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:

Section 1. Section 1020-ii of the public authorities law, as added by a chapter of the laws of 2018 amending the public authorities law relating to requiring the Long Island Power Authority to provide public notice for the construction of utility transmission facilities, as proposed in legislative bill numbers S.6861-A and A.8609-A, is amended 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 **operating at sixty-five kilovolts or higher** 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) "[~~utility~~] **authority** customer" means the customer of record 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. Such public notice shall be provided by the authority before the environmental 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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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 **including an environmental assessment or environmental impact statement pursuant to article eight of the environmental conservation law** which have been made of the environmental impact of the project, and a description of such studies;

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

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

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

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

[~~Copies~~] **When completed, 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 first class mail 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 **utility transmission** facility or any alternate proposed [~~in the application~~] would pass; and

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

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