



PRESS RELEASE

June 17, 2016

Assembly Passes Revised “Land Bank” Article XIV Constitutional Amendment

Assembly Conservation Committee Chairman Englebright introduced bill

Amendment authorizes highway maintenance, utilities, broadband, and bike paths in state and local highway corridors and creates new 150 acre land account for various highway management and municipal water wells

Bill sent to State Senate, Action expected next week

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Albany, NY– A new Constitutional Amendment for Article XIV, the “forever wild” provision, has been passed by the State Assembly. This legislation was introduced by Conservation Committee Chairman Steve Englebright. The new amendment authorizes location of broadband, other utilities and bike paths along state highway corridors bordered by Forest Preserve, authorizes location of broadband and other utilities in county, town and village road corridors, and authorizes the creation of a 250-acre for a “health and safety land account” principally for maintenance and management of local roads and for location of utilities. The “health and safety land account” can also be used for the location and construction of municipal water wells.

This introduction constitutes “1st passage” of a new Constitutional Amendment. “2nd passage’ would take place in the next successive legislature, most likely in 2017. The amendment would then need to be approved by the voters in November 2017. The amendment requires legislative approval by the Legislature of an administration plan. This would most likely be accomplished by the legislature in 2018. The health and safety land account of 250 acres will need to be replaced by new Forest Preserve lands.

“The new Constitutional Amendment meets the critical needs of local communities throughout the Adirondacks and Catskills while protecting the public Forest Preserve. This new amendment meets the critical needs identified by local governments for greater flexibility in management and maintenance of town and county highways, utilizing state and

local highways for broadband and bike paths, and other utilities,” said Peter Bauer, Executive Director of Protect the Adirondacks. “This new amendment also creates a new health and safety account that provides Forest Preserve lands for approved uses for various highway maintenance projects and the construction of wells for public water supplies.”

This new amendment follows passage by the State Senate last week of a proposed amendment for similar purposes but differed widely in implementation and the size of the land bank.

This bill has been passed by the State Senate.

Here is the link to the new legislation: <http://nyassembly.gov/leg/?bn=A10721>. Here is the text of the new legislation (A.10721A):

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Englebright)
-- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Judiciary -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 14 of the constitution, in relation to allowing public utility lines and bicycle paths on certain state lands in the forest preserve and establishing a forest preserve health and safety land account

1 Section 1. Resolved (if the Senate concur), That section 1 of article
2 14 of the constitution be amended by adding a new undesignated paragraph
3 to read as follows:
4 Notwithstanding the foregoing provisions and subject to legislative
5 approval prior to actual transfer of title, a total of no more than two
6 hundred fifty acres of forest preserve land shall be used for the estab-
7 lishment of a health and safety land account. Where no viable alterna-
8 tive exists and other criteria developed by the legislature are satis-
9 fied, a town, village or county may apply, pursuant to a process
10 determined by the legislature, to the health and safety land account for
11 projects limited to: address bridge hazards or safety on county high-
12 ways, and town highways listed on the local highway inventory maintained
13 by the department of transportation, dedicated, and in existence on
14 January first, two thousand fifteen, and annually plowed and regularly
15 maintained; elimination of the hazards of dangerous curves and grades on
16 county highways, and town highways listed on the local highway inventory
17 maintained by the department of transportation, dedicated, and in exist-
18 ence on January first, two thousand fifteen, and annually plowed and
19 regularly maintained; relocation and reconstruction and maintenance of
20 county highways, and town highways listed on the local highway inventory
21 maintained by the department of transportation, dedicated, and in exist-
22 ence on January first, two thousand fifteen and annually plowed and
23 regularly maintained, provided further that no single relocated portion

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

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A. 10721--A

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1 of any such highway shall exceed one mile in length; and water wells and

2 necessary appurtenances when such wells are necessary to meet drinking
3 water quality standards and are located within five hundred thirty feet
4 of state highways, county highways, and town highways listed on the
5 local highway inventory maintained by the department of transportation,
6 dedicated, and in existence on January first, two thousand fifteen, and
7 annually plowed and regularly maintained. As a condition of the creation
8 of such health and safety land account the state shall acquire two
9 hundred fifty acres of land for incorporation into the forest preserve,
10 on condition that the legislature shall approve such lands to be added
11 to the forest preserve.

12 § 2. Resolved (if the Senate concur), That article 14 of the constitu-
13 tion be amended by adding a new section 6 to read as follows:

14 § 6. Where state, county, or town highways listed on the local highway
15 inventory maintained by the department of transportation, dedicated and
16 in existence on January first, two thousand fifteen, and annually plowed
17 and regularly maintained, traverse forest preserve land, public utility
18 lines, limited to electric, telephone, broadband, water or sewer lines
19 as defined in law, may, consistent with standards and requirements set
20 forth in law, and following receipt of all permits or authorizations
21 required by law, be buried or co-located within the widths of such high-
22 ways as defined in law, and bicycle paths may, consistent with standards
23 and requirements set forth in law, and following receipt of all permits
24 or authorizations required by law, be constructed and maintained within
25 the widths of such highways, as defined in law; provided, however, when
26 no viable alternative exists and when necessary to ensure public health
27 and safety, a stabilization device for an existing utility pole may be
28 located in proximity to the width of the road, as defined in law;
29 provided further, that any co-location, burial, maintenance or
30 construction shall minimize the removal of trees or vegetation and shall
31 not include the construction of any new intrastate natural gas or oil
32 pipelines that have not received all necessary state and local permits
33 and authorizations as of June first, two thousand sixteen.

34 § 3. Resolved (if the Senate concur), That the foregoing amendments be
35 referred to the first regular legislative session convening after the
36 next succeeding general election of members to the assembly, and, in
37 conformity with section 1 of article 19 of the constitution, be
38 published for 3 months previous to the time of such election.

Protect the Adirondacks

Protect the Adirondacks is a privately funded, IRS-approved not-for-profit organization dedicated to the protection of the 6-million-acre Adirondack Park in northern New York. PROTECT was formed through the merger of the Association for the Protection of the Adirondacks and the Residents' Committee to Protect the Adirondacks in 2009. PROTECT pursues its mission to protect the Adirondack Park and defend the public "forever wild" Forest Preserve through citizen advocacy, grassroots organizing, education, research, and legal action. PROTECT is governed by a volunteer Board of Directors. PROTECT maintains an office in Lake George. For more information see www.protectadks.org.

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