

STATE OF NEW YORK

2040

2019-2020 Regular Sessions

IN SENATE

January 18, 2019

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

AN ACT to amend the public authorities law, in relation to public notice before approval of utility transmission facilities

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

1 Section 1. Section 1020-ii of the public authorities law, as added by
2 a chapter of the laws of 2018 amending the public authorities law relat-
3 ing to requiring the Long Island Power Authority to provide public
4 notice for the construction of utility transmission facilities, as
5 proposed in legislative bill numbers S.6861-A and A.8609-A, is amended
6 to read as follows:

7 § 1020-ii. Public notice before approval of utility transmission
8 facilities. 1. As used in this section, the following terms shall have
9 the following meanings:

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

12 (b) "utility transmission facility" means any electric transmission
13 line operating at sixty-five kilovolts or higher in the service area,
14 including associated equipment. It shall not include any transmission
15 line which is an in-kind replacement or which is located wholly under-
16 ground. This section also shall not apply to any major utility trans-
17 mission facility subject to the jurisdiction of article seven of the
18 public service law; and

19 (c) "[~~utility~~] authority customer" means the customer of record
20 located within five hundred feet of a proposed utility transmission
21 facility.

22 2. The authority shall not construct any utility transmission facility
23 without first providing public notice as provided by this subdivision.
24 Such public notice shall be provided by the authority before the envi-
25 ronmental significance of such action is determined by the authority,

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

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1 pursuant to article eight of the environmental conservation law. The
2 public notice shall provide the following information:

- 3 (a) the location of the site or right-of-way;
- 4 (b) a description of the transmission facility to be built thereon;
- 5 (c) ~~[the environmental assessment or environmental impact statement~~
6 ~~prepared for the action, pursuant to article eight of the environmental~~
7 ~~conservation law,~~

8 ~~(d)]~~ a summary of any studies including an environmental assessment or
9 environmental impact statement pursuant to article eight of the environ-
10 mental conservation law which have been made of the environmental impact
11 of the project, and a description of such studies;

12 ~~[(e)]~~ (d) a statement explaining the need for the facility;

13 ~~[(f)]~~ (e) a description of any reasonable alternate location or
14 locations assessed for the proposed facility;

15 ~~[(g)]~~ (f) a description of the comparative merits and detriments of
16 each location submitted; and

17 ~~[(h)]~~ (g) a statement of the reasons why the primary proposed location
18 is best suited for the facility.

19 ~~[Copies]~~ When completed, copies of the environmental assessment form,
20 environmental impact statement and studies referred to in the notice
21 shall be filed with the authority and shall be available for public
22 inspection.

23 3. Notice shall be provided by first class mail to:

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

28 (b) each member of the legislature through whose district the utility
29 transmission facility or any alternate proposed ~~[in the application]~~
30 would pass; and

31 (c) each ~~[utility]~~ authority customer.

32 § 2. This act shall take effect on the same date and in the same
33 manner as a chapter of the laws of 2018 amending the public authorities
34 law relating to requiring the Long Island Power Authority to provide
35 public notice for the construction of utility transmission facilities,
36 as proposed in legislative bill numbers S.6861-A and A.8609-A, takes
37 effect.