

STATE OF NEW YORK

S. 8084

A. 10223

SENATE - ASSEMBLY

March 26, 2018

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to directing the Long Island Power Authority to establish a program for the undergrounding of utility facilities within its service area

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 1020-f of the public authorities law is amended by adding two new subdivisions (ii) and (jj) to read as follows:

(ii) Any town in the service area is hereby authorized to establish an underground utility improvement district utilizing the provisions of articles twelve and twelve-A of the town law for the establishment of special districts. Such underground utility improvement district shall be established and administered pursuant to the provisions of articles twelve and twelve-A of the town law and the provisions of this section. To the extent that the provisions of this section shall in any way be in conflict with articles twelve and twelve-A of the town law, the provisions of this section shall be controlling. After an underground utility improvement district has been established, the town board may take such action as may be required to adopt plans and specifications and enter into a contract or contracts, or take such other actions as may be required, for the conversion of existing overhead utility facilities to underground facilities and construction of new underground facilities for utilities.

(jj) For the years two thousand nineteen, two thousand twenty, two thousand twenty-one, two thousand twenty-two and two thousand twenty-three, the capital budget of the authority shall include funding for the conversion of existing overhead utility transmission facilities to underground utility transmission facilities or the construction of new underground utility transmission facilities. The annual amount of such

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

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1 funding shall be in an amount equal to at least five percent of the
2 total capital budget for the year two thousand eighteen. For the
3 purposes of this section, "utility transmission facility" shall mean an
4 electric transmission line in the service area, including associated
5 equipment.

6 1. Where a town in the service area of the authority has established
7 an underground utility improvement district pursuant to subdivision (ii)
8 of this section, and such town wishes to contract for the conversion of
9 existing overhead utility transmission facilities to underground utility
10 transmission facilities or the construction of new underground utility
11 transmission facilities, said town shall be entitled to a contribution
12 by the authority to the district of at least eighty percent of the cost
13 of the construction of the utility transmission facility to the
14 district, pursuant to the provisions of this subdivision. "Cost" shall
15 be the total cost of constructing the utility transmission facility
16 underground. Any state or federal aid to construct such utility trans-
17 mission facility shall be subtracted from the cost.

18 2. To be eligible for such payment, the town shall first hold a public
19 hearing to determine whether the project is in the general public inter-
20 est. In determining general public interest, the town shall consider:
21 (i) whether the project will avoid or eliminate an unusually heavy
22 concentration of overhead electric public utility facilities, or (ii)
23 whether the street or roadway is extensively used by the general public
24 and carries a heavy volume of pedestrian or vehicle traffic, or (iii)
25 the street or roadway passes through an area which is of general public
26 interest based upon open space resources, farmland preservation
27 resources, historic preservation resources, park and recreation
28 resources, or scenic or aesthetic resources.

29 3. The authority shall pay at least eighty percent of the cost of the
30 improvements, if the town finds that any of the three standards in para-
31 graph two of this subdivision are met.

32 4. Any determination under this subdivision shall be subject to review
33 pursuant to article seventy-eight of the civil practice law and rules.

34 § 2. This act shall take effect immediately.