

# STATE OF NEW YORK

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8301

2017-2018 Regular Sessions

## IN ASSEMBLY

June 6, 2017

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Introduced by M. of A. ENGLEBRIGHT, JONES -- read once and referred to the Committee on Environmental Conservation

### 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

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

4 Notwithstanding the foregoing provisions and subject to legislative  
5 approval prior to actual transfer of title, a total of no more than two  
6 hundred fifty acres of forest preserve land shall be used for the estab-  
7 lishment of a health and safety land account. Where no viable alterna-  
8 tive exists and other criteria developed by the legislature are satis-  
9 fied, a town, village or county may apply, pursuant to a process  
10 determined by the legislature, to the health and safety land account for  
11 projects limited to: address bridge hazards or safety on county high-  
12 ways, and town highways listed on the local highway inventory maintained  
13 by the department of transportation, dedicated, and in existence on  
14 January first, two thousand fifteen, and annually plowed and regularly  
15 maintained; elimination of the hazards of dangerous curves and grades on  
16 county highways, and town highways listed on the local highway inventory  
17 maintained by the department of transportation, dedicated, and in exist-  
18 ence on January first, two thousand fifteen, and annually plowed and  
19 regularly maintained; relocation and reconstruction and maintenance of  
20 county highways, and town highways listed on the local highway inventory  
21 maintained by the department of transportation, dedicated, and in exist-  
22 ence on January first, two thousand fifteen and annually plowed and  
23 regularly maintained, provided further that no single relocated portion  
24 of any such highway shall exceed one mile in length; and water wells and  
25 necessary appurtenances when such wells are necessary to meet drinking

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

LBD89016-01-7



1 water quality standards and are located within five hundred thirty feet  
2 of state highways, county highways, and town highways listed on the  
3 local highway inventory maintained by the department of transportation,  
4 dedicated, and in existence on January first, two thousand fifteen, and  
5 annually plowed and regularly maintained. As a condition of the creation  
6 of such health and safety land account the state shall acquire two  
7 hundred fifty acres of land for incorporation into the forest preserve,  
8 on condition that the legislature shall approve such lands to be added  
9 to the forest preserve.

10 § 2. Resolved (if the Senate concur), That article 14 of the constitu-  
11 tion be amended by adding a new section 6 to read as follows:

12 § 6. Where state, county, or town highways listed on the local highway  
13 inventory maintained by the department of transportation, dedicated and  
14 in existence on January first, two thousand fifteen, and annually plowed  
15 and regularly maintained, traverse forest preserve land, public utility  
16 lines, limited to electric, telephone, broadband, water or sewer lines  
17 as defined in law, may, consistent with standards and requirements set  
18 forth in law, and following receipt of all permits or authorizations  
19 required by law, be buried or co-located within the widths of such high-  
20 ways as defined in law, and bicycle paths may, consistent with standards  
21 and requirements set forth in law, and following receipt of all permits  
22 or authorizations required by law, be constructed and maintained within  
23 the widths of such highways, as defined in law; provided, however, when  
24 no viable alternative exists and when necessary to ensure public health  
25 and safety, a stabilization device for an existing utility pole may be  
26 located in proximity to the width of the road, as defined in law;  
27 provided further, that any co-location, burial, maintenance or  
28 construction shall minimize the removal of trees or vegetation and shall  
29 not include the construction of any new intrastate natural gas or oil  
30 pipelines that have not received all necessary state and local permits  
31 and authorizations as of June first, two thousand sixteen.

32 § 3. Resolved (if the Senate concur), That the foregoing amendment be  
33 submitted to the people for approval at the general election to be held  
34 in the year 2017 in accordance with the provisions of the election law.