

301.6 Procedures for application to use State property for public assembly.

(a) Requests to use State property for public assembly shall be made by applicant in the form prescribed by the commissioner at least 30 calendar days prior to the requested use date. The application must be signed by the applicant or an authorized officer thereof and must set forth the name of the applicant, the proposed date, time, duration, nature and location of the planned activity, a thorough description of the activity, an estimate of the expected attendance and a description of any facilities to be provided by the applicant or requested to be provided by the commissioner in support of the activity. The office shall respond to timely filed applications not later than five days prior to the requested use date. The commissioner may, upon good cause shown, waive time limitations for issuance of a permit for public assembly.

(b) Every applicant shall obtain insurance coverage in accordance with the requirements of section 301.4(d) of this Part [See below for provisions of Section 301.4(d)] unless granted a waiver by the office. An applicant may request and will be granted a waiver from this insurance requirement where they can satisfactorily demonstrate that (1) an event is protected under the First Amendment of the United States Constitution, and (2) such insurance is either so financially burdensome or otherwise unobtainable, so as to preclude the applicant from conducting the event.

(c) The commissioner reserves the right to require special facilities be provided at the applicant's expense. Such facilities may include, without limitation, special security measures, first aid facilities and adequate portable toilet facilities. Participants must also comply with all applicable State and local health laws and regulations.

(d) A public assembly may be held only in the area indicated on the permit and during such dates and times and in such a manner as authorized by the permit.

(e) If an application is denied, the applicant will be informed in writing of the reason(s) for the denial, and will be advised that the denial may be appealed by written request to the commissioner submitted within 15 days of receipt of notice of such denial. The commissioner may reverse, affirm or modify the original determination. The commissioner's written determination on the appeal shall be provided no later than 24 hours prior to the requested event time.

(f) In reviewing applications for public assembly or denials thereof, the commissioner may consider the availability of alternative times, dates, locations or manners for the conduct of such activity.

(g) The commissioner may revoke a permit at any time upon the grounds set forth in section 301.7 of this Part.

301.7 Right to decline an application.

The commissioner reserves the right to decline any application for use of State property when such use would be detrimental to or would adversely affect the condition of the State property, would restrict the normal conduct of State operations, or would present a clear hazard to persons or property. Additionally, an application may be denied for any of the following reasons:

(a) a prior application for a permit for the same time and general location has been or will be granted and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area; or

(b) the application, including any required attachments and submissions, is not fully completed or executed; or

(c) the applicant has failed to obtain required insurance or insurance waiver; or

(d) the application contains a material falsehood or misrepresentation; or

(e) the applicant is legally incompetent to contract or to sue or be sued; or

(f) the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged State property, or has outstanding debts to the State; or

(g) within the preceding four years, the applicant has violated a material term or condition of a State use permit, or any law, ordinance, or regulation relating to the use of State property; or

(h) the use or activity intended by the applicant conflicts with programs sponsored by the commissioner and scheduled for the same general location and all or a portion of the same time; or

(i) the applicant's intended use or activity is inconsistent with the designated purpose of the specific location requested; or

(j) the location requested is not suitable for the intended use or activity because of its special nature; or

(k) the use or activity intended would unreasonably interfere with the enjoyment of the location by others; or

(l) the number of persons engaged in the event exceeds the number that can reasonably be accommodated in the particular location; or

(m) the use or activity intended by the applicant is prohibited by law or by this Part.

301.8 Right to limit use due to unforeseen circumstances.

The commissioner reserves the right to limit the use of State facilities, at any time, due to unforeseen operational requirements.

301.9 Scheduling, cancellation, consistency with application.

Facility managers shall be responsible for the scheduling of use of State facilities. Planned events must be conducted within approved parameters, including but not limited to described use, time frames, physical areas and any conditions imposed by the commissioner. Events or activities inconsistent with approved parameters constitute a violation of this Part and may be subject to termination. Approval of an event does not constitute an endorsement by the State and the commissioner may require that an applicant include appropriate disclaimers in its materials or publications. The State shall not be responsible for any loss or damage to personal property or for personal injury that occurs on State property; provided, however, that this subdivision shall not preclude the commissioner from consideration of a claim for property damage or personal injury pursuant to section 8(12-a) of the State Finance Law.

301.4(d) Insurance.

Insurance requirements are established to provide adequate funding for the indemnification of the State of New York and the office for claims of bodily injury or property damage arising out of or in any way connected with use of State facilities as provided herein. It is the policy of the Office of General Services to require commercial general liability insurance with limits of not less than \$1,000,000 per occurrence, \$2,000,000 in the aggregate, naming the People of the State of New York, its officers, agents and employees, as additional insureds. A certificate of insurance in a form acceptable to the commissioner, naming the State as an additional insured, must be delivered to the commissioner prior to the commencement of any event. Alternate arrangements may be made for self-insured governmental entities upon prior approval of the commissioner, provided that comparable financial security is secured. The named insured on the Certificate of Insurance must match the Applicant listed in Box 1 on this form.