

LC02740

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2005

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- THE I-195 REDEVELOPMENT ACT
OF 2002

Introduced By: Representatives Slater, Almeida, Williams, Diaz, and Ajello

Date Introduced: March 31, 2005

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 37-22-2, 37-22-3, 37-22-4, 37-22-5 and 37-22-6 of the General
2 Laws in Chapter 37-22 entitled "The I-195 Redevelopment Act of 2002" are hereby amended to
3 read as follows:

4 **37-22-2. Legislative findings.** -- The general assembly finds that:

5 (1) The realignment of Interstate Route 195 through the City of Providence provides a
6 unique opportunity to advance public purposes by transforming a major transportation project
7 into an important economic and civic development opportunity;

8 (2) This opportunity arises, in large part, from certain land to be made available for
9 redevelopment due to the relocation of Interstate Route 195 and its access roads;

10 (3) The clearance of highway structures [by the state](#), [and](#) replatting, redevelopment and
11 improvement of such land shall spur economic development and, as such, is in the public interest;

12 (4) In addition, this unique opportunity can be utilized to advance the state's ability to
13 improve public education, public services and infrastructure, thus, furthering an even more
14 critical public purpose;

15 (5) The state would greatly benefit from the participation of private institutions in the
16 improvement of public education, public services and infrastructure.

17 **37-22-3. Declaration of purpose.** -- It is declared that there exist certain state-owned
18 properties which shall become available by relocation of Interstate Route 195 and its on and off

1 ramps. The ~~abandonment~~ availability of these properties shall create substandard areas for
2 appropriate urban planning and development purposes. This urban planning and development
3 shall be consistent with and subject to the City of Providence comprehensive plan, pursuant to
4 section 45-22.2-1 et seq., City of Providence Zoning Ordinance, pursuant to section 45-24-27 et
5 seq. and the I-195 Old Harbor Plan (October 1992). As consistent with those plans, these
6 properties can then be utilized for the expansion of institutional use. The clearance of highway
7 structures, replatting, redevelopment and improvement of this land in recognition of the I-195 Old
8 Harbor Plan (October 1992) shall spur the economic development and the improvement of public
9 education, public services and infrastructure. Thus, this clearance of highway structures,
10 replanning, redevelopment and improvement is hereby declared a public purpose. Therefore, the
11 general assembly hereby establishes the I-195 redevelopment board to be responsible to supervise
12 the replanning, replatting, redevelopment and improvement of this land through the solicitation,
13 negotiation, execution and enforcement of comprehensive agreements for the redevelopment of
14 this state-owned property through privately-funded qualifying projects. The board is hereby
15 further authorized and directed to take advantage of private sector efficiencies in designing,
16 developing and constructing qualifying institutional projects, which include components that
17 specifically improve public education, public services and infrastructure. The board is hereby
18 further authorized and directed to ensure that the state and its agencies permit and approve
19 qualifying projects in an expedited fashion. In turn, the board shall exercise its authority in
20 recognition of the plan objectives set forth in the I-195 Old Harbor Plan (October 1992).

21 **37-22-4. Definitions.** -- As used in this chapter, the following words and terms shall have
22 the following meaning:

23 (1) "Acquiring authority" means an acquiring authority as defined in Chapter 7 of this
24 Title.

25 (2) "Board" means the I-195 Redevelopment Board.

26 (3) "Comprehensive agreement" means a comprehensive agreement between the board
27 and those persons obligated to undertake a qualifying project as set forth in section 37-22-7.

28 (4) "Material default" means any default by the private entity in the performance of its
29 duties under a comprehensive agreement of section 37-22-10 of this chapter that jeopardizes
30 adequate service to the public from a qualifying project and remains unremedied after the board
31 has provided notice to the private entity and a reasonable cure period has elapsed.

32 (5) "Permits and approvals" means all permits, licenses, variances and/or approvals to be
33 issued by state and/or local agencies as necessary for the development, construction and/or
34 operation of a qualifying project.

1 (6) "Plan" means the I-195 Old Harbor Plan (October 1992) adopted by the State of
2 Rhode Island, City of Providence and Providence Foundation, a nonbusiness corporation.

3 (7) "Private entity" means any person, institution and/or entity proposing to undertake a
4 qualifying project and to enter into a comprehensive agreement for the development, construction
5 and/or operation of a qualifying project.

6 (8) "Project area" means that area which is bounded by Pine Street, Chestnut Street,
7 Clifford and Foster Streets.

8 (9) "Public-private partnerships" means prearrangements between the public and private
9 sectors for the delivery by the private sector of certain sector of certain public infrastructure
10 and/or public services, which traditionally would have been provided by the public sector and
11 funded by property taxes.

12 (10) "Qualifying project" means the privately funded redevelopment, construction and
13 operation of ~~a~~ an institutional project within the project area and in furtherance of the plans
14 planning principals as provided in the Old Harbor Plan (October 1992). ~~Qualifying projects shall~~
15 ~~include, but not be limited to, institutional uses.~~

16 (11) "State-owned property" means property to which title is vested in the State of
17 Rhode Island and located in the project area.

18 **37-22-5. Board. --** (a) There is hereby established a board to take custody, control and
19 supervision over certain real property, title to which is vested in the State of Rhode Island, to
20 review applications for qualifying projects, to approve or reject said applications, to negotiate and
21 enter into comprehensive agreements, to assist in expediting all permits and approvals pursuant to
22 the comprehensive agreements, to administer and enforce comprehensive agreements, and to
23 exercise the authority necessary to accomplish the purposes of this chapter. ~~However, no real~~
24 ~~property currently within the freeway line of the interstate shall be transferred to the board for~~
25 ~~sale, lease, or utilization pursuant to a public-private partnership, until the project area becomes~~
26 ~~available for redevelopment pursuant to the plan.~~ State-owned property shall be transferred to the
27 board for sale, lease or utilization pursuant to a public-private partnership, when the highway use
28 shall be discontinued.

29 (b) The board shall consist of nine (9) members as follows: two (2) public members to be
30 appointed by the speaker of the house for a term of four (4) years; two (2) public members to be
31 appointed by the majority leader of the senate for a term of four (4) years; two (2) members to be
32 appointed by the Governor of the State of Rhode Island, one member being a public member and
33 the other member being the director of the Rhode Island department of transportation, for a term
34 of four (4) years; two (2) public members to be appointed by the Mayor of the City of

1 Providence, one member being the City of Providence's director of planning, for a term of four
2 (4) years; and one public member to be appointed by the Providence Foundation, a nonbusiness
3 corporation for a term of four (4) years. All members shall serve until successors are appointed. A
4 member shall be eligible to succeed himself or herself.

5 (c) Board members shall select a chairperson and vice chairperson. A quorum necessary
6 to conduct business shall consist of five (5) members of the board. A majority vote of the quorum
7 present shall be required for action.

8 (d) The members of the board shall not receive any compensation. The members of the
9 board shall be reimbursed for their actual expenses necessarily incurred in the performance of
10 their duties. The board may engage professionals and consultants as it deems necessary.

11 (e) The board shall promulgate rules and regulations pursuant to the Rhode Island
12 Administrative Procedures Act, section 42-35-1 et seq. The general assembly shall provide
13 meeting space for the board.

14 (f) The board shall be authorized to establish reasonable application fees. These fees
15 shall cover the estimated expenses of reviewing the applications and the execution of the
16 comprehensive agreements.

17 **37-22-6. Powers and duties of the board.** -- (a) The board is hereby authorized and
18 directed to entertain, solicit, evaluate, negotiate, execute, administer and enforce comprehensive
19 agreements for the redevelopment of the project area by and through privately-funded qualifying
20 projects in recognition of and consistent with the plan. ~~The~~ , and to enter into options for the sale,
21 lease and/or public-private initiative agreements with regard to state-owned property, which can
22 be exercised upon the discontinuance of the highway use. Upon the request of the board, the state
23 department of transportation shall develop a legal description of ~~this~~ state-owned property for the
24 board. ~~Upon completion of the legal description,~~ Upon discontinuance of the state-owned
25 property for highway use, custody, control and supervision of the underlying property shall be
26 transferred to the board and a certificate shall be filed with the secretary of state notwithstanding
27 the requirements of sections 37-7-6 and 37-7-7. The board shall then be authorized to ~~sell, lease~~
28 transfer by sale or lease and/or enter into public-private initiative agreements, and to give effect to
29 options previously granted, with regard to ~~this~~ state-owned property notwithstanding the
30 requirements of section 37-7-1 et seq.

31 (b) If comprehensive agreements are entered into pursuant to the provisions of this
32 chapter, the board is hereby authorized and directed to expedite the consideration and issuance of
33 permits and approvals necessary for development, construction, and operation of qualifying
34 projects.

1 (c) The board is hereby authorized and directed to administer and enforce all
2 comprehensive agreements entered into pursuant to the provisions of this chapter.

3 (d) The board shall annually submit a written report of all its activities to the Governor,
4 the General Assembly, and the Mayor and City Council of Providence.

5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would authorize and empower the board to sell, lease or utilize land in public-
2 private partnerships that land is made available through the relocation of Route 195.
3 This act would take effect upon passage.

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