

# STATE OF NEW YORK

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10478

## IN ASSEMBLY

May 27, 2022

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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 further-  
ance 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 Assem-  
bly, do enact as follows:

1 Section 1. Legislative findings and declaration. In 2019, the state  
2 enacted the historic New York state climate leadership and community  
3 protection act to mitigate the impacts of climate change and reduce  
4 greenhouse gas emissions from anthropogenic sources 100% over 1990  
5 levels by the year 2050. In 2020, the state enacted the accelerated  
6 renewable energy growth and community benefit act, which provided for  
7 the expedited siting of major renewable energy facilities and related  
8 transmission. The legislature hereby finds and declares that to mean-  
9 ingfully and timely achieve the historic goals mandated in the New York  
10 state climate leadership and community protection act, and to meet the  
11 technology-specific requirements set forth therein, including the  
12 installation of wind and solar-powered electric generation, the  
13 construction of new and repowered wind turbines and solar arrays is an  
14 urgent matter of great importance to New York. The legislature further  
15 finds that current rules, regulations, and policies addressing the  
16 transport of large loads on the state highways and the thruway present  
17 impediments to the efficient transport of construction materials used  
18 for these projects, including large loads such as wind turbines, which  
19 is inconsistent with the goals of the accelerated renewable energy  
20 growth and community benefit act. Because of the unprecedented volume  
21 and size of materials planned for transport, the current rules regarding  
22 the use of police escorts for the transport of such loads may result in  
23 delays, shortages of police officer escorts, and retention of truck  
24 traffic, that may hinder construction of major renewable energy facili-  
25 ties. Therefore, it is the intent of this act to supersede any such rule  
26 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.

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

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

7 (b) Notwithstanding any other law, rule, regulation, or internal poli-  
8 cy of any state department, agency, public authority, or public benefit  
9 corporation, vehicles carrying materials intended for the construction  
10 of any major renewable energy facility, including oversize and superload  
11 transport vehicles, shall be permitted to travel on the thruway and  
12 state highways, in compliance with the requirements set forth in subdi-  
13 vision (c) of this section, on any day of the week, including Saturday  
14 and Sunday.

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

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

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

43 § 3. This act shall take effect immediately.