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

10721--A

I N A S S E M B L Y

June 13, 2016

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Englebright) -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Judiciary -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted 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 health and safety land account

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

NOTWITHSTANDING THE FOREGOING PROVISIONS AND SUBJECT TO LEGISLATIVE APPROVAL PRIOR TO ACTUAL TRANSFER OF TITLE, A TOTAL OF NO MORE THAN TWO HUNDRED FIFTY ACRES OF FOREST PRESERVE LAND SHALL BE USED FOR THE ESTABLISHMENT OF A HEALTH AND SAFETY LAND ACCOUNT. WHERE NO VIABLE ALTERNATIVE EXISTS AND OTHER CRITERIA DEVELOPED BY THE LEGISLATURE ARE SATISFIED, A TOWN, VILLAGE OR COUNTY MAY APPLY, PURSUANT TO A PROCESS DETERMINED BY THE LEGISLATURE, TO THE HEALTH AND SAFETY LAND ACCOUNT FOR PROJECTS LIMITED TO: ADDRESS BRIDGE HAZARDS OR SAFETY ON COUNTY HIGHWAYS, AND TOWN HIGHWAYS LISTED ON THE LOCAL HIGHWAY INVENTORY MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DEDICATED, AND IN EXISTENCE ON JANUARY FIRST, TWO THOUSAND FIFTEEN, AND ANNUALLY PLOWED AND REGULARLY MAINTAINED; ELIMINATION OF THE HAZARDS OF DANGEROUS CURVES AND GRADES ON COUNTY HIGHWAYS, AND TOWN HIGHWAYS LISTED ON THE LOCAL HIGHWAY INVENTORY MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DEDICATED, AND IN EXISTENCE ON JANUARY FIRST, TWO THOUSAND FIFTEEN, AND ANNUALLY PLOWED AND REGULARLY MAINTAINED; RELOCATION AND RECONSTRUCTION AND MAINTENANCE OF COUNTY HIGHWAYS, AND TOWN HIGHWAYS LISTED ON THE LOCAL HIGHWAY INVENTORY MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DEDICATED, AND IN EXISTENCE ON JANUARY FIRST, TWO THOUSAND FIFTEEN AND ANNUALLY PLOWED AND REGULARLY MAINTAINED, PROVIDED FURTHER THAT NO SINGLE RELOCATED PORTION

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

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OF ANY SUCH HIGHWAY SHALL EXCEED ONE MILE IN LENGTH; AND WATER WELLS AND NECESSARY APPURTENANCES WHEN SUCH WELLS ARE NECESSARY TO MEET DRINKING WATER QUALITY STANDARDS AND ARE LOCATED WITHIN FIVE HUNDRED THIRTY FEET OF STATE HIGHWAYS, COUNTY HIGHWAYS, AND TOWN HIGHWAYS LISTED ON THE LOCAL HIGHWAY INVENTORY MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DEDICATED, AND IN EXISTENCE ON JANUARY FIRST, TWO THOUSAND FIFTEEN, AND ANNUALLY PLOWED AND REGULARLY MAINTAINED. AS A CONDITION OF THE CREATION OF SUCH HEALTH AND SAFETY LAND ACCOUNT THE STATE SHALL ACQUIRE TWO HUNDRED FIFTY ACRES OF LAND FOR INCORPORATION INTO THE FOREST PRESERVE, ON CONDITION THAT THE LEGISLATURE SHALL APPROVE SUCH LANDS TO BE ADDED TO THE FOREST PRESERVE.

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

S 6. WHERE STATE, COUNTY, OR TOWN HIGHWAYS LISTED ON THE LOCAL HIGHWAY INVENTORY MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DEDICATED AND IN EXISTENCE ON JANUARY FIRST, TWO THOUSAND FIFTEEN, AND ANNUALLY PLOWED AND REGULARLY MAINTAINED, TRAVERSE FOREST PRESERVE LAND, PUBLIC UTILITY LINES, LIMITED TO ELECTRIC, TELEPHONE, BROADBAND, WATER OR SEWER LINES AS DEFINED IN LAW, MAY, CONSISTENT WITH STANDARDS AND REQUIREMENTS SET FORTH IN LAW, AND FOLLOWING RECEIPT OF ALL PERMITS OR AUTHORIZATIONS REQUIRED BY LAW, BE BURIED OR CO-LOCATED WITHIN THE WIDTHS OF SUCH HIGHWAYS AS DEFINED IN LAW, AND BICYCLE PATHS MAY, CONSISTENT WITH STANDARDS AND REQUIREMENTS SET FORTH IN LAW, AND FOLLOWING RECEIPT OF ALL PERMITS OR AUTHORIZATIONS REQUIRED BY LAW, BE CONSTRUCTED AND MAINTAINED WITHIN THE WIDTHS OF SUCH HIGHWAYS, AS DEFINED IN LAW; PROVIDED, HOWEVER, WHEN NO VIABLE ALTERNATIVE EXISTS AND WHEN NECESSARY TO ENSURE PUBLIC HEALTH AND SAFETY, A STABILIZATION DEVICE FOR AN EXISTING UTILITY POLE MAY BE LOCATED IN PROXIMITY TO THE WIDTH OF THE ROAD, AS DEFINED IN LAW; PROVIDED FURTHER, THAT ANY CO-LOCATION, BURIAL, MAINTENANCE OR CONSTRUCTION SHALL MINIMIZE THE REMOVAL OF TREES OR VEGETATION AND SHALL NOT INCLUDE THE CONSTRUCTION OF ANY NEW INTRASTATE NATURAL GAS OR OIL PIPELINES THAT HAVE NOT RECEIVED ALL NECESSARY STATE AND LOCAL PERMITS AND AUTHORIZATIONS AS OF JUNE FIRST, TWO THOUSAND SIXTEEN.

S 3. Resolved (if the Senate concur), That the foregoing amendments 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.