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

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

(b) habitats of conservation concern.

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

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

(b) 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 such landowner's property.

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

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

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

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

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

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

§ 131. Utility notification to municipalities of potential for powerline trails. 1. For the purposes of this section, the following terms shall have the following meanings:

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

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

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

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

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

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

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

3. A utility corporation shall only be required to notify a municipality of the potential for the construction of a powerline trail pursuant to subdivision two of this section if:

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

(b) the transmission line capacity will be increased by more than ten 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 (ll) to read as follows:

(ll) 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

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.

3. 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.

4. 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.

5. 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:

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

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

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

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