

8026

I N   S E N A T E

June 6, 2016

---

Introduced by Sens. LITTLE, AMEDORE, BONACIC, FARLEY, GRIFFO, SEWARD --  
read twice and ordered printed, and when printed to be committed to  
the Committee on Rules

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 14 of the constitution, in relation to  
allowing public utility lines and bicycle paths on certain state lands  
in the forest preserve and establishing a forest preserve land bank  
for public projects

1     Section 1. Resolved (if the Assembly concur), That article 14 of the  
2 constitution be amended by adding a new section 6 to read as follows:

3     S 6. NOTWITHSTANDING THE PROVISIONS CONTAINED IN SECTIONS ONE AND  
4 THREE OF THIS ARTICLE:

5     1. A. PUBLIC UTILITY LINES MAY BE BURIED OR CO-LOCATED BY A MUNICI-  
6 PALITY OR PUBLIC UTILITY COMPANY WITHIN THE WIDTH OF ANY TOWN HIGHWAY IN  
7 EXISTENCE ON JANUARY FIRST, TWO THOUSAND FIFTEEN AND WHICH IS LISTED ON  
8 THE LOCAL HIGHWAY INVENTORY MAINTAINED BY THE DEPARTMENT OF TRANSPORTA-  
9 TION, OR ANY STATE OR COUNTY HIGHWAY, WHERE SUCH HIGHWAY TRAVERSES STATE  
10 LAND IN FOREST PRESERVE COUNTIES, AS DEFINED BY LAW, AND WHICH ARE  
11 SUBJECT TO SECTION ONE OR THREE OF THIS ARTICLE, AND ESSENTIAL RELATED  
12 PUBLIC UTILITY LINE INFRASTRUCTURE MAY BE LOCATED WITHIN THE WIDTHS OF  
13 SUCH HIGHWAYS, AS DEFINED IN LAW, AND CONSISTENT WITH STANDARDS AND  
14 REQUIREMENTS SET FORTH IN LAW.

15     B. BICYCLE PATHS MAY BE CONSTRUCTED AND MAINTAINED IN THE WIDTH OF ANY  
16 TOWN HIGHWAY IN EXISTENCE ON JANUARY FIRST, TWO THOUSAND FIFTEEN AND  
17 WHICH IS LISTED ON THE LOCAL HIGHWAY INVENTORY MAINTAINED BY THE DEPART-  
18 MENT OF TRANSPORTATION, OR ANY STATE OR COUNTY HIGHWAY, WHERE SUCH HIGH-  
19 WAY TRAVERSES STATE LAND IN FOREST PRESERVE COUNTIES, AS DEFINED BY LAW,  
20 AND WHICH ARE SUBJECT TO SECTION ONE OR THREE OF THIS ARTICLE, CONSIST-  
21 ENT WITH STANDARDS AND REQUIREMENTS SET FORTH IN LAW.

22     2. THE STATE SHALL ESTABLISH AN ADIRONDACK REGIONAL LAND BANK AND A  
23 CATSKILL REGIONAL LAND BANK, WHICH COMBINED SHALL CONSIST OF NOT MORE  
24 THAN A TOTAL OF SEVEN HUNDRED FIFTY ACRES OF STATE LANDS IN FOREST  
25 PRESERVE COUNTIES, AS DEFINED BY LAW AND WHICH ARE OTHERWISE SUBJECT TO  
26 SECTION ONE OR THREE OF THIS ARTICLE. WHERE NO FEASIBLE ALTERNATIVE  
27 EXISTS AND OTHER CRITERIA DEVELOPED BY THE LEGISLATURE ARE SATISFIED, A

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

LBD89130-02-6

PROJECT SPONSOR, WHICH SHALL BE LIMITED TO A COUNTY, A TOWN, A PUBLIC UTILITY COMPANY, A PUBLIC WATER SUPPLIER OR, FOR PURPOSES OF A BICYCLE PATH, THE DEPARTMENT OF TRANSPORTATION, MAY USE OR RECEIVE LAND FROM A REGIONAL LAND BANK FOR AN ELIGIBLE PROJECT, WHICH SHALL BE LIMITED TO:

A. ENVIRONMENTAL INFRASTRUCTURE, AS DEFINED IN LAW, LOCATED NEAR HIGHWAYS;

B. PUBLIC UTILITY LINES AND ASSOCIATED INFRASTRUCTURE LOCATED NEAR HIGHWAYS;

C. BICYCLE PATHS;

D. BRIDGE PROJECTS;

E. RELOCATION, RECONSTRUCTION AND MAINTENANCE OF EXISTING TOWN AND COUNTY HIGHWAYS FOR THE PURPOSE OF ELIMINATING THE HAZARDS OF DANGEROUS CURVES AND GRADES AND TO ADDRESS DRAINAGE PROBLEMS ON SUCH HIGHWAYS; OR

F. WATER SUPPLY PROJECTS.

NO INDIVIDUAL PROJECT MAY USE MORE THAN FIVE ACRES OF SUCH LAND, AND NO MORE THAN TEN ACRES OF SUCH LAND MAY BE USED FOR SUCH PROJECTS BY AN INDIVIDUAL TOWN UNLESS AUTHORIZED BY THE LEGISLATURE, AND NO MORE THAN FIFTEEN ACRES OF SUCH LAND MAY BE USED FOR SUCH PROJECTS BY AN INDIVIDUAL COUNTY UNLESS AUTHORIZED BY THE LEGISLATURE, CONSISTENT WITH STANDARDS AND REQUIREMENTS SET FORTH IN LAW. STATE LANDS MAY BE CONVEYED IN FEE OR, FOR A PUBLIC UTILITY LINE, AN EASEMENT MAY BE GRANTED, TO A PROJECT SPONSOR WITH A DEED RESTRICTION SPECIFYING THAT THE LAND SHALL ONLY BE USED FOR THE PURPOSE AUTHORIZED. ANY PUBLIC UTILITY PROJECT OR WATER SUPPLY PROJECT PROPOSED UNDER THIS SUBDIVISION MUST BE APPROVED BY THE TOWN BOARD OR BOARDS OF THE TOWN OR TOWNS IN WHICH SUCH PROJECTS ARE PROPOSED TO BE LOCATED. ALL PROJECTS MUST RECEIVE ANY AND ALL PERMITS OR AUTHORIZATIONS REQUIRED BY LAW.

3. ANY PAYMENTS REQUIRED TO BE MADE PURSUANT TO LEGISLATION FOR THE USE OF SUCH LAND SHALL BE PAID INTO AN ACCOUNT OF THE STATE TO BE USED ONLY FOR ACQUISITIONS TO THE FOREST PRESERVE.

4. PRIOR TO ALLOWING ANY PROJECT SPONSOR TO USE LAND FROM A LAND BANK FOR AN ELIGIBLE PROJECT, AS AUTHORIZED BY SUBDIVISION TWO OF THIS SECTION, THE STATE SHALL ACQUIRE NO LESS THAN SEVEN HUNDRED FIFTY ACRES TO BE ADDED TO THE FOREST PRESERVE.

S 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members to the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.