

STATE OF NEW YORK

751

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

Introduced by 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:

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

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

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1 traffic, that may hinder construction of major renewable energy facili-
2 ties. Therefore, it is the intent of this act to supersede any such rule
3 or policy, and to allow materials used for the construction of any major
4 renewable energy facility to be transported on state highways and on the
5 thruway safely using either a police escort, or a private security
6 escort.

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

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

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

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

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

46 § 3. This act shall take effect immediately.