State and Federal Legislation Committee Staff

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**THE COUNCIL OF THE CITY OF NEW YORK**

**BRIEFING PAPER OF THE GOVERNMENTAL AFFAIRS DIVISION**

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**COMMITTEE ON STATE AND FEDERAL LEGISLATION**

**Hon. Shaun Abreu, Chair**

**May 26, 2022**

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|  | By Council Member Abreu |
| **SLR 12:** | S.9323 (Salazar)A.10449 (Walker) |
| **TITLE:** | AN ACT to authorize the city of New York to discontinue the use as parkland a portion of real property in the borough of Brooklyn and to use such property to construct elevators and handicapped accessible improvements and upgrades to the New York city transit authority Broadway Junction transit station |

1. **BACKGROUND**

 State law provides that parkland is inalienable property of New York City and that it cannot be alienated without a special law authorizing the alienation. This bill would authorize the City to alienate parkland for use by the Metropolitan Transportation Authority (MTA) to improve the Broadway Junction transit station.

 After enactment of this law, MTA would then be required to request the disposition of such City-owned property to the MTA pursuant to the Public Authorities Law. Such requests would be subject to the advisory opinions of affected community boards and public hearings before the Council, and Council approval.

 The Broadway Junction Station is an MTA/NYCTA subway station complex in East New York, Brooklyn, which connects the elevated Jamaica (J/Z) Line, elevated Canarsie (L) Line, and the underground Fulton Street (A/C) Line. As one of the busiest stations in Brooklyn, this project will make Broadway Junction Station fully accessible in accordance with the requirements of the Americans with Disabilities Act of 1990. In addition, this Project will also improve the circulation capacity of the complex by providing direct transfer between the A/C Line and L Line, as well as adding a new entrance and egress at the L Line station. Additionally, the MTA will construct a comfort station in the Park in accordance with New York City Parks & Recreation specifications. In partial consideration for the property rights, the MTA will facilitate the demapping of a portion of Sackman Street, which runs through the Park between Truxton Street and Fulton Street, to be used as parkland.

1. **PROPOSED LEGISLATION**

 Section one would authorize the City to discontinue some park land at the Callahan-Kelly Playground, and grant the MTA, for the use of the NYCTA, rights over such areas to facilitate NYCTA construction of ADA upgrades and circulation improvements at the Broadway Junction transit station.

 Section two requires the MTA to pay fair market value to the City for the park land that will be used, and establishes the relevant processes. The value and payment would be determined after the City grants the MTA easements over the required park land pursuant to the provisions of Section 1266(12-a) of the Public Authorities Law, as it may apply.

 Sections three and four describe the specific portions of park land that would be discontinued.

 Section five identifies the park land that will be used as a construction staging area for over two years as the permanent station improvements described in Sections three and four are made.

 Section six details the portion of Sackman Street will be turned into a substitute park as referenced in Section two.

 Section seven provides for compliance with federal law, to the extent applicable.

 Section eight provides that after the construction project is complete, the MTA will restore those portions of parkland that served as construction staging areas for the permanent station improvements.

 Section nine of this bill is the effective date.

1. **FISCAL IMPLICATIONS**

 See Council Finance Division fiscal impact statement.

1. **EFFECTIVE DATE**

 This bill takes effect immediately.

Preconsidered State Legislation Resolution

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Salazar, S.9323A, and Assembly Member Walker, A.10449, “AN ACT to authorize the city of New York to discontinue the use as parkland a portion of real property in the borough of Brooklyn and to use such property to construct elevators and handicapped accessible improvements and upgrades to the New York city transit authority Broadway Junction transit station”**

By Council Member Abreu

 **Whereas**, Bills have been introduced in the New York State Legislature by Senator Salazar, S.9323A, and Assembly Member Walker, A.10449, “AN ACT to authorize the city of New York to discontinue the use as parkland a portion of real property in the borough of Brooklyn and to use such property to construct elevators and handicapped accessible improvements and upgrades to the New York city transit authority Broadway Junction transit station”; and

 **Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

 **Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

 Referred to the Committee on State and Federal Legislation.

JG
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