

# STATE OF NEW YORK

10830

## IN ASSEMBLY

April 1, 2026

Introduced by M. of A. McMAHON, McDONALD -- read once and referred to the Committee on Energy

AN ACT to amend the public service law and the highway law, in relation to the siting of new electric transmission facilities

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

1 Section 1. Section 141 of the public service law is amended by adding  
2 a new subdivision 7 to read as follows:

3 7. (a) In the siting of new electric transmission facilities, includ-  
4 ing high-voltage transmission lines, the following corridors shall be  
5 utilized in the following order of priority in accordance with feasibil-  
6 ity of economic and engineering considerations, reliability of the elec-  
7 tric system and the protection of the environment:

8 (i) Existing utility corridors;

9 (ii) Highway (interstate, freeway and state trunk) and railroad corri-  
10 dors;

11 (iii) Recreational trails, to the extent that the facilities may be  
12 constructed below ground and that the facilities do not significantly  
13 impact environmentally sensitive areas; and

14 (iv) New corridors.

15 (b) (i) High-voltage transmission lines, pursuant to the laws of this  
16 state or the ordinance of any city or county, may be constructed,  
17 placed, or maintained across any public right of way or along any trunk  
18 highway, federally-aided state trunk highway, controlled access highway,  
19 interstate highway, or roadway, except as deemed necessary by the  
20 secretary/commissioner of transportation to protect public safety or  
21 ensure the proper function of such trunk highway.

22 (ii) If the secretary/commissioner of transportation denies a high-  
23 voltage electric line collocation request, the reasons for the denial  
24 shall be submitted for review to the chairs and ranking minority members  
25 of the committees with jurisdiction over energy and transportation, the  
26 executive secretary of the public utilities commission, and the commis-  
27 sioner of economic development within ninety days of such denial.

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

LBD13020-01-5

1 § 2. Section 40 of the highway law, as amended by chapter 1110 of the  
2 laws of 1971, is amended to read as follows:

3 § 40. Authority of commissioner of transportation with respect to the  
4 performance of contracts for construction, reconstruction or improvement  
5 of state highways, highway projects under the supervision of the depart-  
6 ment of transportation, bridges, grade crossing eliminations and stream  
7 channel improvements; completion of work by surety; cancellation of  
8 contract by the commissioner [~~of transportation~~]. 1. The performance of  
9 every contract for the construction, reconstruction or improvement of a  
10 state highway, bridge, grade crossing elimination or stream channel  
11 improvement shall be under the supervision and control of the commis-  
12 sioner [~~of transportation~~], and it shall be [~~his~~] such commissioner's  
13 duty to see that every such contract is performed in accordance with the  
14 provisions of the contract and with the plans and specifications forming  
15 a part thereof. If the commissioner [~~of transportation~~] shall determine  
16 that the work upon any contract for the construction, improvement, main-  
17 tenance, repair or reconstruction, of a state highway, other highway  
18 under the supervision of the department [~~of transportation~~], bridge,  
19 grade crossing elimination or stream channel improvement, is not being  
20 performed according to the contract or for the best interest of the  
21 state, the execution of the work by the contractor may be temporarily  
22 suspended by [~~the~~] such commissioner [~~of transportation~~], who may then  
23 proceed with the work under [~~his~~] their own direction in such manner as  
24 will accord with the contract specifications and be for the best inter-  
25 ests of the state; or [~~he~~] such commissioner may terminate the contrac-  
26 tor's employment under the contract while it is in progress, and there-  
27 upon, proceed with the work, in affirmance of the contract, by contract  
28 negotiated or publicly let, by the use of [~~his~~] their own forces, by  
29 calling upon the surety to complete the work in accordance with the  
30 plans and specifications or by a combination of any such methods; or  
31 [~~he~~] their may cancel the contract and either readvertise and relet as  
32 provided in section thirty-eight of this [~~chapter~~] article, or complete  
33 the work under [~~his~~] their own direction in such manner as will accord  
34 with the contract specifications and be for the best interests of the  
35 state. Any excess in the cost of completing the contract beyond the  
36 price for which it was originally awarded shall be charged to and paid  
37 by the contractor failing to perform the work or [~~his~~] such contractor's  
38 surety. Where the estimate for the completion of a cancelled contract  
39 or defaulted contract, or a contract being completed pursuant to the  
40 provisions of this section, is in excess of the balance of the amount  
41 originally set aside by the state to provide for the construction,  
42 reconstruction, improvement, maintenance or repair of such highway, or  
43 other construction project, together with any amount appropriated by the  
44 county, town or village for such improvement, the commissioner [~~of~~  
45 transportation] is authorized to set aside from any funds available for  
46 the construction or reconstruction of state highways, highway projects  
47 under the supervision of the department [~~of transportation~~], bridges,  
48 grade crossing eliminations and stream channel improvements, an addi-  
49 tional sum equal to such excess including the proportionate share of the  
50 county, town or village; and to pay such excess in the first instance,  
51 including the share of the county, town or village, pending recovery of  
52 excess cost from the defaulting contractor or [~~his~~] such contractor's  
53 surety, as provided in this section. In the event that the state fails  
54 to recover from the defaulting contractor or surety the excess cost in  
55 completing the contract over the amount for which it was originally  
56 awarded, the county, town, or village shall pay to the state upon the

1 demand of the commissioner [~~of transportation~~] the same proportion of  
2 such excess cost as was originally appropriated by the county, town or  
3 village, for the improvement, and the board of supervisors, town board  
4 or village trustees shall be subject to mandamus proceedings by the  
5 attorney general to enforce the payment of the share of the county, town  
6 or village of such excess cost. Every contract for the construction,  
7 improvement, maintenance, repair or reconstruction of a state highway,  
8 highway project under the supervision of the department [~~of transporta-~~  
9 ~~tion~~], bridge, grade crossing elimination or stream channel improvement,  
10 shall reserve to the commissioner [~~of transportation~~] the right to  
11 suspend or cancel the contract as above provided, and to complete the  
12 work thereunder by contract negotiated or publicly let or by the use of  
13 [~~his~~] their own forces, or affirm the contract and thereupon to complete  
14 the work thereunder according to any of the methods above provided as  
15 the commissioner [~~of transportation~~] may determine.

16 2. Upon written request, the commissioner shall engage in coordination  
17 activities with a utility or transmission line developer to review  
18 requested highway corridors for possible permitted locations of trans-  
19 mission lines. A project coordinator shall be assigned within thirty  
20 days of the written request. The department shall share all known plans  
21 with utilities on potential future projects that could impact the place-  
22 ment of a high-voltage transmission line.

23 3. (a) When a permittable route along a highway corridor has been  
24 identified by the department and the utility or developer, the depart-  
25 ment shall engage in consultation with the utility or developer to  
26 develop a "constructability report" to be utilized by both parties when  
27 co-location projects are being planned and approved. The report shall be  
28 approved by both parties prior to the department issuing a permit for  
29 use of the highway right-of-way.

30 (b) A constructability report shall be prepared by the utility in  
31 consultation with the department and shall include the terms and condi-  
32 tions for building the co-location project. Included within such report  
33 shall be an agreed upon timeframe for which there will not be any  
34 request by the department for relocation of the transmission line. If  
35 the department needs a transmission line in its right-of-way relocated,  
36 it shall give the utility a ten-year advance notice. Should the depart-  
37 ment require the relocation of a transmission line sooner than what is  
38 agreed upon, and/or gives less than a ten-year notice of relocation,  
39 then the department shall be responsible for seventy-five percent of the  
40 re-location costs.

41 § 3. This act shall take effect on the ninetieth day after it shall  
42 have become a law; provided, however, that the amendments to section 141  
43 of the public service law made by section one of this act shall not  
44 affect the repeal of such section and shall be deemed repealed there-  
45 with.