

STATE OF NEW YORK

9039--A

IN SENATE

June 14, 2018

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 592 of the laws of 1998, constituting the Hudson river park act, in relation to the granting of a permanent vested easement for the Hudson Tunnel Project

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

1 Section 1. Paragraph (b) of section 3 of chapter 592 of the laws of
2 1998, constituting the Hudson river park act, as amended by chapter 517
3 of the laws of 2013, is amended to read as follows:

4 (b) "Compatible governmental use" means a use within the park that is
5 compatible with park use in accordance with the purposes of this act,
6 such as necessary and appropriate sewage, utility, and ventilation
7 connections, and private utilities, and rail tunnels, including the
8 construction, repair, maintenance, operation, and replacement thereof;
9 public safety facilities necessary for the maintenance and operation of
10 the park; the marine company one fire boat station on pier 53; and the
11 city of New York department of sanitation water-dependent marine trans-
12 fer station on pier 99.

13 § 2. Paragraph (c) of subdivision 3 of section 7 of chapter 592 of the
14 laws of 1998, constituting the Hudson river park act, is amended to read
15 as follows:

16 (c) No part of the real property in the park may be alienated, sold or
17 otherwise disposed of (except for any lease, license or other encum-
18 brance consistent with this act) other than by act of the legislature,
19 except that a permanent vested easement may be granted for the Hudson
20 river rail tunnel between New York and New Jersey crossing the park
21 between West 27th and West 30th Streets (the "Hudson river rail tunnel")
22 subject to approval of the trust, consistent with the trust lease with
23 the state of New York as authorized by subdivision 11 of this section,
24 and, in the case of real property held by the city of New York, without

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

LBD16204-02-8

1 compliance with the uniform land use review procedures of the city of
2 New York or any successor law.

3 § 3. Subdivision 11 of section 7 of chapter 592 of the laws of 1998,
4 constituting the Hudson river park act, as amended by chapter 517 of the
5 laws of 2013, is amended to read as follows:

6 11. Except as otherwise provided in this subdivision, in paragraph (j)
7 of subdivision 1 of this section, in paragraph (b) of subdivision 3 of
8 this section or in chapter 288 of the laws of 2005, the trust may not
9 enter into a lease, concession agreement, license or other agreement
10 relating to any part of the park for periods in excess of thirty years
11 in total; except that such duration restriction shall not apply to (i)
12 the Hudson river rail tunnel, which use shall be permitted, where the
13 trust may enter into a lease for a term coterminous with its lease with
14 the state of New York provided for in paragraph (b) of subdivision 3 of
15 this section, which lease shall be subject to automatic renewal with any
16 extensions of the term of the underlying state lease that is authorized
17 under this act and which lease shall provide for the project sponsor to
18 restore for public open space use, at its cost and in accordance with
19 plans provided by the trust, the surface portions of the park used
20 temporarily in connection and staging of the Hudson river rail tunnel,
21 and (ii) piers 57, 59, 60, 61, 76, 81, 83 and 98 where the trust may
22 enter into a lease, concession agreement, license or other agreement for
23 a term or terms that may be up to forty-nine years and except that such
24 duration restriction shall not apply to such piers where the trust may
25 enter into a lease, concession agreement, license or other agreement for
26 a term or terms that may be up to ninety-nine years, provided, however,
27 such lease, concession agreement, license or other agreement shall only
28 occur upon the condition that such agreements are identified and author-
29 ized in a memorandum of understanding between the governor, the mayor of
30 the city of New York, the temporary president of the senate and the
31 speaker of the assembly after consultation with the members of the
32 assembly and senate representing the area where the pier that is the
33 subject of the agreement is located; and provided further that any such
34 agreement for a period in excess of ten years shall be for the purpose
35 of assuring a lessee, licensee, concessionaire or other party to an
36 agreement with adequate protection against loss of investments in devel-
37 oping, renovating, improving, furnishing, and equipping properties with-
38 in the park. Any proposed lease, concession agreement, license or other
39 agreement by the trust for a period in excess of ten years shall consti-
40 tute a proposed significant action subject to the requirements of subdi-
41 vision six of this section. The trust shall promulgate rules and regu-
42 lations governing leases, concession agreements, licenses or other
43 agreements. Such rules and regulations shall require the trust to issue
44 a bid prospectus for any leases, concession agreements, licenses and
45 other agreements which would provide for a total capital investment in
46 the park of no less than one million dollars over the proposed term of
47 the agreement, except that the trust shall not be required to issue a
48 bid prospectus for a compatible governmental use. The bid prospectus
49 submitted to prospective bidders shall contain specific information
50 concerning the nature of the capital improvements or equipment to be
51 provided by the successful bidder and shall be provided to community
52 boards one, two and four within the borough of Manhattan.

53 § 4. This act shall take effect immediately. Effective immediately the
54 addition, amendment and/or repeal of any rule or regulation necessary
55 for the implementation of this act on its effective date are authorized
56 to be made on or before such date.