STATE OF NEW YORK

4352

2025-2026 Regular Sessions

IN SENATE

February 4, 2025

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT requiring the pedestrian pathway located between Broadway and Amsterdam Avenue on West 116th Street in the city of New York, also known as College Walk, to be open to public pedestrians

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. "College Walk" as it is now known started out life as a mapped New York city street and was part of the official street grid until the 1950's representing a public thoroughfare on West 116th Street between Amsterdam Avenue and Broadway. In 1954 for the sum of $1,000 the city turned over the street to Columbia University to create a "pedestrian walk" so long as the city retained a "perpetual easement" for the right of pedestrian passage between Broadway and Amsterdam Avenue. With the rarest of possible exceptions, over the past 71 years, the university has generally lived up to the terms of the easement and has rarely closed College Walk, save for events like the 9/11 Terrorist Attacks and certain outdoor graduation festivities. However, since late 2023 and extending unto the present moment, the university has shuttered the gates with padlocks citing security concerns. While it is the sense of the legislature that the safety of those both on campus and in Morningside Heights is paramount, sound public policy and legal doctrine hold that land over which the city has an easement and which binds Columbia University to the right of perpetual pedestrian passage cannot be shut off for unreasonable lengths of time. The state has an interest in protecting easements that facilitate public transportation and participation in private and civic life--particularly those where a local government, such as New York city is part to it.

§ 2. College Walk access. The pedestrian pathway located between Broadway and Amsterdam Avenue on West 116th Street in the city of New York, also known as College Walk, shall be open to public pedestrians

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

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pursuant to the provisions of the 1953 agreement with such city which ceded such portion of West 116th Street to Columbia University.

§ 3. Standing to enforce provisions. 1. Any member of the public shall have standing to bring an action in any court of competent jurisdiction to enforce the provisions of this statute.

2. Such action may be brought to enjoin and restrain violations of the statute, to compel compliance with the statute, or to seek any other appropriate relief.

§ 4. Award of attorney fees. 1. If a member of the public prevails in an action brought under this act, the court shall award reasonable attorney fees and costs to the prevailing party.

2. The award of attorney fees and costs pursuant to this section shall be in addition to any other relief granted by the court.

§ 5. This act shall take effect immediately.