



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

VETO #289

December 31, 2019

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 6281-A, entitled:

“AN ACT to amend the Hudson river park act, in relation to defense and indemnification obligations relating to the Route 9A bikeway/Greenway adjacent to the Hudson river park”

Senate Bill Number 6566, entitled:

“AN ACT to amend the Hudson river park act, in relation to development or redevelopment of Pier 40 in the Hudson river park”

NOT APPROVED

These bills would address ongoing issues involving Hudson River Park and the Hudson River Park Trust. The first, S.6281-A, would amend the Hudson River park act (the “Act”) to require the state to defend and indemnify the Hudson River Park Trust to the extent of all bodily injury or property damage claims which occur on the bikeway adjacent to the park. The justification for the bill is to alleviate the burdensome insurance costs on the Trust for accidents which occur on the bike path.

The State and the City of New York currently share the cost of insurance for the Hudson River Park Trust, the State’s portion of which comes from the Environmental Protection Fund. This legislation would require in addition to that insurance that the state fully indemnify the Trust for any acts, including the Trust’s own negligence, in maintaining the bikeway. There are further conversations that would need to be had to determine what the increased costs to the state would be for this additional indemnification, and whether the Department of Transportation should seek another partner to maintain the bikeway, or whether the bikeway should be made a permanent part of the Park. The true question is whether the bikeway is better served if the Park has total control for repairs, improvements, rules and security. Bifurcation of responsibility between state entities rarely results in better management, and the indemnification must be more fully explored.

The second bill, S.6566, would authorize and limit the redevelopment of Pier 40 in Hudson River Park. The Act currently authorizes commercial uses throughout the Park so that the revenue generated would enable the Park to be self-sustaining, as intended. While the current bill would authorize additional commercial uses at Pier 40, there are proponents and opponents of the expansion of such commercial uses on what has been a largely recreational pier.

Pier 40 is a valuable asset to the surrounding community offering recreational space in an area of the city that is more and more congested, home to an increasing number of young families requiring recreation space. The pier also is a rare asset in its proximity to the magnificent Hudson River. The justification for development is to provide additional money for the Hudson Park. Money is always the rationale to develop sites in Manhattan, hence the lack of open space, green areas, parks or recreation space. We have so few remaining parcels available for community use. For instance, there have been several attempts to move the tow pound currently used by the City of New York at Pier 76 to allow for additional development. Indeed, the Act currently states that the City, once it has vacated the tow pound, will transfer the pier to the State for use as part of the Park. It is wholly underutilized and has tremendous potential and

the site must be maximized. The one thing that we are not making any more of in Manhattan is open space, and this must be protected.

The State and City fund the Hudson River Park and will fund it again this year. The issues outlined leave me no choice but to veto the bills, and in the next session I will work on legislation that will ensure that the Park will finally have access to Pier 76, which will ensure Pier 40 reaches its full potential.

These bills are disapproved.

A handwritten signature in black ink, appearing to read "Andrew Cuomo". The signature is stylized with a large, prominent "A" at the beginning and a long, sweeping underline that extends to the right.



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