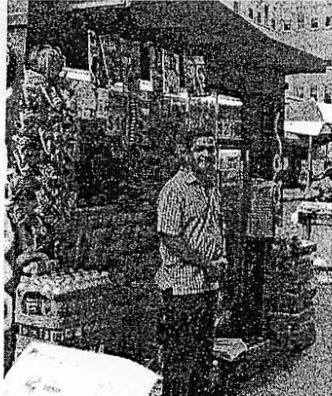




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**KIOSK** Mahesh Patel fears for future.

## DELAY SOUGHT IN NEW DESIGN OF NEWS KIOSKS

**OPERATORS TO FILE COMPLAINT  
THAT PLAN IS UNCONSTITUTIONAL**

By **DAVID ANDREATTA**  
*Staff Reporter of the Sun*

A long-awaited plan to furnish city streets with uniform news kiosks, bus shelters, and pay toilets is expected to face a legal challenge today from newsstand operators who claim it is unconstitutional.

The complaint, to be filed today in state Supreme Court, alleges the new "street furniture" law would shut down 37 of the city's 291 newsstands and force another 30 to relocate. It also claims the law violates vendors' property rights by eliminating the display space on the outside of newsstands to make way for advertising.

Under the legislation, endorsed by the Bloomberg administration and passed last year by the City Council, a private franchisee would assume ownership of individual newsstands and replace them with identical kiosks at a cost of about \$40,000 each.

The transformed kiosks would be part of a "street furniture" plan that includes 3,500 bus shelters and 20 pay toilets. In return for the exclusive advertising rights on the structures, the franchisee will pay the city an estimated \$400 million over the next 20 years.

Robert Bookman, counsel to the New York City Newsstand Operators Association, which is filing the complaint along with three individual newsstand owners, said it is not the intention of the lawsuit to delay the plan for toilets and bus shelters.

"But the city doesn't own the newsstands, and this proposal is nothing more than a scheme to take ownership away from the mom-and-pop newsstands and give it to a mega-corporation," Mr. Bookman said.

While the city owns the sidewalks on which newsstands are located, vendors own the stand and pay a licensing fee

The city is accepting bid proposals for the street furniture contract until August 5.

The administration acknowledges that perhaps as many as 10 newsstands will be forced to close, but officials insist the city will help those operators to find replacement work.

An assistant corporation counsel for the city, Gabriel Taussig, declined to comment on the suit until it is filed, but said the operators' claims lack substance.

"To the extent that they argued against the legislation in the City Council and these arguments are going to be presented to the court, we don't think they have any merit and that they are going to prevail," Mr. Taussig said.

The law demands that the revamped newsstands adhere to specifications of the Americans with Disabilities Act, requiring the structures to be slightly larger than those they will replace.

But the law also demands the newsstands be at least 9 1/2 feet from the nearest building or relocate within a 500-foot radius.

The problem, newsstand operators said, is some radii cannot accommodate the new structures.

Mahesh Patel, 56, who has owned his newsstand at Broadway and Chambers Street for 22 years, claims he is one of the operators in that gap. He said he fears he will be forced out of business by the law and be unable to repay the \$50,000 he borrowed six years ago to spruce up his operation.

The street-furniture plan came to fruition in October after decades of talk and failed attempts by the Dinkins and Giuliani administrations.

The council authorized the bus shelter and pay toilet elements of the plan last August, but delayed voting to include newsstands because of stiff opposition from the industry. Lawmakers eventually agreed to the entire package, citing the need to generate revenue.

Council Member Tony Avella, chairman of the council's franchise and zoning subcommittee, said if the newsstand operators' claims prove accurate he would like the council to consider amending the law.

"I'm very concerned that we may be putting people out of work," he said. "That's certainly not what we intended."