

# STATE OF NEW YORK

6985

2023-2024 Regular Sessions

## IN ASSEMBLY

May 9, 2023

Introduced by M. of A. SIMONE -- read once and referred to the Committee on Judiciary

AN ACT to amend the general municipal law, in relation to restrictions on certain flight operations at municipal facilities; and to amend chapter 592 of the laws of 1998, constituting the Hudson river park act, in relation to the use of certain heliports in the city of New York

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

- 1 Section 1. The general municipal law is amended by adding a new  
2 section 99-z to read as follows:  
3 § 99-z. Restriction on certain flight operations at municipal facilities. No municipal corporation shall permit the use of publicly owned  
4 land for helicopter air transportation operated for the primary purpose  
5 of conducting sightseeing tours over New York city or conducting photog-  
6 raphy, videography, or similar production activities over New York city.  
7  
8 § 2. Paragraph (v) of subdivision (g) of section 3 of chapter 592 of  
9 the laws of 1998, constituting the Hudson river park act, as amended by  
10 chapter 517 of the laws of 2013, is amended to read as follows:  
11 (v) a non-tourism/non-recreation heliport for [~~commercial and emergen-~~  
12 ~~cy~~] permitted transportation use; and  
13 § 3. Subdivision (j) of section 3 of chapter 592 of the laws of 1998,  
14 constituting the Hudson river park act, as amended by chapter 517 of the  
15 laws of 2013, is amended to read as follows:  
16 (j) "Prohibited use" means any of the following uses:  
17 (i) residential;  
18 (ii) manufacturing, except in furtherance of and incidental to park  
19 uses, provided that small scale creation of artisan foods or other craft  
20 products shall not be considered manufacturing;  
21 (iii) warehousing;  
22 (iv) hotel;

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

LBD10422-01-3

1 (v) incompatible governmental uses;  
2 (vi) casino and riverboat gambling, and the docking of vessels to be  
3 used substantially for gambling or for transportation to such a vessel;  
4 (vii) any facility for motorized aircraft, including a heliport except  
5 a heliport which is defined as a park/commercial use, provided the use  
6 of any heliport in the park by any operator, individual, business enti-  
7 ty, organization or association, or any member, parent, subsidiary or  
8 affiliate thereof, that conducts or arranges prohibited flight oper-  
9 ations, whether or not originating from a heliport in the park, shall be  
10 prohibited;

11 (viii) commercial office, except office space that is incidental to a  
12 permitted use, and further provided that such prohibition shall not  
13 apply to pier 57; and

14 (ix) other uses determined by the trust to be incompatible with the  
15 purposes of this act.

16 § 4. Section 3 of chapter 592 of the laws of 1998, constituting the  
17 Hudson river park act, is amended by adding two new subdivisions (o) and  
18 (p) to read as follows:

19 (o) "Permitted transportation use" means air transportation other than  
20 prohibited flight operations:

21 (i) for purposes of heavy-lift operations in support of construction  
22 and infrastructure maintenance;

23 (ii) for purposes of public health and safety, including law enforce-  
24 ment, emergency response, disaster response, and the provision of  
25 medical services;

26 (iii) for the benefit of the general public, including flights carried  
27 out for research or official purposes by a news organization; or

28 (iv) operated in accordance with United States department of transpor-  
29 tation and federal aviation administration rules and regulations and on  
30 routes approved by the federal aviation administration.

31 (p) "Prohibited flight operations" means helicopter air transportation  
32 operated for the primary purpose of conducting sightseeing tours over  
33 New York city or conducting photography, videography or similar  
34 production activities over New York city.

35 § 5. Paragraph (v) of subdivision (m) of section 3 of chapter 592 of  
36 the laws of 1998, constituting the Hudson river park act, as amended by  
37 chapter 517 of the laws of 2013, is amended to read as follows:

38 (v) the development, operation and maintenance of a non-tourism/non-  
39 recreational heliport for permitted transportation use located between  
40 [~~west~~] West 29th and [~~west~~] West 32nd streets provided (A) that there  
41 shall be no structures other than the helicopter take-off or landing  
42 pads built on floating structures; and (B) such floating structures  
43 shall be no higher than a pier deck at low tide; and

44 § 6. Subparagraph (ii) of paragraph (i) of subdivision 9 of section 7  
45 of chapter 592 of the laws of 1998, constituting the Hudson river park  
46 act, as added by chapter 517 of the laws of 2013, is amended to read as  
47 follows:

48 (ii) a one story heliport terminal building, fuel tank structure and  
49 five accessory parking spaces used in connection with a water dependent  
50 non-tourism/non-recreational heliport for permitted transportation use  
51 to be located on a floating structure located between [~~west~~] West 29th  
52 and [~~west~~] West 32nd streets provided that the landing and takeoff area  
53 located east of the bulkhead may continue to operate until the landing  
54 and takeoff area west of the bulkhead is completed and operational; or

55 § 7. Subdivision 13 of section 7 of chapter 592 of the laws of 1998,  
56 constituting the Hudson river park act, is amended to read as follows:

1 13. At all times, the trust shall take all reasonable and necessary  
2 steps to prevent and eliminate prohibited uses in the park, subject to  
3 the exceptions contained in this act, including, without limitation,  
4 prohibiting any operator, individual, business entity, organization or  
5 association, or any member, parent, subsidiary or affiliate thereof, who  
6 conducts or arranges prohibited flight operations, whether or not origi-  
7 nating from a heliport in the park, from accessing any heliport in the  
8 park.

9 § 8. This act shall take effect on the thirtieth day after it shall  
10 have become a law; provided that uses permitted under any lease, permit,  
11 license, or other instrument in effect upon the effective date of this  
12 act that would be prohibited upon the enactment of this act may continue  
13 only pursuant to the terms of the instrument and only for the term ther-  
14 eof or pursuant to any extension according to the terms thereof if, but  
15 only if, the option to extend is exercised solely by and is a contractu-  
16 al right of the lessee, permittee, licensee or other contractual user.