

STATE OF NEW YORK

8114--A

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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; provided that any such existing utility corridors shall be made available, with just compensation, reasonable terms and conditions, and due process overseen by the department, on a nondiscriminatory and ongoing basis, to any entity selected to build, own, and operate bulk electric power facilities pursuant to planning processes established by the federally designated electric bulk system operator or any New York state-sponsored transmission procurement process, regardless of whether such selected entity is an incumbent operator with existing interest in any such existing utility corridor;

(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,

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

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1 placed, or maintained across any public right of way or along any trunk
2 highway, federally-aided state trunk highway, controlled access highway,
3 interstate highway, or roadway, except as deemed necessary by the
4 commissioner of transportation to protect public safety or ensure the
5 proper function of such trunk highway.

6 (ii) If the commissioner of transportation denies a high-voltage elec-
7 tric line collocation request, the reasons for the denial shall be
8 submitted for review to the chairs and ranking minority members of the
9 senate and assembly committees with jurisdiction over energy and trans-
10 portation, the chair of the public service commission, and the commis-
11 sioner of economic development within ninety days of such denial.

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

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

1 the construction or reconstruction of state highways, highway projects
2 under the supervision of the department [~~of transportation~~], bridges,
3 grade crossing eliminations and stream channel improvements, an addi-
4 tional sum equal to such excess including the proportionate share of the
5 county, town or village; and to pay such excess in the first instance,
6 including the share of the county, town or village, pending recovery of
7 excess cost from the defaulting contractor or [~~his~~] such contractor's
8 surety, as provided in this section. In the event that the state fails
9 to recover from the defaulting contractor or surety the excess cost in
10 completing the contract over the amount for which it was originally
11 awarded, the county, town, or village shall pay to the state upon the
12 demand of the commissioner [~~of transportation~~] the same proportion of
13 such excess cost as was originally appropriated by the county, town or
14 village, for the improvement, and the board of supervisors, town board
15 or village trustees shall be subject to mandamus proceedings by the
16 attorney general to enforce the payment of the share of the county, town
17 or village of such excess cost. Every contract for the construction,
18 improvement, maintenance, repair or reconstruction of a state highway,
19 highway project under the supervision of the department [~~of transporta-~~
20 ~~tion~~], bridge, grade crossing elimination or stream channel improvement,
21 shall reserve to the commissioner [~~of transportation~~] the right to
22 suspend or cancel the contract as above provided, and to complete the
23 work thereunder by contract negotiated or publicly let or by the use of
24 [~~his~~] their own forces, or affirm the contract and thereupon to complete
25 the work thereunder according to any of the methods above provided as
26 the commissioner [~~of transportation~~] may determine.

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

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

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

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