

June 13, 2023

Members of the Franchise and Concession Review Committee,

I am writing to express serious concerns about the proposal to amend the franchise agreement between the NYC Department of Transportation (DOT) and JCDecaux Street Furniture New York, LLC (franchisee). Specifically, MAS objects to the possible installation of advertising, including electronic media, backlighting, and otherwise, adjacent to parks; the lack of proposed installations in high-need areas; and the gross lack of transparency in the process of reviewing this amendment.

To be clear, MAS supports an increased installation of bus shelters where they are most needed, specifically along streets where shade and seating are lacking. MAS also supports the installation of automatic public toilets throughout the city. While we understand the financial structure of this franchise agreement and benefit to the city, it is unacceptable to allow the franchisee to focus all additional new bus shelters (Schedule Y Bus Shelters) only within areas that are most likely to reap them the highest advertising revenue. The City must demand equity in this agreement, requiring a percentage of installations in neighborhoods most affected by the urban heat island effect and with other critical needs.

MAS is opposed to the proposal to install advertising adjacent to any public park. As proposed, this agreement would add 11 new bus shelters along 5th Avenue adjacent to Central Park. Allowing this would undermine decades of regulatory precedent protecting all New York City parks from commercial exploitation.

Additionally, the proposed influx of physical structures with commercial advertising adjacent to Central Park would mar this historic scenic landmark, despoiling its visual corridors and sightlines, and possibly damaging one of the nation's oldest and most significant row of surviving American Elms. The tree-lined perimeter of Central Park is a defining element of the landmark and an iconic feature of New York City. It also provides shelter from the elements, while the benches along the perimeter provide a place for the public to sit and wait for buses.

Since 1940, New York City has banned advertising signs within view of a public park of one-half acre or more. The Department of Parks and Recreation (NYC Parks) must ensure that this ban remains in effect so that our parks and scenic landmarks continue to offer places of respite from our technologically commercialized lives.

MAS also finds the processes for reviewing this franchise agreement amendment and proposed new locations for structures unclear and opaque.

The proposed sites do not seem to have been reviewed by DOT regarding distances from trees and other streetscape installations, such as light poles, and NYC Parks for compliance with their regulations against commercial signage in or near parks. The City must enforce these rules and regulations regarding the installation of structures on our streets and adjacent to parks.

The processes for review by DOT, NYC Parks, the City Council, community boards, Landmarks Preservation Commission, and FCRC need to be more transparent. For example, on FCRC's website, it is impossible to find information on how to testify at a public meeting. In addition, the public should be given more notice and opportunity to respond to both this franchise agreement amendment and the individual installations of these structures.

We urge you to require DOT and the franchisee to make the necessary revisions to this agreement to focus on equity of installations, preserving historic landmarks and parks as places of respite and natural beauty, and clarify the process for the review of both this amendment and individual installations.

Sincerely,



Elizabeth Goldstein
President, The Municipal Art Society of New York

cc: First Deputy Mayor Sheena Wright
Deputy Mayor Meera Joshi
NYC Comptroller Brad Lander
Manhattan Borough President Mark Levine
Ydanis Rodriguez, Commissioner, NYC Department of Transportation
Sue Donoghue, Commissioner, NYC Department of Parks and Recreation
Ya-Ting Liu, Chief Public Realm Officer of NYC