

2694

2013-2014 Regular Sessions

I N   S E N A T E

January 23, 2013

---

Introduced by Sens. GALLIVAN, YOUNG -- read twice and ordered printed,  
and when printed to be committed to the Committee on Cultural Affairs,  
Tourism, Parks and Recreation

AN ACT to amend the parks, recreation and historic preservation law, in  
relation to directing the office of parks, recreation and historic  
preservation to accept title to and ownership of the Portageville  
pedestrian bridge within the Letchworth state park

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative findings. The legislature hereby finds that the  
2     Portageville bridge, within the Letchworth state park, which has been in  
3     operation as a freight railroad bridge since it first opened in the year  
4     1875, has played an important role in the cultural and economic develop-  
5     ment of the state; the bridge was superbly designed and constructed; the  
6     bridge is an historic state and national treasure; that the continued  
7     integrity of the superstructure is necessary to protect public safety;  
8     that the bridge serves as the only point of unparalleled beauty and  
9     scenic view of the Genesee River gorge; and that the bridge should be  
10    available to be accessed and enjoyed by the citizens of the state.

11    That preservation of the Portageville pedestrian bridge will contrib-  
12    ute substantially to the quality of the lives of each citizen of the  
13    state by preserving it as a natural, ecological, historic, cultural and  
14    recreational resource within the state park which is an integral compo-  
15    nent of the state's environment.

16    That the deck of the bridge should serve as a recreational asset to  
17    the people of the state and provide a connection to existing and future  
18    Letchworth state park trails; that the preservation of the bridge will  
19    provide an alternative route for emergency vehicles in the event of  
20    closure or blockage of the new railroad bridge; that the preservation of  
21    the bridge will contribute to tourism and economic development within  
22    the region; and that the preservation of the bridge to be known as the

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD07142-02-3

1 "Portageville pedestrian bridge" should be established for the use and  
2 enjoyment of future New York citizens. Therefore, the legislature  
3 declares the acquisition and preservation of the Portageville bridge by  
4 the state, which will be known as the "Portageville pedestrian bridge"  
5 to be a public purpose.

6 S 2. The parks, recreation and historic preservation law is amended by  
7 adding a new section 19.31 to read as follows:

8 S 19.31 ACQUISITION OF PORTAGEVILLE PEDESTRIAN BRIDGE. 1. FOR THE  
9 PURPOSES OF THIS SECTION, "PORTAGEVILLE PEDESTRIAN BRIDGE" MEANS THE  
10 PORTAGEVILLE RAILROAD BRIDGE ACROSS THE GENESEE RIVER AT MILEPOST 361.66  
11 OF THE SOUTHERN TIER ROUTE OF NORFOLK SOUTHERN'S MAINLINE ROUTE BETWEEN  
12 BUFFALO AND BINGHAMTON, AND WITHIN LETCHWORTH STATE PARK IN THE COUNTIES  
13 OF LIVINGSTON AND WYOMING.

14 2. THE OFFICE SHALL ACCEPT OWNERSHIP OF THE PORTAGEVILLE PEDESTRIAN  
15 BRIDGE IN THE NAME OF THE STATE AT SUCH TIME AS A NEW FREIGHT RAILROAD  
16 BRIDGE IS CONSTRUCTED AND COMPLETED OVER THE GENESEE RIVER WITHIN LETCH-  
17 WORTH STATE PARK. UPON ACCEPTING OWNERSHIP OF THE PORTAGEVILLE PEDESTRI-  
18 AN BRIDGE, THE OFFICE SHALL ALSO ACQUIRE SUCH INCIDENTAL ROADS,  
19 APPROACHES, STRUCTURES AND FACILITIES AS MAY BE NECESSARY FOR THE  
20 CONSTRUCTION, OPERATION, MAINTENANCE, REPLACEMENT AND MANAGEMENT OF THE  
21 DECK AND APPROACHES AND STRUCTURES OF THE PORTAGEVILLE PEDESTRIAN BRIDGE  
22 THAT PROVIDE PUBLIC ACCESS FROM SUCH STATE PARK, AND SHALL BE RESPONSIB-  
23 LE FOR MAINTAINING THE SUPERSTRUCTURE OF THE PORTAGEVILLE PEDESTRIAN  
24 BRIDGE.

25 3. THE OFFICE IS AUTHORIZED TO INSTALL AND MAINTAIN PERSONAL PROPERTY  
26 AND EQUIPMENT USED IN CONNECTION WITH THE PORTAGEVILLE PEDESTRIAN  
27 BRIDGE.

28 4. THE OFFICE SHALL INCLUDE IN ITS ANNUAL BUDGET REQUEST AN AMOUNT FOR  
29 ALL COSTS AND OBLIGATIONS OF MAINTAINING THE PORTAGEVILLE PEDESTRIAN  
30 BRIDGE FOR PUBLIC ACCESS.

31 S 3. This act shall take effect immediately.