

S. 3617

A. 7140

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

March 25, 2009

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IN SENATE -- Introduced by Sen. WINNER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. O'MARA -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the granting of utility easements within reforestation areas

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The environmental conservation law is amended by adding a  
2     new section 9-0511 to read as follows:  
3     S 9-0511. UTILITY EASEMENTS.  
4     THE COMMISSIONER IS HEREBY AUTHORIZED TO GRANT UTILITY EASEMENTS FOR  
5     FAIR MARKET VALUE WITHIN A REFORESTATION AREA FOR THE PURPOSE OF PROVID-  
6     ING ELECTRICAL POWER TO PERSONS RESIDING WITHIN SUCH AREA. SUCH EASE-  
7     MENTS SHALL BE LIMITED TO PLACEMENT WITHIN THE FOOTPRINT OF A PUBLIC  
8     ROADWAY. ANY SUCH EASEMENT MAY BE GRANTED UPON APPLICATION BY ANY PERSON  
9     RESIDING WITHIN A REFORESTATION AREA, WHERE GRANTING OF SUCH EASEMENT  
10    WOULD ALLOW SUCH APPLICANT TO RECEIVE ELECTRICAL POWER. IN MAKING HIS OR  
11    HER DETERMINATION WITH RESPECT TO WHETHER OR NOT AN APPLICATION FOR A  
12    UTILITY EASEMENT SHALL BE GRANTED, THE COMMISSIONER SHALL CONSIDER:  
13    1. THE ENVIRONMENTAL COMPATIBILITY OF UTILITY POLES AND UTILITY LINES  
14    WITH THEIR SURROUNDINGS, INCLUDING THE IMPACT OF SUCH POLES AND LINES ON  
15    THE NATURAL ENVIRONMENT, WILDLIFE AND BIRDS, THE AESTHETICS OF THE  
16    REGION AND OUTDOOR RECREATIONAL OPPORTUNITIES; AND  
17    2. WHETHER OR NOT THE PUBLIC GOOD SHALL BE SERVED BY GRANTING SUCH  
18    EASEMENT.  
19    S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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