



Legislation Text

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File #: Res 0312-2004, Version: \*

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**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 312**

**Resolution requesting that the Commissioner of the New York State Department of Transportation find that changes in grade crossing for the realignment of the First Avenue Rail Line are in the public interest and should be so ordered (20045413 RRK; L.U. No. 119).**

**By Council Members Katz and Felder**

WHEREAS, the Department of Small Business Services (“DSBS”) submitted ULURP Application No. C 030527 PQQ, an acquisition of property located at 4023 First Avenue and 80 39<sup>th</sup> Street (Block 706/Lots 24 and 101) for the realignment of the First Avenue Rail Line;

WHEREAS, this application was approved by the City Planning Commission on October 8, 2003, filed with the Council on October 15, 2003 and said action was deemed final on November 5, 2003;

WHEREAS, this acquisition would facilitate the implementation of the Brooklyn Waterfront Rail Improvements project and would result in the elimination of four grade crossings and the establishment of one new grade crossing;

WHEREAS, Section 91 of the Railroad Law requires that the Council petition the Commissioner of the New York State Department of Transportation alleging that the public interest requires such alterations in the manner of crossing and requesting that the Commissioner find that such alterations should be made;

WHEREAS by letter dated February 26, 2004 and received March 8, 2004 the New York City Department of Small Business Services submitted to the Council its request that the Council so allege and petition the Commissioner of the New York State Department of Transportation (the “Project”);

WHEREAS, upon notice the Council held a public hearing on the Project on April 19, 2004;

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Project;

RESOLVED:

The Council of the City of New York, pursuant to Section 91 of the Railroad Law, alleges that the public interest requires the alterations in grade crossing set forth in the project summary the Department of Small Business Services has submitted to the Council, a copy of which is attached hereto;

The Council of the City of New York hereby petitions the Commissioner of the New York State Department of Transportation to find that such alterations and changes should be made.

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on April 21, 2004, on file in this office.

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City Clerk, Clerk of The Council