STATE OF NEW YORK

S. 6861 A. 8609

2017-2018 Regular Sessions

SENATE - ASSEMBLY

September 1, 2017

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

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 requiring the Long Island Power Authority to provide public notice for the construction of utility transmission facilities

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

Section 1. Sections 1020-ii, 1020-jj and 1020-kk of the public authorities law, as renumbered by chapter 388 of the laws of 2011, are renumbered sections 1020-jj, 1020-kk and 1020-ll and a new section 1020-ii is added to read as follows:

§ 1020-ii. Public notice before approval of utility transmission facilities. 1. As used in this section, the following terms shall have the following meanings:

(a) "municipality" means a county, city, town or village in the service area;

(b) "utility transmission facility" means any electric transmission line in the service area, including associated equipment. It shall not include any transmission line which is an in-kind replacement or which is located wholly underground. This section also shall not apply to any major utility transmission facility subject to the jurisdiction of article seven of the public service law; and

(c) "landowner" means the holder of any right, title, or interest in real property as identified from the most recent tax roll of the appropriate municipality located within five hundred feet of a proposed utility transmission facility.

2. The authority shall not construct any utility transmission facility without first providing public notice as provided by this subdivision.

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

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Such public notice shall be provided by the authority before the environmental significance of such action is determined by the authority, pursuant to article eight of the environmental conservation law. The public notice shall provide the following information:

(a) the location of the site or right-of-way;

(b) a description of the transmission facility to be built thereon;

(c) the environmental assessment or environmental impact statement prepared for the action, pursuant to article eight of the environmental conservation law;

(d) a summary of any studies which have been made of the environmental impact of the project, and a description of such studies;

(e) a statement explaining the need for the facility;

(f) a description of any reasonable alternate location or locations for the proposed facility;

(g) a description of the comparative merits and detriments of each location submitted; and

(h) a statement of the reasons why the primary proposed location is best suited for the facility.

Copies of the environmental assessment form, environmental impact statement and studies referred to in the notice shall be filed with the authority and shall be available for public inspection.

3. Notice shall be provided by certified mail return receipt requested to:

(a) each municipality in which any portion of such facility is to be located, both as primarily proposed and in the alternative locations listed. Notice to a municipality shall be addressed to the chief executive officer thereof;

(b) each member of the legislature through whose district the facility or any alternate proposed in the application would pass; and

(c) each landowner.

§ 2. This act shall take effect immediately.