S T A T E O F N E W Y O R K

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

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:

Section 1. The environmental conservation law is amended by adding a new section 9-0511 to read as follows:

S 9-0511. UTILITY EASEMENTS.

THE COMMISSIONER IS HEREBY AUTHORIZED TO GRANT UTILITY EASEMENTS FOR FAIR MARKET VALUE WITHIN A REFORESTATION AREA FOR THE PURPOSE OF PROVIDING ELECTRICAL POWER TO PERSONS RESIDING WITHIN SUCH AREA. SUCH EASEMENTS SHALL BE LIMITED TO PLACEMENT WITHIN THE FOOTPRINT OF A PUBLIC ROADWAY. ANY SUCH EASEMENT MAY BE GRANTED UPON APPLICATION BY ANY PERSON RESIDING WITHIN A REFORESTATION AREA, WHERE GRANTING OF SUCH EASEMENT WOULD ALLOW SUCH APPLICANT TO RECEIVE ELECTRICAL POWER. IN MAKING HIS OR HER DETERMINATION WITH RESPECT TO WHETHER OR NOT AN APPLICATION FOR A UTILITY EASEMENT SHALL BE GRANTED, THE COMMISSIONER SHALL CONSIDER:

1. THE ENVIRONMENTAL COMPATIBILITY OF UTILITY POLES AND UTILITY LINES WITH THEIR SURROUNDINGS, INCLUDING THE IMPACT OF SUCH POLES AND LINES ON THE NATURAL ENVIRONMENT, WILDLIFE AND BIRDS, THE AESTHETICS OF THE REGION AND OUTDOOR RECREATIONAL OPPORTUNITIES; AND

2. WHETHER OR NOT THE PUBLIC GOOD SHALL BE SERVED BY GRANTING SUCH EASEMENT.

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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