

STATE OF NEW YORK

11158

IN ASSEMBLY

June 11, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Aubry) --
(at request of the Governor) -- read once and referred to the Committee on Cities

AN ACT to amend the transportation law and the highway law, in relation to authorizing an airport mass transit project at LaGuardia airport; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Legislative findings. LaGuardia airport is a pillar of New
2 York state's transportation network and a key driver of economic growth
3 throughout the state and the country. However, LaGuardia airport remains
4 the only major regional airport without a direct rail link. The lack of
5 public transit options forces passengers to rely heavily on private
6 cars, for-hire-vehicles and taxis to reach the airport, which in turn
7 results in higher levels of regional traffic congestion, unpredictable
8 travel time to LaGuardia airport and potential adverse environmental
9 effects. To support this important airport access mass transit project,
10 this act would authorize the acquisition of property interests necessary
11 for the landing of guideway support columns and siting of ancillary
12 facilities for airport access mass transit equipment maintenance, park-
13 ing for persons using the airport access mass transit facility and addi-
14 tional limited purposes directly related to the operation of an airport
15 access mass transit project, temporary laydown and construction areas,
16 and air rights related to an elevated guideway and related entry, exit
17 and crossing points for pedestrians and vehicles, and utilization by the
18 New York state department of transportation or the transfer to the Port
19 Authority of New York and New Jersey and certain other parties, in
20 either case to permit construction, use, occupancy, operation and main-
21 tenance of the airport access mass transit facility; provided however,
22 this legislation does not authorize acquisition of property interests
23 for a self-standing facility constructed to house premises for automo-
24 bile rental operations. The legislature finds and declares that it is a
25 substantial state concern, with an impact well beyond a single munici-

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

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1 pality, to ensure access to safe and reliable mass transit to LaGuardia
2 airport, a major transportation hub relied upon by people throughout the
3 state.

4 § 2. Subdivision 1 of section 14-d of the transportation law is
5 amended by adding a new paragraph d to read as follows:

6 d. to acquire by eminent domain, pursuant to the eminent domain proce-
7 dure law and section thirty of the highway law, any property, property
8 rights or property interests, including easements, air rights and
9 subsurface rights, whether or not now or previously designated as park-
10 land, or otherwise dedicated to a public use as parkland, (hereinafter
11 "property interests"), and, provided with respect to real property now
12 or previously designated as parkland, just compensation therefor shall
13 be calculated as an amount equal to the appraised fair market value of
14 the parkland being discontinued, and further provided only to the extent
15 that such property interests are, in the judgement of the commissioner,
16 necessary for the construction, use, occupancy, operation, and mainte-
17 nance of an airport access mass transit facility for LaGuardia airport
18 via elevated guideway, and related ancillary facilities for airport
19 access mass transit maintenance, parking for persons using the airport
20 access mass transit facility and additional limited purposes directly
21 related to operation of an airport access mass transit project, tempo-
22 rary laydown and construction areas, and air rights and subsurface
23 rights related to an elevated guideway, including appropriate entry and
24 exit points for users of the airport access mass transit facility and
25 any property interests necessary for an adjustment of the piers support-
26 ing the pedestrian bridges crossing the Grand Central Parkway to main-
27 tain accessibility, and any vehicle entry and exit points to the Grand
28 Central Parkway located along either side of the corridor, in all cases
29 running along a route from LaGuardia airport on or near the Grand
30 Central Parkway, thence along the edge of the Citi Field parking lot
31 previously alienated for stadium use, next alongside the existing
32 elevated track for the No. 7 subway and terminating at subway rail yards
33 and other transportation staging and storage areas within a corridor
34 more specifically defined pursuant to section three hundred forty-nine-g
35 of the highway law; and to utilize, or sell, lease, contract, or other-
36 wise transfer the acquired property interests together with property
37 interests it otherwise holds and/or grant easements, licenses, permits,
38 concessions or other authorizations, to the Port Authority of New York
39 and New Jersey to facilitate the construction (including temporary
40 laydown), and permanent use, occupancy, operation, and maintenance of
41 the airport access mass transit facility, related ancillary facilities
42 for airport access mass transit maintenance, parking for persons using
43 the airport access mass transit facility and additional limited purposes
44 directly related to operation of an airport access mass transit project;
45 provided however, this subdivision does not authorize acquisition of
46 property interests for a self-standing facility constructed to house
47 premises for automobile rental operations.

48 § 3. The highway law is amended by adding a new section 349-g to read
49 as follows:

50 § 349-g. Airport access mass transit for LaGuardia airport. (a)
51 Notwithstanding any other provision of law, general, special, charter or
52 local, and consistent with section fourteen-d of the transportation law,
53 if a property acquisition pursuant to this section occurs by eminent
54 domain, the commissioner of transportation shall have the authority to
55 acquire any property, property rights, or property interests, including
56 easements, air rights and subsurface rights whether or not now or previ-

ously designated as parkland or otherwise dedicated to a public use as parkland (hereinafter referred to as "property interests"), but only to the extent that such property interests are, in the judgment of the commissioner, necessary for the construction, use, occupancy, operation, and maintenance of an airport access mass transit facility via an elevated guideway for LaGuardia airport and related ancillary facilities for airport access mass transit maintenance, parking for persons using the airport access mass transit facility and additional limited purposes directly related to operation of an airport access mass transit project and additional limited purposes directly related to the operation of an airport access mass transit project, temporary laydown and construction areas and air rights and subsurface rights related to an elevated guideway, including appropriate entry and exit points for users of the airport access mass transit facility and any property interests necessary for an adjustment of the piers supporting the pedestrian bridges crossing the Grand Central Parkway to maintain accessibility, and any vehicle entry and exit points to the Grand Central Parkway located along either side of the corridor, running along a route from LaGuardia airport on or near the Grand Central Parkway, thence along the edge of the Citi Field parking lot previously alienated for stadium use, next alongside the existing elevated track for the No. 7 subway and terminating at subway rail yards and other transportation staging and storage areas within a corridor more specifically defined pursuant to subdivision (b) of this section; and to utilize or sell, lease, contract, or otherwise transfer the acquired property interests together with property interests the commissioner otherwise holds and/or grant easements, licenses, permits, concessions or other authorizations, to the Port Authority of New York and New Jersey, to facilitate the construction (including temporary laydown), and permanent use, occupancy, operation, and maintenance of the airport access mass transit facility and related ancillary facilities for airport access transit maintenance, parking for persons using the airport access transit facility and additional limited purposes directly related to operation of an airport access mass transit project, and additional limited purposes directly related to operation of an airport access mass transit project including appropriate entry and exit points for users of the mass transit facility and any property interests necessary for an adjustment of the piers supporting the pedestrian bridges crossing the Grand Central Parkway to maintain accessibility, and any vehicle entry and exit points to the Grand Central Parkway located along either side of the corridor, and temporary use for laydown and construction purposes; provided however, this section does not authorize acquisition of property interests for a self-standing facility constructed to house premises for automobile rental operations.

(b) The corridor defined in subdivision (a) of this section, where the acquisition of such property, property rights, or property interests referred to in this section may occur, is more particularly described as follows:

(i) The following parcels shall be included within a corridor within which acquisition of permanent property interests may be acquired for purposes of this section and paragraph d of subdivision one of section fourteen-d of the transportation law:

(A) Parcel A

All that certain tracts or parcels of land located in the Borough of Queens, State of New York, bounded and described as follows:

Tract 1 - Grand Central Parkway

1 Beginning at a point in the easterly right of way line of Ditmars Boule-
2 vard at the southwest corner of Tax Map Lot 50 Block 1641, thence along
3 a line North 15°-10'-31" East, a distance of 493.53' to a point within
4 the westerly line of Tax Map Lot 1 Block 926, and from said point of
5 beginning running thence;

6 1. Within the westbound lanes of the Grand Central Parkway South
7 07°-53'-31" East, a distance of 114.46' to a point within the westbound
8 lanes of the Grand Central Parkway

9 2. Within the westbound lanes of the Grand Central Parkway South
10 39°-25'-56" East, a distance of 338.44' to a point in the westbound
11 lanes of the Grand Central Parkway, thence;

12 3. Within said lands the following six courses; South 34°-46'-30"
13 East, a distance of 596.00' to a point in the westbound lanes of the
14 Grand Central Parkway, thence;

15 4. South 32°-52'-42" East, a distance of 284.58' to a point in the
16 westbound lanes of the Grand Central Parkway, thence;

17 5. South 31°-22'-20" East, a distance of 270.24' to a point in the
18 westbound lanes of the Grand Central Parkway, thence;

19 6. South 31°-20'-42" East, a distance of 561.27' to a point in the
20 westbound lanes of the Grand Central Parkway, thence;

21 7. South 31°-24'-15" East, a distance of 479.68' to a point in the
22 westbound lanes of the Grand Central Parkway, thence;

23 8. South 34°-12'-57" East, a distance of 122.82' to a point in the
24 westbound lanes of the Grand Central Parkway, thence;

25 9. Within said lands and through the westbound lanes of the Grand
26 Central Parkway South 47°-22'-46" West, a distance of 81.54' to a point
27 in the eastbound lanes of the Grand Central Parkway, thence;

28 10. Within the eastbound lanes of the Grand Central Parkway on a curve
29 to the left, having a radius of 1795.88', an arc length of 814.04', a
30 central angle of 25°-58'-16", and whose chord bears South 49°-41'-11"
31 East, a distance of 807.08' to a point in the eastbound lanes of the
32 Grand Central Parkway, thence;

33 11. Within the eastbound lanes of the Grand Central Parkway on a curve
34 to the right, having a radius of 4175.45', an arc length of 369.28', a
35 central angle of 05°-04'-02", and whose chord bears South 60°-46'-11"
36 East, a distance of 369.16' to a point in the eastbound lanes of the
37 Grand Central Parkway, thence;

38 12. Through the westbound lanes of Grand Central Parkway and waters of
39 Flushing Bay North 18°-38'-40" East, a distance of 1016.75' to a point
40 in the waters of Flushing Bay, thence;

41 13. Within the waters of Flushing Bay North 45°-38'-00" West, a
42 distance of 2406.73' to a point in the waters of Flushing Bay said point
43 also being in the southerly line of Tax Map Lot 1 Block 926, thence;

44 14. Along the southerly line of Tax Map Lot 1 Block 926 South
45 40°-14'-47" West, a distance of 458.89' to a point in the westerly line
46 of Tax Map Lot 1 Block 926, thence;

47 15. Along the westerly line of Tax Map Lot 1 Block 926 North
48 39°-47'-03" West, a distance of 685.00' to a point in the westerly line
49 of Tax Map Lot 1 Block 926, thence;

50 16. Along the westerly line of Tax Map Lot 1 Block 926 on a curve to
51 the left, having a radius of 9711.30', an arc length of 342.94', a
52 central angle of 02°-01'-24", and whose chord bears North 40°-47'-45"
53 West, a distance of 342.93' to a point in the westerly line of Tax Map
54 Lot 1 Block 926 also the point and place of beginning and containing a
55 calculated areas of 2,388,737.04 SF or 54.837 acres.

56 (B) Parcel B

1 All that certain tracts or parcels of land located in the Grand Central
2 Parkway, Borough of Queens, State of New York, bounded and described as
3 follows:

4 Beginning at a point at the intersection formed by the easterly right of
5 way line of 114th Street and the northerly right of way line of Roose-
6 velt Avenue, thence along a line North 23°-03'-48" East, a distance of
7 575.33' to a point within the westerly line of Tax Map Lot 20 Block
8 1787, and from said point of beginning running thence:

9 1. Through the westbound lanes of the Grand Central Parkway on a curve
10 to the right, having a radius of 1200', an arc length of 472.65', a
11 central angle of 22°-34'-02", and whose chord bears North 46°-30'-24"
12 West, a distance of 469.60' to a point in the median of the Grand
13 Central Parkway, thence;

14 2. Within said lands the following three courses, North 07°-32'-34"
15 West, a distance of 806.64' to a point in the median of the Grand
16 Central Parkway, thence;

17 3. On a curve to the left, having a radius of 956.60', an arc length
18 of 1069.45', a central angle of 64°-03'-18", and whose chord bears North
19 33°-04'-05" West, a distance of 1014.62' to a point in the median of the
20 Grand Central Parkway, thence;

21 4. North 61°-01'-46" West, a distance of 279.45' to a point in the
22 median of the Grand Central Parkway, said point also being the easterly
23 line of lands owned by the New York State Department of Transportation,
24 thence;

25 5. Along the easterly line of same, North 18°-38'-40" East, a distance
26 of 1016.75' to a point in the waters of Flushing Bay, thence;

27 6. Within the waters of Flushing Bay South 45°-38'-00" East, a
28 distance of 1092.05' to a point in the waters of Flushing Bay, said
29 point also being the westerly line of Tax Map Lot 65 Block 789, thence;

30 7. Along the westerly line of same South 05°-02'-52" East, a distance
31 of 456.35' to a point in the westerly line of Tax Map Lot 65 Block 789,
32 thence;

33 8. Within the Grand Central Parkway South 04°-53'-32" West, a distance
34 of 1348.61' to a point in the median of the Grand Central Parkway,
35 thence;

36 9. Through the westbound lanes of the Grand Central Parkway South
37 28°-11'-29" East, a distance of 427.88' to a point within the westerly
38 line of Tax Map Lot 20 Block 1787, thence;

39 10. Along the westerly line of same, South 05°-00'-28" East, a
40 distance of 133.39 to the point and place of beginning and containing a
41 calculated areas of 1,375,044.58 SF or 31.566 acres.

42 (C) Parcel C

43 All that certain tracts or parcels of land located in the Borough of
44 Queens, State of New York, bounded and described as follows:

45 Beginning at a point at the intersection formed by the easterly right of
46 way line of 114th Street and the northerly right of way line of Roose-
47 velt Avenue, thence along a line North 23°-03'-48" East, a distance of
48 575.33' to a point within the westerly line of Tax Map Lot 20 Block
49 1787, and from said point of beginning running thence:

50 1. Along the westerly line of same, North 05°-00'-28" West, a distance
51 of 133.39 to a point within the westerly line of Tax Map Lot 20 Block
52 1787, thence;

53 2. Within Tax Map Lot 20 Block 1787, South 59°-56'-38" East, a
54 distance of 584.20' to a point in Lot 20 Block 1787, thence;

3. Through Tax Map Lot 20 Block 1787 and Roosevelt Avenue, South 86°-10'-42" East, a distance of 420.78' to a point in Tax Map Lot 1500 Block 2018, thence;

4. Within said lands, North 68°-23'-55" East, a distance of 607.27' to a point in Tax Map Lot 1500 Block 2018, thence;

5. Within said lands, North 21°-35'-11" West, a distance of 16.75' to a point in the southerly right of way line of Roosevelt Avenue, thence;

6. Along the southerly line of same, North 68°-25'-28" East, a distance of 1025.26' to a point formed by the intersection of the easterly right of way line of 126th Street and the southerly right of way line of Roosevelt Avenue, thence;

7. Along the easterly right of way line of 126th Street, South 21°-35'-11" East, a distance of 259.05' to a point in the easterly right of way line of 126th Street, thence;

8. Along the northerly line of Tax Map Lot 1000 Block 2018, South 68°-25'-28" West, a distance of 610.51' to a point in the northerly line of Tax Map Lot 1000 Block 2018, thence;

9. Along the northerly line of same, South 68°-30'-37" West, a distance of 230.61' to a point in the northerly line of Tax Map Lot 1000 Block 2018, thence;

10. Within Tax Map Lot 1500 Block 2018, North 72°-41'-52" West, a distance of 207.77' to a point in Tax Map Lot 1500 Block 2018, thence;

11. Within Tax Map Lot 1500 Block 2018, South 68°-23'-55" West, a distance of 917.78' to a point in Tax Map Lot 1500 Block 2018, thence;

12. Through Tax Map Lot 1500 Block 2018 and Roosevelt Avenue and Tax Map Lot 20 Block 1787, North 59°-56'-38" West, a distance of 793.76' to the point and place of beginning and containing a calculated areas of 458,276.64 SF or 10.520 acres.

(D) Parcel D

All that certain tracts or parcels of land located in the Borough of Queens, State of New York, bounded and described as follows:

Beginning at a point at the intersection formed by the intersection of the easterly right of way line of 126th Street and the southerly right of way line of Roosevelt Avenue, and from said point of beginning running thence:

1. Along the southerly right of way line of Roosevelt Avenue, North 68°-30'-18" East, a distance of 420.90' to a point in the southerly right of way line of Roosevelt Avenue, thence;

2. Along the southerly right of way line of Roosevelt Avenue, North 62°-00'-28" East, a distance of 263.59' to a point in the southerly right of way line of Roosevelt Avenue, thence;

3. Within Tax Map Lot 300 Block 2018 South 21°-35'-11" East, a distance of 244.87' to a point in Lot 300 Block 2018, thence;

4. Through Tax Map Lot 300 Block 2018 and Tax Map Lot 75 Block 2018 South 68°-30'-18" West, a distance of 682.85' to a point in the easterly right of way line of 126th Street, thence;

5. Along the easterly right of way line of 126th Street, North 21°-35'-11" West, a distance of 215.05' to a point in the easterly right of way line of 126th Street to the point and place of beginning and containing a calculated areas of 150,750.81 SF or 3.46 acres.

(E) Parcel E

All that certain tracts or parcels of land located in the Borough of Queens, State of New York, bounded and described as follows:

Beginning at a point at the intersection formed by the intersection of the westerly right of way line of 126th Street and the southerly right of way line of Roosevelt Avenue, thence along the westerly right of way

1 line of 126th Street South 21°-35'-11" East, a distance of 259.05' to a
2 point within the northerly line of Tax Map Lot 1000 Block 2018, thence
3 along the northerly line of Tax Map Lot 1000 Block 2018 South
4 68°-25'-28" West, a distance of 610.51' to a point within the northerly
5 line of Lot 1000 Block 2018, and from said point of beginning running
6 thence;

7 1. Within Tax Map Lot 1000 Block 2018, South 05°-44'-59" West, a
8 distance of 37.85' to a point in Tax Map Lot 1000 Block 2018, thence;

9 2. Within said lands the following two courses, South 21°-02'-11"
10 East, a distance of 96.44' to a point in Tax Map Lot 1000 Block 2018,
11 thence;

12 3. South 47°-44'-48" East, a distance of 127.09' to a point in Tax Map
13 Lot 1000 Block 2018, thence;

14 4. Through Tax Map Lot 1000 Block 2018 and Tax Map Lot 350R Block 2018
15 South 38°-51'-17" East, a distance of 330.15' to a point in the norther-
16 ly line of Tax Map Lot 300R Block 2018, thence;

17 5. Along the northerly line of Tax Map Lot 300R Block 2018 South
18 65°-11'-49" West, a distance of 182.95' to a point in the northerly line
19 of Tax Map Lot 300R Block 2018, thence;

20 6. Through Tax Map Lot 350R Block 2018 and Tax Map Lot 1000 Block 2018
21 North 38°-51'-17" West, a distance of 556.87' to a point within Tax Map
22 Lot 1000 Block 2018, thence;

23 7. Within Tax Map Lot 1000 Block 2018 North 47°-13'-34" West, a
24 distance of 42.46' to a point along the southerly line of Tax Map Lot
25 1500 Block 2018, thence;

26 8. Along the southerly line of Tax Map Lot 1500 Block 2018 North
27 68°-30'-37" East, a distance of 230.61' to the point and place of begin-
28 ning and containing a calculated areas of 104,235.19 SF or 2.392 acres.

29 (ii) The following parcels shall be included within a corridor within
30 which acquisition of temporary property interests may be acquired for
31 purposes of this section three hundred forty-nine-g and paragraph d of
32 subdivision one of section fourteen-d of the transportation law:

33 (A) Parcel A

34 All that certain tracts or parcels of land located in the Borough of
35 Queens, State of New York, bounded and described as follows:

36 Beginning at a point in the easterly right of way line of Ditmars Boule-
37 vard at the southwest corner of Tax Map Lot 50 Block 1641, thence along
38 a line North 12°-36'-04" East, a distance of 509.49' to a point within
39 the westerly line of Tax Map Lot 1 Block 926, and from said point of
40 beginning running thence;

41 1. Within the westbound lanes of the Grand Central Parkway South
42 07°-53'-31" East, a distance of 141.88' to a point in the westbound
43 lanes of the Grand Central Parkway, thence;

44 2. Within the westbound lanes of the Grand Central Parkway South
45 39°-25'-56" East, a distance of 342.06' to a point in the westbound
46 lanes of the Grand Central Parkway, thence;

47 3. Within said lands the following six courses; South 34°-46'-30"
48 East, a distance of 595.14' to a point in the westbound lanes of the
49 Grand Central Parkway, thence;

50 4. South 32°-52'-42" East, a distance of 284.13' to a point in the
51 westbound lanes of the Grand Central Parkway, thence;

52 5. South 31°-22'-20" East, a distance of 270.04' to a point in the
53 westbound lanes of the Grand Central Parkway, thence;

54 6. South 31°-20'-42" East, a distance of 561.27' to a point in the
55 westbound lanes of the Grand Central Parkway, thence;

7. South 31°-24'-15" East, a distance of 480.06' to a point in the westbound lanes of the Grand Central Parkway, thence;

8. South 34°-13'-04" East, a distance of 110.24' to a point in the westbound lanes of the Grand Central Parkway, thence;

9. Through the westbound lanes of the Grand Central Parkway South 47°-22'-46" West, a distance of 82.07", to a point in the eastbound lanes of the Grand Central Parkway, thence;

10. Within the eastbound lanes of the Grand Central Parkway on a curve to the left, having a radius of 1778.30', an arc length of 834.73', a central angle of 26°-53'-40", and whose chord bears South 49°-28'-25" East, a distance of 827.08' to a point in the eastbound lanes of the Grand Central Parkway, thence;

11. Within the eastbound lanes of the Grand Central Parkway on a curve to the right, having a radius of 4238.74", an arc length of 371.50', a central angle of 05°-01'-18", and whose chord bears South 60°-46'-13" East, a distance of 371.38' to a point in the eastbound lanes of the Grand Central Parkway, thence;

12. Through the westbound lanes of Grand Central Parkway and waters of Flushing Bay North 18°-38'-40" East, a distance of 1054.19' to a point in the waters of Flushing Bay, thence;

13. Within the waters of Flushing Bay North 45°-38'-00" West, a distance of 2330.21' to a point in the waters of Flushing Bay said point also being in the southerly line of Tax Map Lot 1 Block 926, thence;

14. Along the southerly line of Tax Map Lot 1 Block 926 North 62°-16'-56" West, a distance of 69.81' to a point in the southerly line of Tax Map Lot 1 Block 926, thence;

15. Along the southerly line of Tax Map Lot 1 Block 926 South 40°-14'-47" West, a distance of 458.89' to a point in the westerly line of Tax Map Lot 1 Block 926, thence;

16. Along the westerly line of Tax Map Lot 1 Block 926 North 39°-47'-03" West, a distance of 685.00' to a point in the westerly line of Tax Map Lot 1 Block 926, thence;

17. Along the westerly line of Tax Map Lot 1 Block 926 on a curve to the left, having a radius of 9711.30', an arc length of 342.94', a central angle of 02°-01'-24", and whose chord bears North 40°-47'-45" West, a distance of 342.93' to a point in the westerly line of Tax Map Lot 1 Block 926, thence;

18. Along the westerly line of Tax Map Lot 1 Block 926 North 40°-47'-45" West, a distance of 27.61' to a point in the westerly line of Tax Map Lot 1 Block 926, also the point and place of beginning and containing a calculated areas of 2,497,386.76 SF or 57.332 acres.

(B) Parcel B

All that certain tracts or parcels of land located in the Grand Central Parkway, Borough of Queens, State of New York, bounded and described as follows:

Beginning at a point at the intersection formed by the easterly right of way line of 114th Street and the northerly right of way line of Roosevelt Avenue, thence along a line North 24°-39'-00" East, a distance of 547.13' to a point within the westerly line of Tax Map Lot 20 Block 1787, and from said point of beginning running thence:

1. Through the westbound lanes of the Grand Central Parkway South 77°-38'-22" West, a distance of 287.24', to a point within the median of the Grand Central Parkway, thence;

2. Within the median of the Grand Central Parkway the following two courses; North 10°35'14" West, a distance of 1045.10', to a point in the median of the Grand Central Parkway, thence;

3. Within the Grand Central Parkway on a curve to the left, having a radius of 1993.67', an arc length of 1428.31', a central angle of 41°02'53", and whose chord bears North 33°54'06" West, a distance of 1397.96', to a point in the eastbound lanes of the Grand Central Parkway, said point also being the easterly line of lands owned by the New York State Department of Transportation, thence;

4. Along the easterly line of lands owned by the New York State Department of Transportation, North 18°-38'-40" East, a distance of 1054.19' to a point within the waters of Flushing Bay, thence;

5. Within the waters of Flushing Bay South 45°-38'-00" East, a distance of 1109.08', to a point in the waters of Flushing Bay, said point also being within Tax Map Lot 65 Block 1789, thence;

6. Within the waters of Flushing Bay South 05°-02'-53" East, a distance of 465.40', to a point within Tax Map Lot 65 Block 1789, thence;

7. Within the Grand Central Parkway South 04°-53'-30" West, a distance of 1336.32', to a point in the median of the Grand Central Parkway, thence;

8. Through the westbound lanes of the Grand Central Parkway, South 76°-53'-58" East, a distance of 198.10', to a point in the westerly line of Tax Map Lot 20 Block 1787, thence;

9. Along the westerly line of same, the following three courses; South 03°-28'-07" West, a distance of 240.75', to a point in the westerly line of Tax Map Lot 20 Block 1787, thence;

10. South 01°-26'-38" East, a distance of 104.30', to a point in the westerly line of Tax Map Lot 20 Block 1787, thence;

11. South 05°-00'-28" East, a distance of 165.58', to the point and place of beginning and containing a calculated areas of 1,699,154.25 SF or 39.007 acres.

(C) Parcel C

All that certain tracts or parcels of land located in the Borough of Queens, State of New York, bounded and described as follows:

Beginning at a point at the intersection formed by the easterly right of way line of 114th Street and the northerly right of way line of Roosevelt Avenue, thence along a line North 24°-39'-00" East, a distance of 547.13' to a point within the westerly line of Tax Map Lot 20 Block 1787, and from said point of beginning running thence:

1. Along the westerly line of same the following two course; North 05°-00'-28" West, a distance of 165.58', to a point within the westerly line of Tax Map Lot 20 Block 1787, thence;

2. North 01°-26'-38" West, a distance of 104.30', to a point within the westerly line of Tax Map Lot 20 Block 1787, thence;

3. Within Tax Map Lot 20 Block 1787, South 59°-56'-38" East, a distance of 163.06', to a point in Lot 20 Block 1787, thence;

4. Within Tax Map Lot 20 Block 1787, North 68°-47'-17" East, a distance of 198.49', to a point in Lot 20 Block 1787, thence;

5. Within Tax Map Lot 20 Block 1787, South 22°-21'-18" East, a distance of 381.93', to a point in Lot 20 Block 1787, thence;

6. Within Tax Map Lot 20 Block 1787, South 59°-56'-38" East, a distance of 48.54', to a point in Lot 20 Block 1787, thence;

7. Through Tax Map Lot 20 Block 1787 and Roosevelt Avenue, South 86°-10'-42" East, a distance of 398.17', to a point in the northerly line of Tax Map Lot 1500 Block 2018, said point also being in the southerly right of way line of Roosevelt Avenue, thence;

1 8. Along the southerly right of way line of Roosevelt Avenue North
2 68°-23'-55" East, a distance of 609.39', to a point in the southerly
3 right of way line of Roosevelt Avenue, thence;

4 9. Within Roosevelt Avenue, North 21°-35'-11" West, a distance of
5 10.14', to a point within Roosevelt Avenue, thence;

6 10. Within Roosevelt Avenue North 68°-25'-28" East, a distance of
7 1035.26', to a point within Roosevelt Avenue, thence;

8 11. Within Roosevelt Avenue and along the easterly right of way line
9 of 126th Street, South 21°-35'-11" East, a distance of 289.03', to a
10 point within Tax Map Lot 1000 Block 2018, thence;

11 12. Within Tax Map Lot 1000 Block 2018, South 68°-25'-28" West, a
12 distance of 620.84', to a point in Tax Map Lot 1000 Block 2018, thence;

13 13. Within Tax Map Lot 1000 Block 2018 North 05°-44'-59" East, a
14 distance of 22.49', to a point in the southerly line of Tax Map Lot 1500
15 Block 2018, thence;

16 14. Along the southerly line of same, South 68°-30'-37" West, a
17 distance of 241.71', to a point in the southerly line of Tax Map Lot
18 1500 Block 2018, thence;

19 15. Within Tax Map Lot 1500 Block 2018, North 72°-41'-52" West, a
20 distance of 175.88', to a point in Tax Map Lot 1500 Block 2018, thence;

21 16. Within Tax Map Lot 1500 Block 2018, South 68°-23'-55" West, a
22 distance of 949.27', to a point in Tax Map Lot 1500 Block 2018, thence;

23 17. Through Tax Map Lot 1500 Block 2018 and Roosevelt Avenue and Tax
24 Map Lot 20 Block 1787, North 59°-56'-38" West, a distance of 779.92', to
25 the point and place of beginning and containing a calculated areas of
26 607,660.66 SF or 13.949 acres.

27 (D) Parcel D

28 All that certain tracts or parcels of land located in the Borough of
29 Queens, State of New York, bounded and described as follows:

30 Beginning at a point at the intersection formed by the intersection of
31 the easterly right of way line of 126th Street and the southerly right
32 of way line of Roosevelt Avenue, thence along a line North 21°-35'-11"
33 West, a distance of 10.00' to a point within Roosevelt Avenue and from
34 said point of beginning running thence:

35 1. Within the right of way of Roosevelt Avenue, North 68°-30'-18"
36 East, a distance of 420.35' to a point in the right of way of Roosevelt
37 Avenue, thence;

38 2. Within the right of way of Roosevelt Avenue, North 62°-00'-28"
39 East, a distance of 264.15' to a point in the right of way of Roosevelt
40 Avenue, thence;

41 3. Through Roosevelt Avenue and Tax Map Lot 300 Block 2018 South
42 21°-35'-11" East, a distance of 254.94' to a point in Lot 300 Block
43 2018, thence;

44 4. Through Tax Map Lot 300 Block 2018 South 58°-00'-57" West, a
45 distance of 386.69', to a point in the southeasterly line of Tax Map Lot
46 75 Block 2018, thence;

47 5. Within Tax Map Lot 75 Block 2018 South 77°-57'-39" West, a distance
48 of 162.28' to a point in Tax Map Lot 75 Block 2018, thence;

49 6. Within Tax Map Lot 75 Block 2018 South 68°-23'-55" West, a distance
50 of 142.47' to a point in Tax Map Lot 75 Block 2018, said point also
51 being along the easterly line of 126th Street, thence;

52 7. Along the easterly right of way line of 126th Street, North
53 21°-35'-11" West, a distance of 269.04' to the point and place of begin-
54 ning and containing a calculated areas of 186,365.46 SF or 4.278 acres.

55 (E) Parcel E

1 All that certain tracts or parcels of land located in the Borough of
2 Queens, State of New York, bounded and described as follows:
3 Beginning at a point at the intersection formed by the intersection of
4 the westerly right of way line of 126th Street and the southerly right
5 of way line of Roosevelt Avenue, thence along the westerly right of way
6 line of 126th Street South 21°-35'-11" East, a distance of 259.05' to a
7 point within the northerly line of Tax Map Lot 1000 Block 2018, thence
8 along the northerly line of Tax Map Lot 1000 Block 2018 South
9 68°-25'-28" West, a distance of 610.51' to a point within the northerly
10 line of Lot 1000 Block 2018, and from said point of beginning running
11 thence:

12 1. Within Tax Map Lot 1000 Block 2018, South 05°-44'-59" West, a
13 distance of 37.84', to a point in Tax Map Lot 1000 Block 2018, thence;

14 2. Within said lands the following three courses, South 21°-02'-11"
15 East, a distance of 96.44', to a point in Tax Map Lot 1000 Block 2018,
16 thence;

17 3. South 47°-44'-48" East, a distance of 71.01', to a point in Tax Map
18 Lot 1000 Block 2018, thence;

19 4. North 68°-23'-55" East, a distance of 489.48', to a point in the
20 northerly line of Tax Map Lot 350R Block 2018, thence

21 5. Within Tax Map Lot 350R Block 2018 the following two courses, South
22 43°-22'-54" East, a distance of 39.27', to a point in Lot 350R Block
23 2018, thence;

24 6. South 42°-24'-34" West, a distance of 391.74', to a point in the
25 northerly line of Lot 350R Block 2018, thence;

26 7. Through Tax Map Lot 350R Block 2018, South 46°-00'-42" East, a
27 distance of 166.93', to a point in the southerly line of Lot 350R Block
28 2018, said point also being in the northerly line of Lot 300R Block
29 2018, thence;

30 8. Along the northerly line of Tax Map Lot 300R Block 2018 South
31 65°-11'-49" West, a distance of 556.87', to a point in the northerly
32 line of Tax Map Lot 300R Block 2018, thence;

33 9. Through Tax Map Lot 350R Block 2018 and Tax Map Lot 1000 Block
34 2018, North 24°-48'-11" West, a distance of 164.72', to a point within
35 Tax Map Lot 1000 Block 2018, thence;

36 10. Within Tax Map Lot 1000 Block 2018 the following three courses;
37 North 51°-08'-46" East, a distance of 217.28', to a point within Tax Map
38 Lot 1000 Block 2018, thence;

39 11. North 38°-51'-17" West, a distance of 329.46', to a point within
40 Tax Map Lot 1000 Block 2018, thence;

41 12. North 47°-13'-34" West, a distance of 46.55' to a point along the
42 southerly line of Tax Map Lot 1500 Block 2018, thence;

43 13. Along the southerly line of Tax Map Lot 1500 Block 2018 North
44 68°-30'-37" East, a distance of 241.71' to the point and place of begin-
45 ning and containing a calculated areas of 236,272.08 SF or 5.424 acres.

46 (F) Any property interests necessary for an adjustment of the piers
47 supporting the pedestrian bridges crossing the Grand Central Parkway to
48 maintain accessibility, and any vehicle entry and exit points to the
49 Grand Central Parkway located along either side of the above described
50 corridor.

51 (c) Notwithstanding any other provision of law, general, special,
52 charter or local, following acquisition, the commissioner of transporta-
53 tion may use such property interests together with property interests
54 already owned or held within the corridor described in subdivision (b)
55 of this section or enter into contracts to sell, or lease to, contract
56 with or otherwise transfer to, and/or exchange with, and/or grant ease-

1 ments, licenses, permits, concessions, or other authorizations to, the
2 Port Authority of New York and New Jersey, to construct (including
3 utilizing temporary laydown areas), and permanently use, occupy, oper-
4 ate, and maintain the airport access mass transit facility, related
5 ancillary facilities for airport access mass transit maintenance, park-
6 ing for persons using the airport access mass transit facility and addi-
7 tional limited purposes directly related to operation of an airport
8 access mass transit project; provided however, this section does not
9 authorize use of property interests for a self-standing facility
10 constructed to house premises for automobile rental operations; and
11 provided further that, the Port Authority of New York and New Jersey
12 may, notwithstanding any other provision of law, general, special, char-
13 ter or local, transfer any property interests to the city of New York,
14 in accordance with the terms and conditions for the lease of airport
15 premises by the city of New York to the Port Authority of New York and
16 New Jersey and the city of New York may, following such transfer, lease-
17 back the property interests under those terms and conditions.

18 (d) Upon completion of any modifications to the Grand Central Parkway,
19 the commissioner of transportation shall by official order transfer
20 jurisdiction over the central express artery and adjacent landscape
21 areas and over adjacent service roads to the city of New York as set
22 forth in subdivision 3.4 of section three hundred forty-nine-c of this
23 article.

24 (e) Authorization is hereby given to the commissioner of transporta-
25 tion to do all things necessary, within the judgment of the commission-
26 er, to carry out the purposes of this section.

27 (f) During the construction of any airport access mass transit facili-
28 ty for LaGuardia airport and related ancillary facilities on any proper-
29 ty interests acquired pursuant to this section, section fourteen-d of
30 the transportation law, or pursuant to any other section of law, the
31 constructing party shall provide for the on-going monitoring of
32 vibrations, noise and air quality during construction.

33 (g) The constructing party shall ensure the provision of just compen-
34 sation to a property owner of any property or building within the vicin-
35 ity of the construction of any airport access mass transit facility for
36 LaGuardia airport and related ancillary facilities that has been phys-
37 ically damaged as a result of action taken by the constructing party or
38 its agent during such construction, however, nothing herein shall estab-
39 lish a cause of action for such damages.

40 § 4. (A) The use of any property, property rights, or property inter-
41 ests including easements, air rights and subsurface rights, acquired
42 pursuant to paragraph d of subdivision 1 of section 14-d of the trans-
43 portation law, as added by section two of this act, for any essential
44 facilities necessary for the construction, operation, and maintenance of
45 an airport access mass transit facility for LaGuardia airport including:
46 temporary and permanent stairways; pedestrian walkways/bridges other
47 than the Passerelle; and vertical movement (i.e. elevators, escala-
48 tors); guideway superstructure, columns, and foundations; guideway and
49 station equipment such as track, third rail, walkways, handrails, noise
50 wall, lighting, blue light stations, CCTV, fare collection systems and
51 security equipment and provisions; facility ingress and egress installa-
52 tions; all utilities necessary for an airport access mass transit facil-
53 ity such as high and low voltage electric, grounding, natural gas,
54 water, sewer, drainage, cable, fiber, communication towers, antennae,
55 temporary utilities and miscellaneous utilities and services; utilities
56 facilities including, but not limited to, substations, transformers,

1 mechanical, and pumping facilities; temporary and permanent public
2 access roads, pedestrian bridges other than the Passerelle, sidewalks,
3 pathways, and traffic facilities; temporary and permanent security fenc-
4 ing, guard booths, CCTV systems, security equipment/provisions as well
5 as bollards and walls of various materials; landscaping features,
6 sustainable design installations, and mitigation elements required
7 through the environmental or regulatory approval process(es), or as a
8 result of recommendations from local community outreach; temporary and
9 permanent lighting fixtures including any aviation warning lights;
10 temporary infrastructure to support construction; temporary and perma-
11 nent signage and signage structures; temporary and permanent facilities
12 and buildings such as operations, storage and maintenance facilities,
13 passenger stations, as well as other miscellaneous support facilities
14 and buildings, which include all equipment required to provide a fully
15 functional installation including elements such as oil separation, fuel
16 storage, vehicle cleaning, backup power systems, and other associated
17 equipment; corrosion and erosion control monitoring and mitigating
18 installations; temporary parking during construction and parking for
19 employees of an access mass transit facility; concessions and small
20 business facilities; temporary construction equipment and facilities;
21 public announcement and other annunciating equipment and facilities;
22 temporary storage facilities; temporary and permanent systems support
23 installations (i.e. communications and train control); lightning
24 protection installation; storage facilities to support the airport
25 access mass transit facility and airport operations; all interfaces with
26 the NYCT 7 line and MTA/LIRR; all rearrangements related to MTA bus and
27 rail operations at Willets Point; alternative/sustainable energy systems
28 (i.e. solar panels, electric vehicle charging stations, energy storage,
29 etc.); waste/refuse storage and processing associated with airport
30 access mass transit facility operations (i.e. trash compactors and dump-
31 sters); storm water treatment and storage facilities (above and/or
32 underground); and flood mitigation installations shall be authorized.

33 (B) The use of any property, property rights, or property interests
34 including easements, air rights and subsurface rights acquired pursuant
35 to paragraph d of subdivision 1 of section 14-d of the transportation
36 law, as added by section two of this act, for any nonessential facili-
37 ties including: permanent parking facilities; and other nonessential
38 facilities not directly related to the construction, operation, and
39 maintenance of an airport access mass transit facility for LaGuardia
40 airport and not necessary for such facility's operation shall be author-
41 ized only upon the condition that a memorandum of understanding is
42 executed between the Mayor of the City of New York and the port authori-
43 ty of New York and New Jersey.

44 (C) The acquisition of any property, property rights, or property
45 interests including easements, air rights and subsurface rights author-
46 ized pursuant to paragraph d of subdivision 1 of section 14-d of the
47 transportation law, as added by section two of this act, shall take
48 effect only upon the condition that a memorandum of understanding is
49 executed between the mayor of the city of New York and the port authori-
50 ty of New York and New Jersey for the renovation of the Passerelle
51 bridge and the interfaces with the Passerelle structures.

52 § 5. If property interests acquired on real property currently desig-
53 nated as parkland or that is currently used for park purposes pursuant
54 to the authorization contained in this act are not used within fifteen
55 years of their acquisition or shall ever be used for a purpose other
56 than for the use authorized pursuant to this act, such property shall

1 revert back to the city of New York department of parks and recreation
2 to be used for park and recreational purposes or for the purposes that
3 are consistent with those provided by chapter 729 of the laws of 1961.

4 § 6. New York City shall dedicate an amount equal to or greater than
5 the fair market value received from the department of transportation's
6 acquisition of parklands pursuant to the authorization in paragraph d of
7 subdivision 1 of section 14-d of the transportation law, as added by
8 section two of this act, toward the acquisition of new parkland and/or
9 capital improvements to existing parkland and recreational facilities
10 provided, however, that if any such parkland is waterfront parkland the
11 fair market value may only be used for the acquisition of new waterfront
12 parklands and/or capital improvements to existing waterfront parkland
13 and recreational facilities.

14 § 7. This act shall take effect immediately and shall expire and be
15 deemed repealed ten years after such date, provided, however, that such
16 repeal shall only occur if no property interests have been acquired
17 pursuant to this act; provided further that the commissioner of the
18 department of transportation shall notify the legislative bill drafting
19 commission upon the occurrence of the repeal of the legislation provided
20 for in this act in order that the commission may maintain an accurate
21 and timely effective data base of the official text of the laws of the
22 state of New York in furtherance of effectuating the provisions of
23 section 44 of the legislative law and section 70-b of the public offi-
24 cers law.