

S T A T E O F N E W Y O R K

---

11231--A

I N A S S E M B L Y

June 15, 2018

---

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gottfried)  
-- read once and referred to the Committee on Cities -- committee  
discharged, bill amended, ordered reprinted as amended and recommitted  
to said committee

AN ACT to amend chapter 592 of the laws of 1998, constituting the Hudson  
river park act, in relation to the granting of a permanent vested  
easement for the Hudson river rail tunnel

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (b) of section 3 of chapter 592 of the laws of  
2 1998, constituting the Hudson river park act, as amended by chapter 517  
3 of the laws of 2013, is amended to read as follows:

4 (b) "Compatible governmental use" means a use within the park that is  
5 compatible with park use in accordance with the purposes of this act,  
6 such as necessary and appropriate sewage, utility, and ventilation  
7 connections, and private utilities, AND RAIL TUNNELS, including the  
8 CONSTRUCTION, repair, maintenance, operation, and replacement thereof;  
9 public safety facilities necessary for the maintenance and operation of  
10 the park; the marine company one fire boat station on pier 53; and the  
11 city of New York department of sanitation water-dependent marine trans-  
12 fer station on pier 99.

13 § 2. Paragraph (c) of subdivision 3 of section 7 of chapter 592 of the  
14 laws of 1998, constituting the Hudson river park act, is amended to read  
15 as follows:

16 (c) No part of the real property in the park may be alienated, sold or  
17 otherwise disposed of (except for any lease, license or other encum-  
18 brance consistent with this act) other than by act of the legislature,  
19 EXCEPT THAT A PERMANENT VESTED EASEMENT MAY BE GRANTED FOR THE HUDSON  
20 RIVER RAIL TUNNEL BETWEEN NEW YORK AND NEW JERSEY CROSSING UNDER THE  
21 SURFACE OF THE PARK BETWEEN WEST 27TH AND WEST 30TH STREETS (THE "HUDSON  
22 RIVER RAIL TUNNEL") SUBJECT TO APPROVAL OF THE TRUST, CONSISTENT WITH  
23 THE TRUST LEASE FOR THE HUDSON RIVER RAIL TUNNEL AS AUTHORIZED BY SUBDI-  
24 VISION 11 OF THIS SECTION, and, in the case of real property held by the  
25 city of New York, without compliance with the uniform land use review  
26 procedures of the city of New York or any successor law.

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

LBD16204-03-8

1 § 3. Subdivision 11 of section 7 of chapter 592 of the laws of 1998,  
2 constituting the Hudson river park act, as amended by chapter 517 of the  
3 laws of 2013, is amended to read as follows:

4 11. Except as otherwise provided in this subdivision, in paragraph (j)  
5 of subdivision 1 of this section, in paragraph (b) of subdivision 3 of  
6 this section or in chapter 288 of the laws of 2005, the trust may not  
7 enter into a lease, concession agreement, license or other agreement  
8 relating to any part of the park for periods in excess of thirty years  
9 in total; except that such duration restriction shall not apply to (I)  
10 THE HUDSON RIVER RAIL TUNNEL, WHICH USE SHALL BE PERMITTED, WHERE THE  
11 TRUST MAY ENTER INTO A LEASE FOR A TERM COTERMINOUS WITH ITS LEASE WITH  
12 THE STATE OF NEW YORK PROVIDED FOR IN PARAGRAPH (B) OF SUBDIVISION 3 OF  
13 THIS SECTION, WHICH LEASE SHALL BE SUBJECT TO AUTOMATIC RENEWAL WITH ANY  
14 EXTENSIONS OF THE TERM OF THE UNDERLYING STATE LEASE THAT IS AUTHORIZED  
15 UNDER THIS ACT AND WHICH LEASE SHALL PROVIDE FOR THE PROJECT SPONSOR TO  
16 RESTORE FOR PUBLIC OPEN SPACE USE, AT ITS COST AND IN ACCORDANCE WITH  
17 PLANS PROVIDED BY THE TRUST, THE SURFACE PORTIONS OF THE PARK AFFECTED  
18 BY OR USED TEMPORARILY IN CONNECTION WITH CONSTRUCTION AND STAGING OF  
19 THE HUDSON RIVER RAIL TUNNEL, AND (II) piers 57, 59, 60, 61, 76, 81, 83  
20 and 98 where the trust may enter into a lease, concession agreement,  
21 license or other agreement for a term or terms that may be up to forty-  
22 nine years and except that such duration restriction shall not apply to  
23 such piers where the trust may enter into a lease, concession agreement,  
24 license or other agreement for a term or terms that may be up to nine-  
25 ty-nine years, provided, however, such lease, concession agreement,  
26 license or other agreement shall only occur upon the condition that such  
27 agreements are identified and authorized in a memorandum of understand-  
28 ing between the governor, the mayor of the city of New York, the tempo-  
29 rary president of the senate and the speaker of the assembly after  
30 consultation with the members of the assembly and senate representing  
31 the area where the pier that is the subject of the agreement is located;  
32 and provided further that any such agreement for a period in excess of  
33 ten years shall be for the purpose of assuring a lessee, licensee,  
34 concessionaire or other party to an agreement with adequate protection  
35 against loss of investments in developing, renovating, improving,  
36 furnishing, and equipping properties within the park. Any proposed  
37 lease, concession agreement, license or other agreement by the trust for  
38 a period in excess of ten years shall constitute a proposed significant  
39 action subject to the requirements of subdivision six of this section.  
40 The trust shall promulgate rules and regulations governing leases,  
41 concession agreements, licenses or other agreements. Such rules and  
42 regulations shall require the trust to issue a bid prospectus for any  
43 leases, concession agreements, licenses and other agreements which would  
44 provide for a total capital investment in the park of no less than one  
45 million dollars over the proposed term of the agreement, EXCEPT THAT THE  
46 TRUST SHALL NOT BE REQUIRED TO ISSUE A BID PROSPECTUS FOR A COMPATIBLE  
47 GOVERNMENTAL USE. The bid prospectus submitted to prospective bidders  
48 shall contain specific information concerning the nature of the capital  
49 improvements or equipment to be provided by the successful bidder and  
50 shall be provided to community boards one, two and four within the  
51 borough of Manhattan.

52 § 4. This act shall take effect immediately. Effective immediately the  
53 addition, amendment and/or repeal of any rule or regulation necessary  
54 for the implementation of this act on its effective date are authorized  
55 to be made on or before such date.