

STATE OF NEW YORK

7675

2019-2020 Regular Sessions

IN ASSEMBLY

May 14, 2019

Introduced by M. of A. BURKE -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in relation to requiring an evaluation of the impacts of the closure of public access to any land owned or operated by the office of parks, recreation and historic preservation

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

1 Section 1. The parks, recreation and historic preservation law is
2 amended by adding a new section 13.14 to read as follows:

3 § 13.14 Closure of lands owned, held or administered by the office. 1.
4 Except as provided in subdivision five of this section, not less than
5 six months before the proposed permanent closure of public access to any
6 real property owned, held or administered by the office, the commissioner
7 shall issue a draft report that provides the justification and
8 rationale for such closure including, but not limited to:

9 (a) a full description of the real property;

10 (b) the purposes that the real property serves to the people of the
11 state;

12 (c) a comparison of the economic impacts of closure versus continued
13 operation of such real property to the state, local governments and the
14 public;

15 (d) an analysis of the potential harm to such real property from
16 vandalism, lack of management and maintenance, and other impacts from
17 the lack of regular oversight by the office;

18 (e) the impact of such proposed closure on the entire real property
19 system owned and operated by the office; and

20 (f) such other factors that are particularly relevant to the real
21 property and its function as state land.

22 2. Not less than four months before the proposed permanent closure of
23 public access to such real property, the commissioner shall provide

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

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1 public notice of and conduct one or more public hearings, including one
2 in the impacted area of the proposed closure. Notice of any such hearing
3 shall be on a statewide basis, including publication in the environ-
4 mental notice bulletin. Each public hearing shall accept written state-
5 ments in lieu of an oral presentation.

6 3. Upon conclusion of the public hearings on a closure, the commis-
7 sioner shall issue a final report which includes the response on all
8 issues raised at the hearings and information entered into the hearing
9 record. Such final report shall be made available and distributed to
10 the public.

11 4. The commissioner shall issue and submit to the governor and the
12 legislature a findings statement on each proposed closure that provides
13 the justification for such closure or, in the alternative, the informa-
14 tion that supports the continued operation of the real property.

15 5. The requirements of this section shall not apply to seasonal park
16 closures, temporary closures due to inclement weather or as reasonably
17 necessary to effectuate repairs, maintenance or capital improvements, or
18 temporary limits on public access for routine operational reasons, such
19 as public safety or other non-weather related emergencies.

20 § 2. This act shall take effect immediately.