agreement"), that will modify various sections including but not limited to: (a) an increase in overseas markets for NYC & COMPANY advertising; (b) the elimination of the City's option to return any or all of its share of advertising panels on the Coordinated Franchise Structures (as defined in the franchise agreement) for cash to be paid by the Franchisee to the City; (c) changes to the total number of bus shelters obligated to be installed by the Franchisee, including but not limited to specific bus shelters on 5th Avenue between 34th Street and 59th Street and the right of the City in certain circumstances to reciprocal shelters; (d) the obligation of the City to compensate Franchisee for depreciation of certain bus shelters in the event that an advertising Public Communications Structure or Public Pay Telephone is installed on 5th Avenue between 34th Street and 59th Street; and (e) clarification of the alternative compensation language that confirms the obligation of the Franchisee to exclude the value added tax ("VAT") from computation of the value owed to the City in alternative compensation.