STATE OF NEW YORK

6281--A

2019-2020 Regular Sessions

IN SENATE

June 3, 2019

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 the Hudson river park act, in relation to defense and indemnification obligations relating to the Route 9A bikeway/Greenway adjacent to the Hudson river park

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

Section 1. Paragraph (b) of subdivision 3 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:

(b) Upon the coming into existence of the trust, it shall exercise its rights, powers, responsibilities, and duties with respect to the park under this act. The state and the city of New York, each with respect to its real property in the park, shall expeditiously enter into agreements with the trust, whether by lease or otherwise, for a term not to exceed 99 years, provided that the state and city of New York shall extend such lease or other agreements until March 31, 2112 pursuant to [~~this~~] chapter **517** of the laws of 2013 and to modify the insurance and indemnification provisions thereof such that the state and city, each to the extent of its ownership of the real property in the park, shall provide for insurance, defense and indemnification obligations running from the state or city, as the case may be, to the trust in connection with and to the extent of any and all bodily injury or property damage claims alleged to occur on or relate to their respective real property in the park and to eliminate any obligations on the part of the trust in such lease agreements to provide insurance, defense or indemnification to the state or city, as the case may be, in connection with such alleged bodily injury or property damage claims. **The state shall provide for defense and indemnification running from the state to the trust in connection**

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

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with and to the extent of any and all bodily injury or property damage claims alleged to occur on or relate to the adjacent Route 9A bikeway/Greenway located between the northern seawall of Battery park city and the northern boundary of 59th street, which is real property owned by the state and not part of the park. The state and city, as applicable, shall execute such other instruments as necessary, whereby the trust shall receive a possessory interest in the real property and exercise its rights, powers, responsibilities, and duties, all in accordance with this act.

§ 2. This act shall take effect immediately.