



NEW YORK STATE SENATOR

Kenneth P. LaValle

Senator Ken LaValle's New Law Mandates Community Notification of LIPA/Utility Transmission Projects

KENNETH P. LAVALLE January 4, 2019



January 2, 2019 —Legislation sponsored by State Senator Ken LaValle and Assemblyman Fred Thiele mandating formal community notice procedures on LIPA and PSEG-LI for utility transmission projects has been signed by the Governor.

The bill was introduced in response to controversies created by LIPA and PSEG-LI in East Hampton and Eastport by their failure to adequately notify public officials and affected residents about pending electric transmission projects. Each project ended up in litigation.

The utilities were also criticized for their failure to provide adequate notice in a recent independent audit.

Specifically, the bill prohibits LIPA and PSEG-LI from constructing a transmission facility until public notice has been provided. Such notice must be provided before a determination of environmental significance is made under the State Environmental Quality Review Act (SEQRA).

Notice must be provided by first class mail to (1) every county, town, village, or city in which the project is to be located, including both the preferred location and any alternative sites, (2) every utility customer within 500 feet of the proposed transmission project, and (3) to the members of the state legislature representing the areas affected by the project.

The public notice must include the following information:

- The location of the project,
- A description of the project,
- A summary of any studies, including environmental assessments or impact statements, which have been made for the project,
- A statement of need for the project,
- A description of alternative project sites,
- An analysis of the merits and detriments of each alternative site,
- The rationale for why the primary site is the best location,
- Where the public can view any environmental assessment, impact statement or study referred to in the notice, if completed.

The notice requirements of the new law shall not apply to any project that is simply an in-kind replacement or to an underground transmission project.

The new law takes effect immediately.

Senator LaValle said, "Time and again, I see projects end up in needless litigation and community upheaval. I believe that this legislation will ensure enhanced transparency through adequate community notification of impending projects and promote greater cooperation between the utility and impacted residents."

Assemblyman Thiele stated, "An above-ground electric transmission project has major impacts on the environment and quality of life in our neighborhoods and communities. Affected residents and their public officials have a right to be notified about such projects and to participate in a meaningful way in the decision-making process. Unfortunately, such notification and public participation has been thwarted by our utility company time and again. The result has been public outrage, controversy, and costly litigation that must be paid for by every LIPA customer. These controversies and costs can be avoided by simply being more transparent by informing all the concerned parties about the important details of a transmission project. The new law simply mandates that LIPA provide notice and basic project information to our communities and their public officials before any decisions are made."

