



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan Announces Passage of Legislation to Help Farmers

PATRICK M. GALLIVAN July 1, 2015

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Senator Patrick M. Gallivan (R-C-I, Elma) and Assemblymember Harry B. Bronson (D-Rochester/Chili/Henrietta) announce the passage of legislation (S.71A & A.2458A) that requires landowners receive notice and a copy of the application when any portion of a gas or electric line is to be installed. Notice must also be served on landowners when any portion of a major utility transmission building is to be constructed. The bill also requires that the Public Service Commission consider specific factors when determining the effect the facility

would have on agricultural lands.

“This legislation sets guidelines for the Public Service Commission to follow when considering the location of utility lines,” Gallivan said. “It puts a greater emphasis on the impact these projects will have on farming operations and the rights of land owners.”

“The application process for determining the location of major utility gas and electric lines in New York State can be a complicated and intimidating process for affected landowners,” said Bronson. “This bill makes several changes to the public service law to make it easier for landowners to understand and navigate this process.”

First, this bill requires that notice be served on landowners in, which any portion of a gas, electric lines or a transmission station is to be located. Second, this notice must also include a clear explanation of how to file with the Public Commission a notice of intent to become a party to the certification proceedings and the time period in which the landowner has to do so. These important changes will help make notification clear to any affected landowner and explain how the landowner can become involved in the certification proceedings.

This legislation also amends the criteria that the Public Commission must consider in making its decision to make the process more favorable to agricultural land. While the Public Service Commission must currently consider the effect the facility would have on agricultural land, there are no guidelines on what this consideration must entail. This bill provides that the PSC must consider the viability of active farming within the proposed location and any irreversible and irretrievable commitments of agricultural resources which would be involved in the proposed location. Further, if the proposed location contains land designated with specific prime soil groups, the Public Service Commission must consider the availability of alternative locations that do not contain land with such designated soil.

“We have experienced this situation in Monroe County between Iberdrola, USA and the Krenzer Family Farm, when a transmission station and high-power lines were purposed without the family’s full notification,” continued Bronson. “Going forward, this legislation will provide for proper notice regarding the potential removing of any farm land from production as well as require the PSC to examine the agricultural resources before approving these projects.”

“This legislation received bi-partisan support in both the Senate and the Assembly and I urge Governor Cuomo to sign it into law,” Gallivan said.