STATE OF NEW YORK

10478

IN ASSEMBLY

May 27, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hunter) -- read once and referred to the Committee on Transportation

AN ACT to ensure the safe and efficient delivery of materials for the timely construction of major renewable energy facilities in furtherance of the goals mandated by the New York state climate leadership and community protection act

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

Section 1. Legislative findings and declaration. In 2019, the state enacted the historic New York state climate leadership and community protection act to mitigate the impacts of climate change and reduce greenhouse gas emissions from anthropogenic sources 100% over 1990 levels by the year 2050. In 2020, the state enacted the accelerated renewable energy growth and community benefit act, which provided for the expedited siting of major renewable energy facilities and related transmission. The legislature hereby finds and declares that to meaningfully and timely achieve the historic goals mandated in the New York state climate leadership and community protection act, and to meet the technology-specific requirements set forth therein, including the installation of wind and solar-powered electric generation, the construction of new and repowered wind turbines and solar arrays is an urgent matter of great importance to New York. The legislature further finds that current rules, regulations, and policies addressing the transport of large loads on the state highways and the thruway present impediments to the efficient transport of construction materials used for these projects, including large loads such as wind turbines, which is inconsistent with the goals of the accelerated renewable energy growth and community benefit act. Because of the unprecedented volume and size of materials planned for transport, the current rules regarding the use of police escorts for the transport of such loads may result in delays, shortages of police officer escorts, and retention of truck traffic, that may hinder construction of major renewable energy facilities. Therefore, it is the intent of this act to supersede any such rule or policy, and to allow materials used for the construction of any major

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

LBD15875-02-2

renewable energy facility to be transported on state highways and on the thruway safely using either a police escort, or a private security escort.

§ 2. (a) For the purposes of this act, the term "major renewable energy facility" shall have the same meaning as defined in section 94-c of the executive law.

(b) Notwithstanding any other law, rule, regulation, or internal policy of any state department, agency, public authority, or public benefit corporation, vehicles carrying materials intended for the construction of any major renewable energy facility, including oversize and superload transport vehicles, shall be permitted to travel on the thruway and state highways, in compliance with the requirements set forth in subdivision (c) of this section, on any day of the week, including Saturday and Sunday.

(c) Notwithstanding any other law, rule, regulation, or internal policy of any state department, agency, public authority, or public benefit corporation, vehicles carrying materials intended for the construction of any major renewable energy facility, including oversize and superload transport vehicles, shall be permitted to travel either with a police escort, including but not limited to environmental conservation officers, parks police, county sheriff deputies or the national guard, or with a private security certified escort vehicle as that term is defined in 17 NYCRR 154-1.12. The state shall not bear the cost of any private security escort utilized under this section.

(d) Vehicles carrying materials intended for the construction of any major renewable energy facility, including oversize and superload transport vehicles, shall have a certified annual inspection demonstrating compliance with all applicable state and federal safety standards in lieu of a state police level I full inspection, provided the certified inspection is performed within seven calendar days of the trip, the vehicle is not subject to commercial use in the interim, and the operator of such vehicle makes satisfactory inspection paperwork available to the state police, the department of transportation, and the thruway authority upon request.

(e) All state departments, agencies, public authorities, or public benefit corporations shall prioritize the permitting and requests for approval for such travel for the transport of materials intended for use in a major renewable energy facility. The department of transportation, in consultation with the thruway authority and the state police, shall establish through regulation a program for the certification of private security escorts authorized to escort vehicles transporting materials intended for the construction of any major renewable energy facility.

§ 3. This act shall take effect immediately.