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:

Section 1. The general municipal law is amended by adding a new section 99-z to read as follows:

§ 99-z. Restriction on certain flight operations at municipal facilities. No municipal corporation shall permit the use of publicly owned land for helicopter air transportation operated for the primary purpose of conducting sightseeing tours over New York city or conducting photography, videography, or similar production activities over New York city.

§ 2. Paragraph (v) of subdivision (g) of section 3 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:

(v) a non-tourism/non-recreation heliport for [~~commercial and emergency~~] **permitted** transportation use; and

§ 3. Subdivision (j) of section 3 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:

(j) "Prohibited use" means any of the following uses:

(i) residential;

(ii) manufacturing, except in furtherance of and incidental to park uses, provided that small scale creation of artisan foods or other craft products shall not be considered manufacturing;

(iii) warehousing;

(iv) hotel;

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

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(v) incompatible governmental uses;
(vi) casino and riverboat gambling, and the docking of vessels to be used substantially for gambling or for transportation to such a vessel;
(vii) any facility for motorized aircraft, including a heliport except a heliport which is defined as a park/commercial use**, provided the use of any heliport in the park by any operator, individual, business entity, organization or association, or any member, parent, subsidiary or affiliate thereof, that conducts or arranges prohibited flight operations, whether or not originating from a heliport in the park, shall be prohibited**;
(viii) commercial office, except office space that is incidental to a permitted use, and further provided that such prohibition shall not apply to pier 57; and
(ix) other uses determined by the trust to be incompatible with the purposes of this act.
§ 4. Section 3 of chapter 592 of the laws of 1998, constituting the Hudson river park act, is amended by adding two new subdivisions (o) and (p) to read as follows:
(o) "Permitted transportation use" means air transportation other than prohibited flight operations:
(i) for purposes of heavy-lift operations in support of construction and infrastructure maintenance;
(ii) for purposes of public health and safety, including law enforcement, emergency response, disaster response, and the provision of medical services;
(iii) for the benefit of the general public, including flights carried out for research or official purposes by a news organization; or
(iv) operated in accordance with United States department of transportation and federal aviation administration rules and regulations and on routes approved by the federal aviation administration.
(p) "Prohibited flight operations" means helicopter air transportation operated for the primary purpose of conducting sightseeing tours over New York city or conducting photography, videography or similar production activities over New York city.
§ 5. Paragraph (v) of subdivision (m) of section 3 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:
(v) the development, operation and maintenance of a non-tourism/non-recreational heliport **for permitted transportation use** located between [~~west~~] **West** 29th and [~~west~~] **West** 32nd streets provided (A) that there shall be no structures other than the helicopter take-off or landing pads built on floating structures; and (B) such floating structures shall be no higher than a pier deck at low tide; and
§ 6. Subparagraph (ii) of paragraph (i) of subdivision 9 of section 7 of chapter 592 of the laws of 1998, constituting the Hudson river park act, as added by chapter 517 of the laws of 2013, is amended to read as follows:
(ii) a one story heliport terminal building, fuel tank structure and five accessory parking spaces used in connection with a water dependent non-tourism/non-recreational heliport **for permitted transportation use** to be located on a floating structure located between [~~west~~] **West** 29th and [~~west~~] **West** 32nd streets provided that the landing and takeoff area located east of the bulkhead may continue to operate until the landing and takeoff area west of the bulkhead is completed and operational; or
§ 7. Subdivision 13 of section 7 of chapter 592 of the laws of 1998, constituting the Hudson river park act, is amended to read as follows:

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

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