

# Guidelines for Historic Vessels in Hudson River Park

A proposal for policy regarding educational programming goals and options, siting and operation of historic vessels in Hudson River Park.

Prepared by the

## North River Historic Ship Society



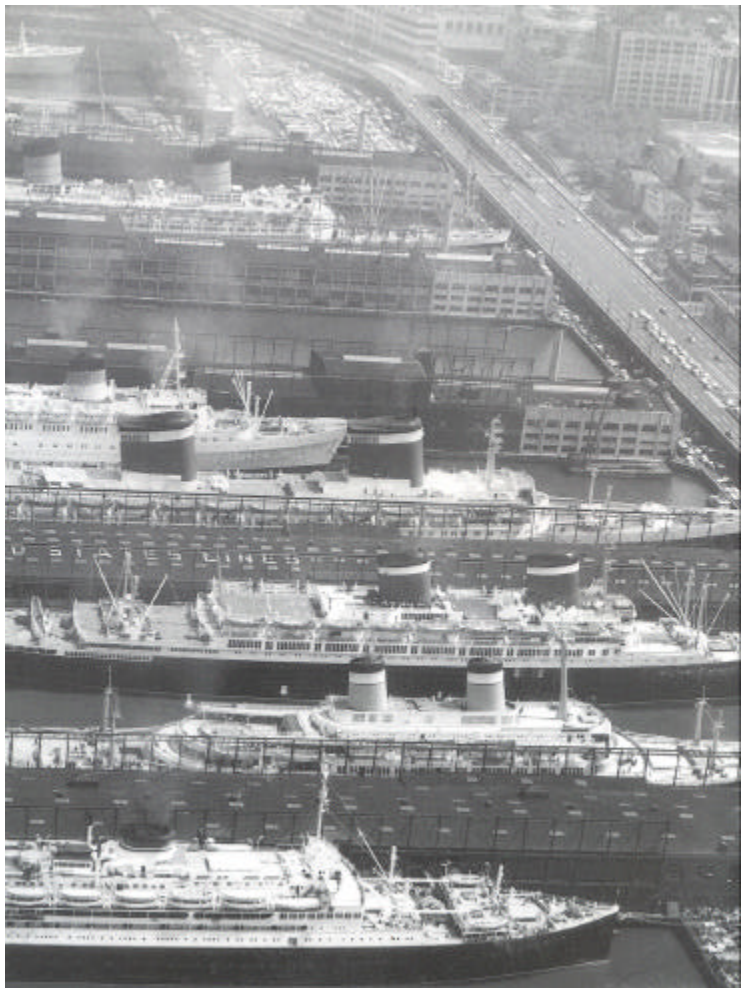
3 Murray Street - New York, New York 10007

*“Maritime history is New York history, since the City was built around the Port and wouldn’t be here without it.*

*It is imperative that maritime history be reflected in the Park.”*

Tim Dacey, President, Steamship Historical Society

6 February 2001



NYC West Side piers 84 to 92, with the passenger liners, from top to bottom: Vulcania, Constitution, America, United States, Olympia and Queen Elizabeth, mid-July 1956. Photo: Chrysalis Picture Library

**North River Historic Ship Society**



**BOARD OF ADVISORS**

Kent Barwick  
*Metropolitan Waterfront Alliance*

Frank Braynard  
*Founder, Op-sail*

Norman Brouwer, Curator of Ships  
*South Street Seaport Museum*

Timothy J. Dacey, President  
*Steamship Historical Society*

Francis J. Duffy  
*Maritime author and historian*

Thomas Flagg  
*Industrial archeologist*

Donald Francis, Vice President  
*Intrepid Sea Air & Space Museum*

Betsy Haggerty, Editor  
*Offshore Magazine*

Roger Lang  
*New York Landmarks Conservancy*

John Maxtone-Graham  
*Maritime author and historian*

Bill Miller  
*Maritime author and historian*

Brian McAulister  
*McAllister Towing & Transportation Co*

Bill Muller  
*Maritime artist*

Bill Rau, Former President  
*Steamship Historical Society of America*

Peter Stanford, President  
*National Maritime Historical Society*

Al Trojanowicz,  
*FDNY Maritime historian*

Admiral Paul Welling  
*U.S. Coast Guard (Ret)*

**BOARD OF DIRECTORS**

Russell Buckingham.

John Doswell

James Gallagher

Huntley Gill

Pamela Hepburn

Julie Nadel

John Krevey

**COUNSEL**

Margaret H. Mayo, Esq  
*Gaffin and Mayo, P.C.*

**Guidelines for Historic Vessels in Hudson River Park**

**Table of Contents**

<b><u>Introduction</u></b>	<b>1</b>
<b><u>Why Historic Vessels?</u></b>	<b>1</b>
Evoking history	
Practical Considerations	
Providing Interest on a Changing Waterfront	
<b><u>Definition of Historic Ship</u></b>	<b>2</b>
<b><u>Infrastructure Needs of Historic Vessels</u></b>	<b>3</b>
General needs	
On Historic Ship Piers	
On other piers	
<b><u>Maritime Artifacts</u></b>	<b>4</b>
<b><u>Crew Policies on Historic Vessels</u></b>	<b>4</b>
<b><u>Events Onboard Historic Vessels</u></b>	<b>5</b>
Public events	
Private Events	
<b><u>Ownership of Historic Vessels</u></b>	<b>7</b>
<b><u>Vessels in Transition</u></b>	<b>7</b>
<b><u>Floating Exhibits or Operational Vessels</u></b>	<b>8</b>
<b><u>Semi-permanent or Short-term Docking</u></b>	<b>8</b>
<b><u>Requirements of Historic Vessel Owners</u></b>	<b>9</b>
Physical	
Legal	
Insurance	
<b><u>Historic Vessel Advisory Placement Committee</u></b>	<b>10</b>
<b><u>Managing the Historic Ship Piers</u></b>	<b>10</b>
<b><u>Conclusion</u></b>	<b>11</b>

*Appendix - Hudson River Park Trust Statutory Responsibilities*

## Introduction

These guidelines are intended to help the Hudson River Park Trust in its handling of historic ships in the park. There are many people who are very familiar with the academic value of historic vessels, others are knowledgeable about the practical side of their operation, and still others work on public programming. We hope to bring all three together, resulting in policies for historic vessels that will best serve the public.

The most important issues discussed in this document are:

1. What is an historic vessel and how selections are made.
2. How historic vessels must put public access and programming before any other onboard activity.
3. How do historic vessels best conform with the principles of “park.”

## Why Historic Vessels?

### Evoking history

For over three hundred years, activities in the Port of New York have led the city in its economic development and guided its cultural heritage, allowing it to triumph as an international center. There is no disagreement about how important this waterfront has been to the people of the city, state, and nation. What we are seeing now is a complete metamorphosis, taking the waterfront from industrial port to public park. It is in this changeover that planners need to exercise caution, to preserve those elements from our past that are valuable, and irreplaceable, for “*whenever we make changes in our surroundings, we can all too easily shortchange ourselves, by cutting ourselves off from some of the sights and sounds, the shapes and textures, or other information from a place that have helped mold our understanding and are necessary for us to thrive.*” (Tony Hiss, *The Experience of Place*).

Historic vessels provide that connection to the past, serving as the link to the Port of New York’s maritime heritage. The waterfront, once ringed with piers and vessels, had been dominated by shipping, commerce, and immigration. It bore the mark of the international ports whose vessels traveled here, from the languages spoken onboard, to the sea creatures from far away lands that traveled here on foreign hulls. This waterfront made New York unlike any other city, and its unique character comes from where the river meets the land.

### Practical Considerations

There are other considerations in looking at historic vessels in the park. The presence of those crewing historic vessels gives the park better protection from vandalism, accidents, or fire. An empty pier at night can be a desolate place, perfect for a host of undesirable activities that can be easily headed off by the presence of responsible people on historic vessels. Vessel owners and crew have an incentive to keep their docking surroundings safe and secure, if for no other reason than to safeguard the vessel. This also provides additional security for the park as a whole.

Accidents are another concern on the waterfront. Occasionally people fall, either into the river or on land, or fires break out – if people aren’t around to react, a serious problem could develop.

### Providing Interest on a Changing Waterfront

Apart from their practical value, historic vessels provide interest on a changing waterfront due to their near total mobility. With no other park amenity can one have this many placement possibilities. Vessels can be moved from pier to pier; visiting vessels can come in for short term docking; and harbor festivals can provide incredible visual and educational opportunities. The view of the waterfront can change from day to day, week to week and need never be static. The only limitation is in the number of historic vessels that can survive in

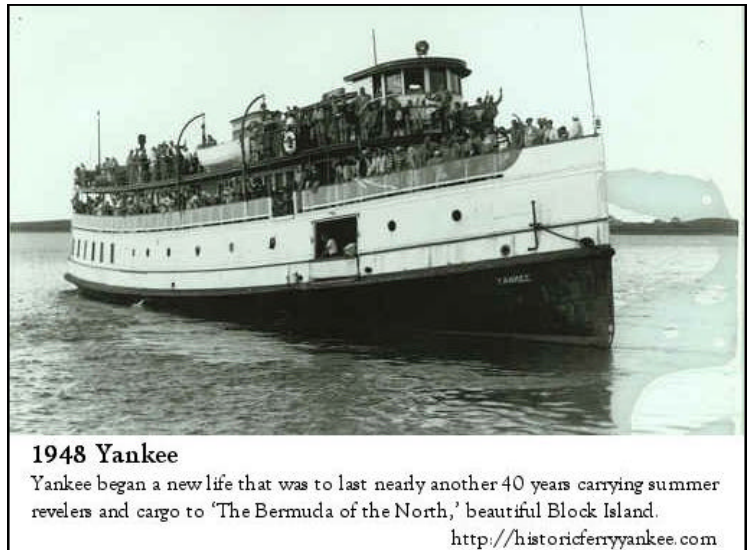
these waters, for it takes devoted owners and crew, with the support of municipalities, to keep historic vessels on the waterfront.

*“Reminding people of the great age of steam is one of the best things we could do for the public right now. It’s a wonderful comfort to be reminded of the past, of the things we’ve read about in books, and to actually see them on the waterfront. What a great park it could be.”* Tom Cassidy, President, Steamship Historical Society, New York Chapter.

## Definition of Historic Ship

Definitions of historic ships can vary. We have created a four part definition with help from Norman Brouwer, Curator of Ships and Maritime Historian at the South Street Seaport Museum:

1. The vessel is on the National Register of Historic Places, which “accepts vessels over 50 years of age which retain enough of their historic fabric; or vessels built more recently which have particular historic significance.”\* This is the most basic definition, since the vessel goes through a State screening process in determining its status. Furthering that, vessels can also be designated as National Historic Landmarks.



2. The vessel is not governed by “an arbitrary [construction] date...[it could be] any vessel of a type that is no longer being built (and, aside from ‘replicas,’ there is no reason to believe will ever be built again).”\*

3. Quality replicas of worthy vessels could be considered historic -- for example, *Half Moon*, which is a replica of Henry Hudson’s ship that discovered the Hudson River, or *Clearwater*.

4. Foreign vessels that are historically relevant or are on the equivalent of the National Register of Historic Places of another country -- for example, *Klang II*, a Danish boat that ferried refugees out of Nazi Germany in World War II.

Some vessels are very old and, therefore, people assume they must be historic, but age is not the sole determining factor. Among the factors considered in designation to the National Register of Historic Places are:

(1) how much of the original fabric has been preserved, (2) what is the overall preservation status (condition), (3) how much enthusiasm and ability exists in those restoring the vessel, and (4) is there any specific historical significance of the vessel: For example: lightships are not built anymore and are functionally extinct, making them rarer and rarer over time. Another example is *M/V Yankee*, which is the only Ellis Island immigration ferry in existence.

Vessels needn’t have originated in New York to be semi permanently docked here -- many notable historic vessels docked in New York Harbor have their origins in other ports. For example, just in New York City, the bark *Peking* was built in Hamberg, Germany, and the ship *Watertree* was built in Southampton, England. The U.S.S. *Intrepid* was built in Newport News, Virginia and the U.S.S. *Edson* is from Bath, Maine. Ships, by nature, are transient entities, traveling to and docking at many ports.

\*Norman Brouwer



## Infrastructure Needs of Historic Vessels

### General needs

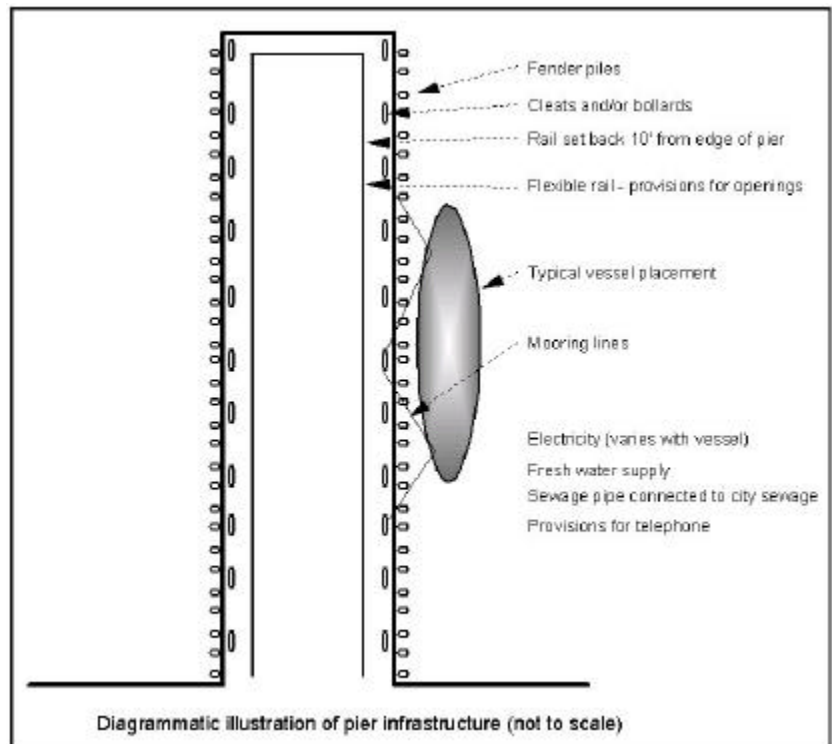
*“There will not be ships of any kind without the infrastructure to support their presence in the park. Ships need certain things to dock at piers, things like cleats and camels.”* Frank O. Braynard, author; founder, *Op Sail*

The list of these needs is not lengthy. However, piecemeal planning for vessels in limited areas of the park will curtail flexibility in programming, which will then impair Hudson River Park’s functioning in many areas, including Op-Sail and other harbor festivals. During times of emergency such as the World Trade Center collapse, people had to jump onto vessels that were tied up in makeshift ways at Battery Park City because there was nothing to tie up to except trees and street lamps; no ladders, no fendering, and extremely limited access due to immovable iron railings. This situation should not be repeated again in any way.

Stanton Eckstut, a co-designer of Battery Park City said, “Our biggest mistake was that we made a plan for the waterfront without making a plan for the water.” The only area planned to accommodate vessels was North Cove, where large privately owned vessels have long-term, expensive berths. The rest of the waterfront is a bulkhead with a permanent, non-removable, iron railing. Twenty years ago, “we were totally consumed with the land side” of planning, says Ekstut. “There weren’t a lot of entrepreneurs on the waterfront to get new ideas from” in designing interesting uses for the river. As a result, most of Battery Park City is functionally landlocked.

### On Historic Ship Piers

The three historic ship piers (25, 54, and 97) need several elements included in their basis design: Sewage pumpout; electric, telephone and water connections; and some kind of vehicle access, albeit limited in places. Without these things, an historic ship cannot function as it needs to for educational and other programming purposes onboard. Supplies need to be brought onboard for programming, maintenance and renovation; groups of disabled people can’t always access historic vessels without some type of vehicle support (and though historic vessels do not have to comply with Americans With Disabilities Act requirements, the lightship *FRYING PAN* has been made completely handicapped accessible on its main deck.



On historic ship piers, the railing needs to be set back to accommodate the vessels’ needs on the pier. Those needs include renovation or programming work, or holding material that may need to be loaded. But most important, cleats are needed between railing and pier edge, as that space is needed to tie up lines (someone needs to stand on the pier to tie the line). Setbacks like this have been designed and implemented without problem on Hoboken Terminal Plaza North in order to accommodate water access. Of course, any railing needs to be adjustable to provide flexible opening points for access, which can then be secured in some way.

Flexibility is key in designing these piers. Since vessels come in various shapes and sizes, the openings for the railings need to be frequent or flexibly arranged: a shorter vessel will need a correspondingly shorter length of the pier for lines, etc., and a longer vessel will need more.

Fendering is needed to protect vessels and piers from each other. Fendering typically consists of sacrificial piles driven along the perimeter of a pier. In addition to providing protection for both the pier (by absorbing shock loads) and a vessel alongside, they allow a vessel to tie up without having to worry about being caught on the edge of a pier. They also provide a measure of floating ice protection. To be effective, fender piles should be a minimum of 8 feet apart.

### On other piers

In order to have historic vessels on other piers, the same infrastructure is needed. Vessels can exist without a large railing setback, but they all need flexible railing openings and at least three feet between the rail and the edge of the pier for tying up. Even without specific, long term programming plans for ships, historic or otherwise, all railings need flexibility to accommodate harbor festivals, emergency or rescue access by water, and possible maintenance needs in the park.

*“Hudson River Park should create the ability for vessels to dock all along its piers so that it can begin to host really magnificent harbor festivals. It’s what people want. Local ships, and ships visiting from other ports, will be what makes this park a real treasure. No other park has quite this potential.”*

Frank O. Braynard,

### Maritime Artifacts

Given the intent of Hudson River Park to provide educational opportunities in the broadest possible way, maritime artifacts and exhibits can be placed at various locations in the park for the public to interpret. For instance, a working steam engine – unlike an internal combustion engine -- is open and can reveal big, slow moving parts. These can be designed to be displayed openly on a pier. Also, a pilot house from a ferry or wheelhouse from a tugboat could be fitted out with engine controls or telegraph to the engine room, the wheel and whistles serving as prime material for an interactive exhibit for children.

As part of the design and programming of historic ship piers, it makes sense to place maritime artifacts at least at these three locations, along with appropriate signage. There are a number of other items that could educate the public about the historic port of New York. If interior pier shed space is available, in addition to space onboard vessels, then a range of objects could be displayed and the space could also be used in conjunction with lectures, discussions, and classes or workshops on maritime history, safe boating practices, and boat building.

### Crew Policies on Historic Vessels

The Park Act states: *“Prohibited [park] use means...residential.”* Section 3 (j)(i). Crew aboard historic vessels in the park do **not** constitute a “residential” use, since their purpose onboard is to (1) work *on* the vessel, (2) protect it from damage from any source, or (3) prepare it for public access and programming.

As mentioned earlier, crew onboard historic vessels can serve as park watchdogs. But their main purpose is to work on the vessel and to be available in case of any mishap, acts of vandalism, structural integrity problem, etc. The individual needs of each vessel may vary. Larger vessels may require larger crews to work them. Smaller vessels may be able to exist with no crew living aboard, but regular access and maintenance done on a daily basis. Since no vessel, historic or otherwise, can completely limit access to its decks (even moored vessels can be accessed by anyone in a dingy), the need for authorized personnel to be onboard or available almost continuously is very important. Though cabin and interior spaces can be locked aboard vessels, locking the park gates at night is not enough to completely guard against unauthorized access on decks.

Also, historic vessels are all constantly in need of renovation and repair. This job is never done. Workers need access on a daily basis to clean, scrap, paint, caulk, and weld, among other activities. Historic vessels are, by nature, objects in transition. Even without major damage from wakes or storms, these vessels need people working on them continuously. The people working on historic vessels are carpenters, welders, machinists, engineers, painters, restorers. The public should see what it takes to maintain an historic vessel. Many will volunteer to help.

Part of life on historic ships involves the constant fight against the elements: Rain, snow, wind, the river all take their toll on vessels. No responsible boat owner will tell you that the job of repair and maintenance is ever done. This work will continue in Hudson River Park with the historic vessels docked there. The public also can view such work being performed and programming can center around the maintenance of historic vessels. As new vessels come to Hudson River Park in various degrees of repair, they can be observed being brought back to life before the eyes of the public. This has already occurred with several historic vessels in the park right now. Without such work by dedicated boat owners, very few historic vessels would have survived into the 21<sup>st</sup> Century.

"Crew living and/or working onboard historic boats is the norm in seaports and harbors around the country, and the unique characteristics of each vessel need individual attention all the time. But it's well worth it." *Tom Cassidy*

## Events Onboard Historic Vessels

### Public events

Public access to historic vessels in Hudson River Park should be scheduled regularly, especially in season, from April to October. In New York City, off season is often too cold on the waterfront for most people, although some events can be successfully scheduled then.

The most basic form of access is the **open house** or unguided tour of the vessel. On these days, the boat is open, with supervision, to the public to walk upon and experience. Informal information can be given out to those interested in history or in the practical details of the boat or ship.

The **guided tour** is another public access option. Groups of people would gather at a specified time to be given information on a vessel or group of vessels on a pier. People are most interested in what the vessel originally did on the waterways and how it survived the years. Since vessels can work many areas and many ports, there are often very interesting tales to tell, as well as how the vessel came to this port. The renovations done on a vessel over time (going from steam to diesel engine power, etc.) also provide information to those who are interested, and many people do want to learn such details.

**Working apprenticeships** for young people or adults can be created so they can learn about ship upkeep and renovation by doing hands on work on the vessel, all within reasonable limits. Just as Floating the Apple teaches young people about boat building, apprenticeships to work on existing historic vessels can bring the waterfront to people who might otherwise never have any connection to waterfront activities or maritime history. To this end, partnerships can be forged between historic vessels and nonprofit groups. For instance, the Police Athletic League and the historic tugboat *Pegasus* have joined to create programming onboard for children. PAL kids can learn about historic vessels and then give that knowledge out to the public in a structured setting, or they can work hands on the doing the work needed to restore the vessel.

**Lectures, readings from literature, or panel discussions** can form another type of programming aboard historic ships. Ships dockside are a terrific place in which to learn because the environment is fundamentally different than on land and people's attention is heightened because of it. The rocking of the boat reminds people they are on the water and creates an evocative experience.

**Concerts, plays, dance, and other artistic and cultural events** have been and can be successfully staged again on historic vessels, especially on larger ships. Indeed, in the Environmental Impact Statement, one of the stated goals of Hudson River Park is to “*integrate art and performance space within the park’s boundaries.*” In the somewhat protected setting of a vessel docked on the waterfront, events can take on a whole new dimension. These events can be programmed for free or affordable cost to the public, depending on grant availability or other funding options. Public or private grants are available to help with expenses as well as nominal or pay-what-you-wish charges collected at the door. This activity should be programmed in conjunction with the above listed public access options, and not in lieu of regular, historical programming.

**Sailing aboard an historic vessel**, if it is operational, is yet another way to experience and learn. Those vessels going out on the river provide real life activities for adults and children who might otherwise never go out on anything other than a commercial ferry. Affordable options should be explored to make such outings available to as many people as possible.

**The North River Historic Ship Society believes that the primary purpose of historic vessels in Hudson River Park is to provide the public with the knowledge and understanding of their maritime heritage as Americans. Therefore, the goal of their onboard activities should be teaching the public about the individual vessel, where it’s been, what it did, and how it survived the years.**

## Private Events

Apart from the above activities, vessels should be able, without impediment, to engage in reasonable onboard activities that will allow the vessel to maintain itself financially. Very few, if any, historic vessel owners are independently wealthy. Most need revenue generating private events onboard to supplement grants, entrance fees, etc., in the manner of operation of most museums.

**Determining what are appropriate activities onboard historic vessels in Hudson River Park can be decided by judging them in relation to these two considerations:**

- 1) That the *primary* purpose of the historic vessel in the park is to provide public access, educational programming and cultural enrichment, in that order, and**
- 2) That the revenue generating activities onboard are *secondary* uses, reasonable in scope and content, and won’t interfere with general park objectives or operation.**

Since the primary purpose of historic vessels in Hudson River Park is to provide the public with the opportunity to learn about the vessel and its history, then private event activities cannot constitute the vessel’s primary purpose.

As with standard museum practices, the regular hours of operation for public access should be regular, and private events should be scheduled around public hours. For example, the New York City Fireman’s Museum on Spring Street in Manhattan hosts profit making children’s birthday parties and private parties. These events take place either during business hours, using part of the facility with the rest open to the public, or after hours when the museum is closed to the public.

Similarly, many other museums rent out sections of their space periodically for private parties, providing additional income while minimally affecting regular programming. Of course, these activities don’t constitute a primary purpose of the institution, but they do allow for important income generation from private events within a public setting. **Implementing this model will require cooperation between the Trust and the vessel owners, because without private events onboard, the park will have few or no historic vessels.**



How these activities are set up onboard an historic vessel depends upon its corporate, private, or not-for-profit ownership structure. Private events onboard historic vessels, since they would not be ongoing activities but largely a series of non-related, one-time events, would not necessarily require the creation of a not-for-profit corporate structure. And, of course, many vessels (depending on individual situations, vessel types and sizes), would not engage in any of these activities at all. Some vessels would probably be more active on the water and leave the dock, taking passengers out on the river, and others might be too small to host events or additional activities onboard.

To create additional revenue for operation, historic vessels can create membership organizations, apply for public or private grants, have entrance fees or suggested donations, and host private events onboard. The goal is to be able to perform maintenance and repair on the vessel, provide public access in a park setting, and remain financially viable and independently operated.

### Ownership of Historic Vessels

Vessels can be owned and operated in a variety of ways. Most historic vessels are owned by an individual, a group, or a not-for-profit. Some are privately owned with a not-for-profit organization responsible for public programming. North River Historic Ship Society members believe what is of primary importance is not who owns the historic vessel but how the public benefits from its presence in the park. This is determined by four things: the historic quality of the vessel itself, how it is programmed, its uniqueness among vessels, and its physical appearance. **Historic vessels should remain independent entities in the park and, as long as they conform to park objectives and provide reasonable public access, they should be left to operate on their own, such operations under review by the Trust.**

### Vessels in Transition

Historic and other vessels are constantly being worked on, either undergoing routine maintenance, simple or more extensive repair, or partial or total renovation to bring the vessel back to a more of its original state. During its working life, many owners, in order to continue to work the vessel, alter it to fit changing needs and requirements. One of the biggest changes to vessels is the alteration of the engine from steam to diesel power. Also, vessels often go from one use to another, undergoing retrofitting to accommodate new uses. These changes alter the vessel from its original integrity, yet are often necessary for the basic survival of the vessel on the water, because if needed changes are not made, scrapping is often the only answer. Boats, like people, need to change with the times.

The National Register of Historic Places recognizes that such alterations are often necessary and accepts vessels that are altered from their original state, within certain limits. The National Register also takes into consideration the dedication of the owner in preserving and responsibly maintaining the vessel. Owners who have taken once decrepit old boats and worked on them to bring them back into working order, perhaps even returning them to more of their original appearance, are given a tremendous amount of credit in the process that places them on the Register. Not only is the vessel appraised, but often its owner as well.

Allowing vessels to perform repair and maintenance is essential for their existence in the park. And even extensive renovation can serve a useful purpose for the public – they can watch a vessel undergo the work needed to bring it back, and programming can be created to allow the public, within reasonable limits, to participate in that process.

## Floating Exhibits or Operational Vessels

Depending upon the vessel, some will be primarily dockside and not move, and some will go out and take passengers. This is entirely dependent on the individual vessel and its capability, which may also change over time. Where each vessel is placed should be determined by its anticipated activity on the water. Placing a non operational historic vessel next to a boathouse, for example, would be a reasonable plan, since it wouldn't interfere with any smaller but more active water use. But even placing an active historic vessel with other hand powered boats could be easily managed, for any historic vessel would exercise caution and adhere to a no wake policy within the interpier area and beyond.

The National Park Service's Maritime Heritage Program lists most historic ships in the Mid-Atlantic Coastal Region as "museum vessels" in these categories: "floating exhibit" (*Lehigh Valley Railroad Barge No. 79*, railroad barge, Brooklyn, NY); "dry berth exhibit" (*Penguin*, deadrise workboat, Solomons, MD); and "operational" (*Modesty*, sloop, West Sayville, NY). Several historic ships' current listed uses also include "restaurant" (*American*, schooner, Cape May, NJ); "passenger/cargo" (*Commander*, passenger vessel, West Haverstraw, NY); "dining, entertainment center" (*Moshulu*, Bark, Philadelphia, PA); or "excursion/cruise" (*Ventura*, cutter, New York, NY).

**North River believes that historic ships within Hudson River Park be generally categorized as "museum vessels," either operational or floating exhibits. "Excursion/cruise" vessels could also be acceptable, depending on their programming objectives.** "Dry berth" exhibits (on land or piers) will probably not be seen in the park because of space constraints.

The type of public access and/or programming planned for each vessel will largely determine its use and categorization, either as outgoing (operational) or dockside (floating exhibit). Either way, the maximum public benefit should be sought, taking into consideration the individual vessel's size and its general operational potential.

## Semi-permanent or Short-term Docking

It is envisioned that some historic vessels will seek semi permanent placement in the park and others will come on a visiting basis. For semi permanent placement (since these are vessels and move in the water, nothing can ever be "permanent"), there should be a higher standard, to be determined by the committee (see Historic Vessel Placement Advisory Committee).

Short term tie ups should be more flexible. Harbor festivals will attract vessels of various kinds and these stays will probably be very short and need not be reviewed in depth prior to docking or mooring. But other short term dockings should be reviewed for the attributes stated before: its historic quality, its programming, its uniqueness among vessels, and its physical appearance.

According to Norman Brouwer, "Ships that will be permanently, or semi-permanently, moored [docked] here should be held to higher standards of appropriateness than those visiting for short periods. Virtually any interesting craft could be acceptable as a temporary visitor. The maximum temporary visitor being somewhere around a month."

For longer stays, "Ships that actually worked on this waterfront, or visited this waterfront, and have something to say about its past activity, would be the most desirable. Ships of types that were seen here, though they themselves were not, should also be acceptable."

## Requirements of Historic Vessel Owners

### Physical

Owners of historic vessels in Hudson River Park should maintain their vessel daily just as any responsible vessel owner would do. This includes routine maintenance, repair, and major and minor renovation when necessary -- improving a vessel's look, fabric, and structural integrity is an ongoing preservation goal for owners.

Ramps to vessels should be maintained as well. This is often an effort due to wake damage, high tides and other environmental factors. Water, telephone and electrical hookups should be installed and paid by the owner.

According to Norman Brouwer, historic ship owner responsibilities include:

1. Providing camels to properly fend the ship off the pier.
2. Maintaining the ship so that it does not constitute an eyesore.
3. Refraining from activities that constitute a neighborhood nuisance.
4. Obtaining adequate insurance (see insurance requirements).

### Legal

Vessel owners must adhere to all Federal, State and local laws, as well as Coast Guard requirements and Hudson River Park Trust regulations as a condition of docking within Hudson River Park.

### Insurance

North River Historic Ship Society believes that the tremendous potential value of historic vessels in Hudson River Park should balance out many concerns about park exposure to liability. We hope that many, many people will be able to board historic vessels in the park over the years. It seems reasonable that since a stated purpose of the park, indeed, part of its definition, is "historic or cultural preservation including historic ships and vessels," that the Trust assumes some risk for their presence and operation on the waterfront, within reasonable perimeters.

Vessels present some unique situations in that many are unfamiliar with maritime law and the custom of the sea, however, if there is a basic understanding between parties that historic vessels meet a good deal of the Trust's duties and obligations towards historic preservation in the park, then reasonable policies can be formulated to meet all needs. The difference in risk in the park between walking on a lawn and boarding an historic vessel is great – and so are the benefits.

North River Historic Ship Society considers the situation of historic vessels in the park to present a unique circumstance. Even though historic vessels are an important part of the programming and design of this park, and the Trust has some obligation to protect the historic properties within the park, we think the Trust and the historic vessel owner should remain two separate entities, having no insurance obligation to each other. In most normal situations, everyone would carry insurance to protect themselves, however, historic vessel docking can be considered differently.

If the owner of the vessel is willing to assume the risk, the Trust should allow them to do so. We are advised that in admiralty law, there may be very little liability exposure to the trust based on the legal precedent known as the "Gangway Principle," that is, when a person steps onto the gangway of a vessel, the owner of the surrounding property has very little exposure. We believe the greatest risk to the Trust would come from people coming and going to the vessels. We also believe that the Trust may have some obligation to this exposure from the terms of the Programmatic Agreement of March 31, 2000.

Since the Programmatic Agreement discusses the value, treatment and protection of historic properties within Hudson River Park, which includes historic vessels, North River believes the policy of each party insuring their own interests is a reasonable one, since the role of historic vessels in the park will be to provide public access and programming, with private events onboard as a clearly defined secondary activity. This “gangway principle” relationship existed when the lightship *FRYING PAN* was docked at the Intrepid Sea Air Space Museum for three years in the nineteen nineties. At that time *FRYING PAN* provided public access and no other activities onboard, and the Museum did not require *FRYING PAN* to list them as an additional insured.

In all cases, historic vessel owners should provide all legally required insurance for employees and/or volunteers, as well as a safe and toxic-free workplace.

Regarding wreck removal insurance, we advise that a removal estimate be made by an approved marine contractor. A bond or other collateral would be posted for that amount, reduced by the salvage value of the vessel, assuming it is lien free. The depth of the water the vessel is moored in would be taken into account. Sometime swamped vessels may be merely pumped out at low tide if the freeboard of the vessel is greater than the depth of water under the keel.

### Historic Vessel Advisory Placement Committee

Historic vessels under consideration to be placed in Hudson River Park should first come before this committee for discussion and recommendation. This **informal** committee should be made up of academics who are familiar with the issues of historic ship preservation and programming. Three to five people on this committee are sufficient. There should be one chairperson. This committee’s **recommendations** would be made to the Trust for a final decision. Questions to ask include:

1. Is the vessel historic, as defined in this document? If not, does the vessel have unique or striking visual characteristics?
2. What kind of public programming, if any, is planned for the vessel, and does it conform to the principles discussed in “Events Onboard Historic Vessels”?
3. How long is the vessel planning to dock? (see Norman Brouwer’s comments under long and short term docking).
4. What are the space and other physical requirements of the vessel?
5. Does its owner(s) have a serious commitment to the vessel and a responsible track record regarding historic preservation issues?
6. How will the vessel support itself, and what impact, if any, will this have on public access?

### Managing the Historic Ship Piers

Ideally, an experienced individual or group should manage the historic ships piers, since seeking out those knowledgeable about maintaining and preserving historic vessels is the best resource for the Trust to do this work. Final decisions on policy would, of course, rest with the Trust. There are various practical aspects to historic vessel placement and operation that require experienced people to address, as well as interim, short term, and harbor festival issues. And three historic ship piers represent almost one quarter of all the piers in the park.

## Conclusion

by Peter Stanford, President Emeritus, National Maritime Historical Society

*The encounter of land and sea has always been a lively one, and the world's seaports have been centers of rich diversity and cultural life. In no city have these facts been more evident than in New York.*

*New York is a city born of the sea, a world-involved seaport challenged and enriched by the sea trades that connect it to the world, and by the people and ideas that have come to us by sea. This is the vital heritage which the North River Historic Ship Society seeks to bring to full, abundant life on the Hudson River Park Trust waterfront, in a cultural renaissance fit to convey the message of the seafaring experience across generations.*

*Practical measures are needed to attract and hold the ships that can visibly express the connective power of our waterways, which served in history and still serve as avenues that broaden out to meet the ocean and ultimately run right around the world. We need electricity on the historic ship piers in enough power to run heavy machinery and conduct the repairs and maintenance our ships and boats have always needed, and ever will. That electricity will make it possible for the ships to live, and will spark the activities that enable the ships to their work of entertaining and educating to their visitors.*

*We need such elementary things as pilings and fenders strong enough to take big ships like the frigate HMS Rose, and to protect her wooden sides. We need flats and stairways to receive smaller more fragile vessels like the freedom schooner Amistad, and dolphin clusters planted in the river to enable such vessels to breast off rather than be banged up against the pier.*

*Walter Cronkite, aboard the frigate Rose at a National Maritime Historical Society conference at the Intrepid some years ago, called for "Access, access, access" to the waterfront. He made it very clear he meant not just access to a pleasant view, but access to the rewarding, challenging, deeply educational experience of the seafaring heritage of New York. That is what the work of the North River Historic Ship Society is about. And what could be more important? For that work is not only about our enjoyment of the waterfront, but of our young people's ability, particularly, to dream great dreams by the waterside, to conceive great voyages – and to make them.*

2 February 2002

**North River Historic Ship Society**



# Guidelines for Historic Vessels in Hudson River Park

## Appendix - Hudson River Park Trust Statutory Responsibilities 6 February 2002 – Page 1 of 2

The presence of historic vessels is very important in Hudson River Park: Noting this, the Programmatic Agreement between the United States Army Corps of Engineers, the New York State Historic Preservation Officer and the Advisory Council on Historic Preservation, dated March 31, 2000, says the creation of Hudson River Park “*may have an effect on properties listed in or eligible for inclusion on the National Register of Historic Places*” (page 1).

Historic vessels in the park and listed in this document include: the lightship *FRYING PAN*, the ferry *M/V Yankee*, the *U.S.S. Intrepid*, the *U.S.S. Edson*, as well as the *Baltimore and Ohio Railroad Float Transfer Bridge* and five other historic properties. Joining this list after the creation of this document is the retired NYC fireboat *John J. Harvey*, which came back into active fire service as marine Company No 2 for four days commencing 11 September, 2001.

The Programmatic Agreement further discusses the “*Establishment of three mooring locations for other historic vessels at Piers 25, 54, and 97*” describing this as a “*beneficial*” activity for the project. (page 4).

“*Upon the Trust’s selection of historic vessels to be moored within the Park at Piers 25, 54, and 97, the Trust shall consult with the USACE [Army Corps of Engineers] and the SHPO [State Office of Historic Preservation] with respect to the placement of such vessels, and in particular with respect to their method of placement.*” (page 13)

Further, the Agreement discusses the “*intention of avoiding, minimizing and/or mitigating any adverse effects on historic resources*” as a result of construction in Segment 4, and the development of “*guidance for the implementation of the remaining segments of the Project...*” and developing “*a process for SHPO review of the remaining segments...*” (pages 7 and 9)

It goes on to discuss two aspects governing their placement:

“*In identifying historic vessels, the Trust shall consider in particular the method of their placement at the piers...*” going on to say, “*In identifying historic vessels and their potential locations, the Trust shall also consider issues of public access and public safety.*” (pages 13, 14)

In seeking to protect historic properties in the park, the Agreement states:

“*Following the Trust’s selection of historic vessels to be docked at the piers designated above [25, 54, and 97] within the project, the Trust shall consult with the SHPO on all aspects of the mooring activities associated with these vessels for the purpose of avoiding any adverse effects on those historic vessels.*” (page 14)

Under the “*coordination of reviews*” section of this document, it says “*The Trust shall submit design plans to the SHPO for activities within the APE [area of potential effect] with the potential to affect any of the listed or eligible historic properties identified, unless the SHPO agrees otherwise.*” (page 14)

Further, the State Historic Preservation Officer will provide comments on “*any project submissions within 15 calendar days, which comments may include recommended modifications to avoid, minimize, or mitigate adverse effects to historic properties.*” (page 14)

If the State Historic Preservation Officer deems an adverse effect will result from a Trust action, the Trust must consult that office to “*explore alternatives and seek ways to avoid or reduce the effects on historic properties, with implementation of the resulting plan following approval by the SHPO.*” (page 15)

“*Substantial*” park design modifications to approved plans must be *submitted* to SHPO if they have “*the potential to affect adversely any of the listed or eligible properties within the APE identified previously....*” (page 15) These historic properties include the lightship *FRYING PAN*, *M/V Yankee*, and *Baltimore and Ohio Railroad Float Bridge*, *U.S.S. Intrepid* and *U.S.S. Edson*.



# Guidelines for Historic Vessels in Hudson River Park

## Appendix - Hudson River Park Trust Statutory Responsibilities

6 February 2002 – Page 2 of 2

Regarding coordination efforts, *“The Trust shall ensure that designers, contractors, owners of historic vessels and any potential lessees of space under the jurisdiction of the Trust are informed of coordination procedures required for the design and treatment of each segment.”* Further, if there are any historic properties that would be adversely affected as the result of Project implementation, *“the Trust shall stop such work and shall also notify SHPO and the USACE.”* The Trust and SHPO shall then develop a treatment plan for such property...

Separately, the Final Environmental Impact Statement for Hudson River Park states *“Existing historical artifacts within the area...will be left and cared for in situ”* One of eighteen goals of the park is stated here as to: *“Preserve, evoke, and interpret the waterfront’s history, through direct preservation of key features....”*

Historic vessels are considered *“pure park”* uses, as defined in the Hudson River Park Act of 1998. The act specifies that *“the creation of the Hudson River Park will encourage, promote and expand public access to the Hudson River, promote water-based recreation, and enhance the natural, cultural, and historic aspects of the Hudson River.”* section 2(b). Also, it states that *“park use”* includes *“historic or cultural preservation including historic ships and vessels ”* section 3(g)(vi). This means that historic vessels exist in the park to provide public access, educational opportunities, and cultural enrichment, and not as a revenue generator for the park.

From the above documents, North River Historic Ship Society concludes three things:

1. The Hudson River Park Trust has the affirmative responsibility toward the historic properties listed in the Programmatic Agreement. This means that the Trust must find docking space in the park for those specific historic vessels listed above, both interim (during park construction) and long term. In addition to docking space, the piers docking these vessels should be constructed to accommodate them so that they will not suffer damage as a result to inadequate supportive infrastructure (see “Infrastructure to Accommodate Historic Vessels”).
2. While not necessarily the only places for historic vessels to dock, the three historic ship piers will provide at least part of the space for those vessels now in the park, and those coming into the park in the future. These piers need to be built or retrofit to accommodate historic vessels and to avoid damage to them, and interim placements need to do the same.
3. Historic vessels and properties are an integral part of Hudson River Park, providing part of the essence of what this park is to be. The historic nature of the Hudson (or “North”) River is nothing without some reference to the ships, boats, and railroad barges that once dominated the area. Protecting what is historic on this river is part of the definition of the work of the Hudson River Park Trust.

## North River Historic Ship Society

