



Legislation Details (With Text)

File #: Res 0625-2023 **Version:** * **Name:** Resolution authorizing the Department of Transportation to extend and amend the Amended and Restated Agreement for the Coordinated Street Furniture Franchise.

Type: Resolution **Status:** Adopted

In control: Subcommittee on Zoning and Franchises

On agenda: 5/11/2023

Enactment date: **Enactment #:**

Title: Resolution authorizing the Department of Transportation to extend and amend the Amended and Restated Agreement for the Coordinated Street Furniture Franchise.

Sponsors: Rafael Salamanca, Jr., (by request of the Mayor)

Indexes:

Attachments: 1. Calendar of the Zoning Subcommittee Meeting - May 2, 2023, 2. Hearing Transcript - Zoning 5-2-23, 3. Calendar of the Zoning Subcommittee Meeting and Land Use Meeting - May 10, 2023, 4. Hearing Transcript - Zoning 5-10-23, 5. Hearing Transcript - Land Use 5-10-23, 6. May 11, 2023 - Stated Meeting Agenda, 7. Hearing Transcript - Stated Meeting 5-11-23, 8. Minutes of the Stated Meeting - May 11, 2023, 9. Res. No. 625, 10. Committee Report

Date	Ver.	Action By	Action	Result
5/2/2023	*	Subcommittee on Zoning and Franchises	Hearing on P-C Item by Comm	
5/2/2023	*	Subcommittee on Zoning and Franchises	P-C Item Laid Over by Comm	
5/10/2023	*	Subcommittee on Zoning and Franchises	Hearing on P-C Item by Comm	
5/10/2023	*	Subcommittee on Zoning and Franchises	P-C Item Approved by Comm	
5/10/2023	*	Committee on Land Use	P-C Item Approved by Comm	Pass
5/10/2023	*	Committee on Land Use	Hearing on P-C Item by Comm	
5/11/2023	*	City Council	Introduced by Council	
5/11/2023	*	City Council	Referred to Comm by Council	
5/11/2023	*	City Council	Approved, by Council	Pass

THE CITY COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 625

Resolution authorizing the Department of Transportation to extend and amend the Amended and Restated Agreement for the Coordinated Street Furniture Franchise.

By Council Member Salamanca (by request of the Mayor)

WHEREAS, by Executive Order No. 25, dated August 23, 1995, the Mayor has designated the Department of Transportation (“**DOT**”) as the responsible agency for the granting of franchises for bus stop shelters (“**BSSs**”), self-cleaning automatic public toilets (“**APTs**”), newsstand structures (“**NSs**”), additional public service

structures (“PSSs”), and any combination thereof; and

WHEREAS, pursuant to Section 363 of Chapter 14 of the Charter of the City of New York (“**Charter**”) on August 19, 2003, the City Council of the City of New York (“**City Council**”) adopted Resolution No. 1004, Land Use No. 226-A (“**Resolution No. 1004**”), authorizing DOT, acting on behalf of the City of New York (the “**City**”), to grant a non-exclusive franchise for the occupation and use of the inalienable property of the City for the installation and maintenance of NSs and the installation, operation, and maintenance of BSSs, APTs, and PSSs (as defined in Resolution No. 1004, and which, together with NSs, BSSs and APTs are referred to herein as the “**Coordinated Franchise Structures**”); and

WHEREAS, pursuant to Resolution No. 1004, DOT issued a Request For Proposals on March, 26, 2004 (“**Franchise RFP**”) for a franchise to install, operate and maintain the Coordinated Franchise Structures; and

WHEREAS, in connection with the Uniform Land Use Review Procedure (“**ULURP**”) review of the Franchise RFP (ULURP no. C 960543 (A) GFY), a negative declaration was issued (CEQR no. 96DOT010Y) finding that such actions will not result in any significant adverse environmental impacts, all in accordance with the New York State Environmental Quality Review Act (“**SEQRA**”), the regulations set forth in Title 6 of the New York Code of Rules and Regulations, Section 617 et seq., the Rules of Procedure for City Environmental Quality Review (“**CEQR**”) (Chapter 5 of Title 62 and Chapter 6 of Title 43 of the Rules of The City of New York); and

WHEREAS, on June 26, 2006, Cemusa, Inc. and the City, acting by and through its DOT, entered into the Franchise Agreement for the Coordinated Street Furniture Franchise for the installation, operation, and maintenance of BSSs, APTs, and PSSs and for the installation and maintenance of NSs (the “**2006 Agreement**”); and

WHEREAS, on September 20, 2007, Cemusa, Inc. assigned its interest in the 2006 Agreement to Cemusa NY, LLC, a wholly owned subsidiary thereof; and

WHEREAS, at a meeting held on September 30, 2015, the New York City Franchise and Concession Review Committee (the “**FCRC**”), acting in accordance with its customary procedures, voted on and approved a change in control of Cemusa NY, LLC, pursuant to which all shares of Cemusa, Inc. were transferred from CEMUSA-Corporación Europea de Mobiliario Urbano, S.A. to JCDecaux North America, Inc. (the “**2015 Change in Control**”), together with certain other amendments, clarifications and provisions to the 2006 Agreement; and

WHEREAS, on October 1, 2015, Cemusa NY, LLC and the City, acting by and through its DOT, entered into an Amended and Restated Agreement for the Coordinated Street Furniture Franchise (the “**2015 Agreement**”); and

WHEREAS, on or about December 10, 2015, Cemusa NY, LLC changed its company name to JCDecaux Street Furniture New York, LLC (the “**Franchisee**”); and

WHEREAS, on or about December 10, 2015, Cemusa, Inc. changed its company name to JCDecaux Street

Furniture, Inc.; and

WHEREAS, the Franchisee and the City wish to amend the 2015 Agreement to extend the term of the 2015 Agreement and to incorporate additional rights and responsibilities, including an increase in the overall number of BSSs and APTs that the Franchisee may install, maintain and operate (the “**2023 Increase in Bus Shelters and APTs**”); and

WHEREAS, DOT considered the potential environmental impact resulting from the 2023 Increase in Bus Shelters and APTs and determined that it is a Type II action and not subject to further environmental review; and

WHEREAS, the City Council has determined that the authorization of the extension of the 2015 Agreement by five years is consistent with Resolution No. 1004 and will be in the public interest by enhancing the health, welfare, convenience, and safety of the public;

NOW THEREFORE, BE IT RESOLVED,

FIRST, that the City Council hereby authorizes DOT to extend the 2015 Agreement for five (5) years, bringing the total term of the Agreement to twenty-five (25) years. Any extension granted pursuant to this resolution shall be subject to such other approvals as may be required by law, such as the approval of the FCRC and the separate and additional approval of the Mayor, and the registration of the Agreement by the Comptroller.

SECOND, DOT will file with the City Council within fifteen (15) days of approval by the Mayor, a copy of the Agreement.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on _____, 2023, on file in this office.

City Clerk, Clerk of The Council