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:

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

7. (a) In the siting of new electric transmission facilities, including high-voltage transmission lines, the following corridors shall be utilized in the following order of priority in accordance with feasibility of economic and engineering considerations, reliability of the electric system and the protection of the environment:

(i) Existing utility corridors;

(ii) Highway (interstate, freeway and state trunk) and railroad corridors;

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

(iv) New corridors.

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

(ii) If the secretary/commissioner of transportation denies a high-voltage electric line collocation request, the reasons for the denial shall be submitted for review to the chairs and ranking minority members of the committees with jurisdiction over energy and transportation, the executive secretary of the public utilities commission, and the commissioner 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.

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

§ 40. Authority of commissioner of transportation with respect to the performance of contracts for construction, reconstruction or improvement of state highways, highway projects under the supervision of the department of transportation, bridges, grade crossing eliminations and stream channel improvements; completion of work by surety; cancellation of contract by **the** commissioner [~~of transportation~~]. **1.** The performance of every contract for the construction, reconstruction or improvement of a state highway, bridge, grade crossing elimination or stream channel improvement shall be under the supervision and control of the commissioner [~~of transportation~~], and it shall be [~~his~~] **such commissioner's** duty to see that every such contract is performed in accordance with the provisions of the contract and with the plans and specifications forming a part thereof. If the commissioner [~~of transportation~~] shall determine that the work upon any contract for the construction, improvement, maintenance, repair or reconstruction, of a state highway, other highway under the supervision of the department [~~of transportation~~], bridge, grade crossing elimination or stream channel improvement, is not being performed according to the contract or for the best interest of the state, the execution of the work by the contractor may be temporarily suspended by [~~the~~] **such** commissioner [~~of transportation~~], who may then proceed with the work under [~~his~~] **their** own direction in such manner as will accord with the contract specifications and be for the best interests of the state; or [~~he~~] **such commissioner** may terminate the contractor's employment under the contract while it is in progress, and thereupon, proceed with the work, in affirmance of the contract, by contract negotiated or publicly let, by the use of [~~his~~] **their** own forces, by calling upon the surety to complete the work in accordance with the plans and specifications or by a combination of any such methods; or [~~he~~] **their** may cancel the contract and either readvertise and relet as provided in section thirty-eight of this [~~chapter~~] **article**, or complete the work under [~~his~~] **their** own direction in such manner as will accord with the contract specifications and be for the best interests of the state. Any excess in the cost of completing the contract beyond the price for which it was originally awarded shall be charged to and paid by the contractor failing to perform the work or [~~his~~] **such contractor's** surety. Where the estimate for the completion of a cancelled contract or defaulted contract, or a contract being completed pursuant to the provisions of this section, is in excess of the balance of the amount originally set aside by the state to provide for the construction, reconstruction, improvement, maintenance or repair of such highway, or other construction project, together with any amount appropriated by the county, town or village for such improvement, the commissioner [~~of transportation~~] is authorized to set aside from any funds available for the construction or reconstruction of state highways, highway projects under the supervision of the department [~~of transportation~~], bridges, grade crossing eliminations and stream channel improvements, an additional sum equal to such excess including the proportionate share of the county, town or village; and to pay such excess in the first instance, including the share of the county, town or village, pending recovery of excess cost from the defaulting contractor or [~~his~~] **such contractor's** surety, as provided in this section. In the event that the state fails to recover from the defaulting contractor or surety the excess cost in completing the contract over the amount for which it was originally awarded, the county, town, or village shall pay to the state upon the

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

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

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

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

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