

STATE OF NEW YORK

7891

IN SENATE

January 3, 2024

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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:

1 Section 1. The public service law is amended by adding a new section
2 53-b to read as follows:

3 § 53-b. Powerline trails in utility corridors. 1. Any utility corpo-
4 ration, as the owner, occupant, or lessee of a utility corridor or the
5 holder of an easement or right-of-way covering a utility corridor, may
6 enter into a written contract with a municipality or private landowner
7 to construct and maintain powerline trails covering all or some of such
8 utility corridor.

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

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

16 (b) provide contact information for a designee of the utility corpo-
17 ration who a municipal government can contact to discuss the possibility
18 of constructing such powerline trails; and

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

20 3. During the design and construction of a powerline trail, the utili-
21 ty corporation and the municipal government shall consult and coordinate
22 with the office of parks, recreation, and historic preservation to mini-
23 imize adverse impacts on:

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

26 (b) habitats of conservation concern.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (ii) habitats of conservation concern.

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

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

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

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

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

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

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

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

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

38 § 4. Section 1020-f of the public authorities law, as added by chapter
39 517 of the laws of 1986, is amended by adding a new subdivision (11) to
40 read as follows:

41 (11) 1. As the owner, occupant, or lessee of a utility corridor or the
42 holder of an easement or right-of-way covering a utility corridor, to
43 enter into a written contract with a municipality or private landowner
44 to construct and maintain powerline trails covering all or some of such
45 utility corridor.

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

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

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

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

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

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

7 (ii) habitats of conservation concern.

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

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

12 (ii) 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 the landowner's property.

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

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

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

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

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

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

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