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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 10:** | S.9068B (Jackson)A.10285B (De Los Santos) |
| **TITLE:**   | AN ACT authorizing the city of New York to discontinue the use as park land of a portion of real property in the county of New York and to grant easements to the metropolitan transportation authority so that it may make handicapped accessible improvements and upgrades to the New York city transit authority 168 Street 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 168 street 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 168 Street station is a major transfer hub for upper Manhattan serving the communities of Washington Heights, Harlem, and Inwood. It connects IND 8 Avenue (A/C) Line with the Broadway-7 Avenue (1) Line. The station is the terminus for C train service and a critical interchange between the two west side lines located at the intersection of Broadway, 168 Street and St. Nicholas Avenue near the New York Presbyterian Hospital Complex. The (I) Train station is a deep station currently only accessible by an elevator bank on the west side of Broadway (downtown platform side). From the lower elevator landing, steps and overpasses convey passengers to the two station platforms. Accordingly, the 168 Street Station on the Broadway-7 Avenue (1) Line is not accessible to those who need a step-free path to access the platform.

 To provide accessibility New York City Transit Authority (NYCTA) needs to construct a new elevator from the mezzanine to the northbound platform in a location under Mitchel Square, a public park bound by Broadway, St. Nicholas Avenue and West 166 Street. A second elevator would be constructed from the existing high-capacity elevators to provide a step-free path to the southbound platform.

1. **PROPOSED LEGISLATION**

 Section one would authorize the City to discontinue some park land at Mitchel Square and the Broadway Mall in Washington Heights, and grant the MTA, for the use of the NYCTA, rights over such areas to facilitate NYCTA construction of upgrades in accordance with the Americans with Disabilities Act, as well as circulation and emergency exit improvements at the 168 Street transit station.

 Section two requires that 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 and 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 five provides for compliance with federal law, to the extent applicable.

 Section six 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 seven 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 Jackson, S.9068B, and Assembly Member De Los Santos, A.10285B, “AN ACT authorizing the city of New York to discontinue the use as park land of a portion of real property in the county of New York and to grant easements to the metropolitan transportation authority so that it may make handicapped accessible improvements and upgrades to the New York city transit authority 168 Street transit station”**

By Council Member Abreu

 **Whereas**, Bills have been introduced in the New York State Legislature by Senator Jackson, S.9068B, and Assembly Member De Los Santos, A.10285B, “AN ACT authorizing the city of New York to discontinue the use as park land of a portion of real property in the county of New York and to grant easements to the metropolitan transportation authority so that it may make handicapped accessible improvements and upgrades to the New York city transit authority 168 Street 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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