

# STATE OF NEW YORK

9039--B

## 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 -- 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 river rail tunnel

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 under the  
21 surface of the park between West 27th and West 30th Streets (the "Hudson  
22 river rail tunnel") subject to approval of the trust, consistent with  
23 the trust lease for the Hudson river rail tunnel as authorized by subdi-  
24 vision 11 of this section, and, in the case of real property held by the  
25 city of New York, without compliance with the uniform land use review  
26 procedures of the city of New York or any successor law.

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

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

11. Except as otherwise provided in this subdivision, in paragraph (j) of subdivision 1 of this section, in paragraph (b) of subdivision 3 of this section or in chapter 288 of the laws of 2005, the trust may not enter into a lease, concession agreement, license or other agreement relating to any part of the park for periods in excess of thirty years in total; except that such duration restriction shall not apply to (i) the Hudson river rail tunnel, which use shall be permitted, where the trust may enter into a lease for a term coterminous with its lease with the state of New York provided for in paragraph (b) of subdivision 3 of this section, which lease shall be subject to automatic renewal with any extensions of the term of the underlying state lease that is authorized under this act and which lease shall provide for the project sponsor to restore for public open space use, at its cost and in accordance with plans provided by the trust, the surface portions of the park affected by or used temporarily in connection with construction and staging of the Hudson river rail tunnel, and (ii) piers 57, 59, 60, 61, 76, 81, 83 and 98 where the trust may enter into a lease, concession agreement, license or other agreement for a term or terms that may be up to forty-nine years and except that such duration restriction shall not apply to such piers where the trust may enter into a lease, concession agreement, license or other agreement for a term or terms that may be up to ninety-nine years, provided, however, such lease, concession agreement, license or other agreement shall only occur upon the condition that such agreements are identified and authorized in a memorandum of understanding between the governor, the mayor of the city of New York, the temporary president of the senate and the speaker of the assembly after consultation with the members of the assembly and senate representing the area where the pier that is the subject of the agreement is located; and provided further that any such agreement for a period in excess of ten years shall be for the purpose of assuring a lessee, licensee, concessionaire or other party to an agreement with adequate protection against loss of investments in developing, renovating, improving, furnishing, and equipping properties within the park. Any proposed lease, concession agreement, license or other agreement by the trust for a period in excess of ten years shall constitute a proposed significant action subject to the requirements of subdivision six of this section. The trust shall promulgate rules and regulations governing leases, concession agreements, licenses or other agreements. Such rules and regulations shall require the trust to issue a bid prospectus for any leases, concession agreements, licenses and other agreements which would provide for a total capital investment in the park of no less than one million dollars over the proposed term of the agreement, except that the trust shall not be required to issue a bid prospectus for a compatible governmental use. The bid prospectus submitted to prospective bidders shall contain specific information concerning the nature of the capital improvements or equipment to be provided by the successful bidder and shall be provided to community boards one, two and four within the borough of Manhattan.

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