

# STATE OF NEW YORK

8311--A

2023-2024 Regular Sessions

## IN ASSEMBLY

November 27, 2023

Introduced by M. of A. FAHY, THIELE, SEAWRIGHT, LUNSFORD, SILLITTI, SHIMSKY, McDONALD -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law and the public authorities law, in relation to permitting the development of multi-use trails in electric utility corridors

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

Section 1. The public service law is amended by adding a new section 53-b to read as follows:

§ 53-b. Powerline trails in utility corridors. 1. Any utility corporation, as the owner, occupant, or lessee of a utility corridor or the holder of an easement or right-of-way covering a utility corridor, may enter into a written contract with a municipality or private landowner to construct and maintain powerline trails covering all or some of such utility corridor.

2. Every utility corporation shall develop and maintain informational resources on its website to encourage, facilitate, and streamline the construction of new powerline trails in utility corridors that are suitable for the construction and maintenance of a powerline trail. Such informational resources, at a minimum, shall:

(a) identify utility corridors suitable for the creation of powerline trails;

(b) provide contact information for a designee of the utility corporation who a municipal government can contact to discuss the possibility of constructing such powerline trails; and

(c) be reviewed and revised periodically by the utility corporation.

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

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1 3. During the design and construction of a powerline trail, the utility  
2 corporation and the municipal government shall consult and coordinate  
3 with the office of parks, recreation, and historic preservation to mini-  
4 mize adverse impacts on:

5 (a) state and federally recognized threatened and endangered species;  
6 and

7 (b) habitats of conservation concern.

8 4. Notwithstanding any provision of law to the contrary, nothing in  
9 this section shall:

10 (a) require a utility corporation to allow a powerline trail or any  
11 other facility on its utility corridor; or

12 (b) require a public or private landowner whose property is adjacent  
13 to or inclusive of a utility corridor to allow public access to any  
14 portion of such landowner's property.

15 5. For the purposes of this section, the following terms shall have  
16 the following meanings:

17 (a) "Utility corridor" means a tract of land owned, occupied, or  
18 leased by a utility corporation, or covered by an easement or right-of-  
19 way held by a utility corporation, where an electric transmission line  
20 is constructed, operated, or maintained at a voltage of sixty-five kilo-  
21 volts or higher.

22 (b) "Powerline trail" means a multi-use trail that is:

23 (i) used for recreational or transportation purposes in a manner that  
24 does not involve a motor vehicle; and

25 (ii) located in an existing or future utility corridor.

26 § 2. The public service law is amended by adding a new section 131 to  
27 read as follows:

28 § 131. Utility notification to municipalities of potential for power-  
29 line trails. 1. For the purposes of this section, the following terms  
30 shall have the following meanings:

31 (a) "Utility corridor" means a tract of land owned, occupied, or  
32 leased by a utility corporation, or covered by an easement or right-of-  
33 way held by a utility corporation, where an electric transmission line  
34 is constructed, operated, or maintained at a voltage of sixty-five kilo-  
35 volts or higher.

36 (b) "Powerline trail" means a multi-use trail that is:

37 (i) used for recreational or transportation purposes in a manner that  
38 does not involve a motor vehicle; and

39 (ii) located in an existing or future utility corridor.

40 2. Upon the granting of an application by the commission pursuant to  
41 this article, a utility corporation shall notify the municipality, or  
42 municipalities, in which the utility corridor is located of the poten-  
43 tial for the construction of a powerline trail in the associated utility  
44 corridor. Such notification shall include:

45 (a) utility corridors suitable for the creation of power line trails;  
46 and

47 (b) the contact information for a designee of the utility corporation  
48 who a municipal government can contact to discuss the possibility of  
49 constructing such powerline trails.

50 3. A utility corporation shall only be required to notify a munici-  
51 pality of the potential for the construction of a powerline trail pursu-  
52 ant to subdivision two of this section if:

53 (a) the transmission line will be extended by more than one mile; or

54 (b) the transmission line capacity will be increased by more than ten  
55 percent.

§ 3. Section 1005 of the public authorities law is amended by adding a new subdivision 31 to read as follows:

31. (a) The authority, as the owner, occupant, or lessee of a utility corridor or the holder of an easement or right-of-way covering a utility corridor, may enter into a written contract with a municipality or private landowner to construct and maintain powerline trails covering all or some of such utility corridor.

(b) The authority shall develop and maintain informational resources on its website to encourage, facilitate, and streamline the construction of new powerline trails in utility corridors that are suitable for the construction and maintenance of a powerline trail. Such informational resources, at a minimum, shall:

(i) identify utility corridors suitable for the creation of power line trails;

(ii) provide the contact information for a designee of the authority who a municipal government can contact to discuss the possibility of constructing such powerline trails; and

(iii) be reviewed and revised periodically by the authority.

(c) During the design and construction of a powerline trail, the authority and municipal government shall consult and coordinate with the office of parks, recreation, and historic preservation to minimize adverse impacts on:

(i) state and federally recognized threatened and endangered species; and

(ii) habitats of conservation concern.

(d) Notwithstanding any provision of law to the contrary, nothing in this section shall:

(i) require the authority to allow a powerline trail or any other facility on its utility corridor; or

(ii) require a public or private landowner whose property is adjacent to or inclusive of a utility corridor to allow public access to any portion of the landowner's property.

(e) For the purposes of this section, the following terms shall have the following meanings:

(i) "Utility corridor" means a tract of land owned, occupied, or leased by the authority, or covered by an easement or right-of-way held by the authority, where an electric transmission line is constructed, operated, or maintained at a voltage of sixty-five kilovolts or higher.

(ii) "Powerline trail" means a multi-use trail that is:

(A) used for recreational or transportation purposes in a manner that does not involve a motor vehicle; and

(B) located in an existing or future utility corridor.

(iii) "Municipality" means a county, city, town or village located in this state.

§ 4. Section 1020-f of the public authorities law, as added by chapter 517 of the laws of 1986, is amended by adding a new subdivision (11) to read as follows:

(11) 1. As the owner, occupant, or lessee of a utility corridor or the holder of an easement or right-of-way covering a utility corridor, to enter into a written contract with a municipality or private landowner to construct and maintain powerline trails covering all or some of such utility corridor.

2. The authority shall develop and maintain informational resources on its website to encourage, facilitate, and streamline the construction of new powerline trails in utility corridors that are suitable for the

1 construction and maintenance of a powerline trail. Such informational  
2 resources, at a minimum, shall:

3 (i) identify utility corridors suitable for the creation of power line  
4 trails;

5 (ii) provide the contact information for a designee of the authority  
6 who a municipal government can contact to discuss the possibility of  
7 constructing such powerline trails; and

8 (iii) be reviewed and revised periodically by the authority.

9 3. During the design and construction of a powerline trail, the  
10 authority and municipal government shall consult and coordinate with the  
11 office of parks, recreation, and historic preservation to minimize  
12 adverse impacts on:

13 (i) state and federally recognized threatened and endangered species;  
14 and

15 (ii) habitats of conservation concern.

16 4. Notwithstanding any provision of law to the contrary, nothing in  
17 this section shall:

18 (i) require the authority to allow a powerline trail or any other  
19 facility on its utility corridor; or

20 (ii) require a public or private landowner whose property is adjacent  
21 to or inclusive of a utility corridor to allow public access to any  
22 portion of the landowner's property.

23 5. For the purposes of this section, the following terms shall have  
24 the following meanings:

25 (i) "Utility corridor" means a tract of land owned, occupied, or  
26 leased by the authority, or covered by an easement or right-of-way held  
27 by the authority, where an electric transmission line is constructed,  
28 operated, or maintained at a voltage of sixty-five kilovolts or higher.

29 (ii) "Powerline trail" means a multi-use trail that is:

30 (1) used for recreational or transportation purposes in a manner that  
31 does not involve a motor vehicle; and

32 (2) located in an existing or future utility corridor.

33 (iii) "Municipality" means a county, city, town or village located in  
34 this state.

35 § 5. This act shall take effect on the one hundred eightieth day after  
36 it shall have become a law.