

STATE OF NEW YORK

6109

2023-2024 Regular Sessions

IN SENATE

March 29, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed 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 facili-
4 ties. No municipal corporation shall permit the use of publicly owned
5 land for helicopter air transportation operated for the primary purpose
6 of conducting sightseeing tours over New York city or conducting photog-
7 raphy, videography, or similar production activities over New York city.

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.

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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.