

REGULATORY IMPACT STATEMENT

STATUTORY AUTHORITY:

Sections 7(1)(b) and 7(1)(d)(ii) of Chapter 65 of the New York Unconsolidated Laws, cited as the Hudson River Park Act, and adopted as Chapter 592 of the New York State Laws of 1998, grants the Hudson River Park Trust, a public benefit corporation, the authority and power to adopt rules and regulations to provide for the health, safety and welfare of the public using Hudson River Park (the “Park”).

The revised penalty schedule is further necessitated by the New York City Criminal Justice Reform Act, which requires, in part, that the Hudson River Park Trust (and New York City agencies, as well as the Battery City Park Authority and the Brooklyn Bridge Park Corporation) create civil penalties that are appropriate and proportional for low-level, non-violent offenses: open containers, being in a park after hours, littering, public urination, and unreasonable noise. (*See* New York City Local Law 70 of 2016; NYC Charter 533(a)(9); 56 RCNY 1-07). This Act was intended to preserve public safety and build stronger and safer neighborhoods in New York City by reducing arrests and incarceration.

LEGISLATIVE OBJECTIVES:

Hudson River Park was created for the public benefit and to make the waterfront an asset for the city and the region. Park Rules and Regulations were first adopted in 2002 and have been amended subsequently. The Park Rules and Regulations as amended will remain consistent with regulations that apply to other parks in the area, and govern the conduct of the public, enhance and provide for the safety, well-being and enjoyment of each individual who

may use Hudson River Park, and assure each individual equality of opportunity in the use and enjoyment of both the upland and water areas of the Park. The amendments adopt a new penalty table that is consistent with the penalty table previously adopted by the New York City Office of Administrative Trials/Environmental Control Board (“OATH”) and with the penalty table recently adopted by New York City to address violations in City parks in compliance with the New York City Criminal Justice Reform Act.

NEEDS AND BENEFITS:

The proposed action is the amendment of rules and regulations for Hudson River Park. The most significant change proposed is the addition of a penalty schedule. The existing Hudson River Park penalty schedule is part of OATH’s Rules & Regulations. At OATH’s request, this new penalty schedule is being created because OATH intends to vacate the current penalty table used to address violations in Hudson River Park. Other minor changes including renumbering the section headings, clarifying the Park’s boundaries, and clarifying a few additional prohibited or permitted uses are included with the proposed amendment.

COSTS:

No additional costs are anticipated in connection with the adoption of the proposed rule amendment.

LOCAL GOVERNMENT MANDATES:

The proposed rule provides no additional requirements on the local government. OATH will continue to hear cases brought before it regarding violations of Hudson River Park rules, in

the same manner that currently exists. The purpose of the proposed rule amendment is for the Trust to create its own penalty schedule that applies to violations of Park rules so that OATH can rescind its existing rules, but the enforcement of violations would continue as before.

PAPERWORK:

Because the Park is presently operational, no new forms or paperwork will be required in connection with these rules and regulations. The type of paperwork presently utilized to enforce Park violations consists of summonses used by New York City Park Enforcement Patrol that provide security in Hudson River Park.

DUPLICATION:

The proposed rule amendment will not overlap with other state requirements. Enforcement of violations in Hudson River Park will continue to be handled by the New York Police Department and New York City Department of Parks & Recreation Park Enforcement Patrol. The proposed rule amendment does not conflict with any applicable federal standards including those of the U.S. Army Corps of Engineers and the U.S. Coast Guard regarding navigable waters.

ALTERNATIVES:

There are no significant alternatives to the proposed rule amendment because the Trust is required to create a penalty table since OATH intends to vacate the existing penalty table that applies to violations of Hudson River Park rules.

FEDERAL STANDARDS:

The proposed rules and regulations do not conflict with any applicable federal standards.

COMPLIANCE SCHEDULE:

Immediate.