

**NATURAL RESOURCES DEFENSE COUNCIL * RIVERKEEPER, INC.*
SCENIC HUDSON * SIERRA CLUB ATLANTIC CHAPTER**

MEMORANDUM OF SUPPORT

*Transportation Corporations Law Amendment Empowering Towns
A.10468 (Skartados); S.7979 (Marchione)*

AN ACT to amend the Transportation Corporations Law, in relation to the construction of pipe lines.

SUMMARY: The proposed legislation would amend the New York Transportation Corporations Law (“Transcorp Law”) to grant towns the same powers as villages and cities to either accept or reject the construction of pipelines governed by that law that would pass through their jurisdiction.

STATEMENT IN SUPPORT: The Transcorp Law requires that a resolution be passed by a super majority of the legislative body of a city or village to permit the construction of petroleum pipelines (and other pipelines governed by the law) within their jurisdiction. The proposed legislation would expand this requirement to towns, thus giving them the same authority now enjoyed by cities and villages to protect their communities. Petroleum pipelines are often massive industrial infrastructure projects that can scar the character of communities, trample private property rights, and threaten public health and safety as well as the integrity of local natural resources, such as drinking water. Petroleum pipelines constructed through municipalities can pass over drinking water aquifers and traverse through or in close proximity to residences, schools, public parks and businesses. It could potentially cost communities millions of dollars to attempt to address the effects a leak would have on their drinking water, open spaces, homes, farmlands and streams.

Moreover, pipelines can leak for an indefinite period of time and are typically discovered only after their ramifications have been felt, often by members of the public and first responders. Municipal fire departments are currently unequipped to combat pipeline-related accidents and preparation for an adequate response to such events would entail a substantial amount of funding and training. In 2016 alone, we have already seen the dangers associated with petroleum pipelines—including two major incidents leaking tens of thousands of gallons of petroleum products and a spill on the relatively new Keystone Pipeline. Additionally, large spills, such as the massive Kalamazoo, MI crude oil spill in 2010, can have long-term effects that local residents and officials must contend with for decades.

The construction of petroleum pipelines can also have dramatic impacts on community character and private property, particularly where eminent domain is used. Recognizing this, the Transcorp law has long required pipeline operators to obtain supermajority consent from the legislatures of villages and cities for the route and manner of construction for proposed pipelines within their local borders. However, under current law, towns are not afforded the same powers to protect the interests of their citizens and the integrity of their local character and resources.

While the reason for distinguishing between towns and villages or cities when the law was written over 100 years ago is unknown, there is no meaningful justification today for denying towns, and their residents, the same authority to democratically determine whether the construction of a proposed pipeline is in the interests of their residents or not. The proposed legislation addresses this gap in the Transcorp Law and will empower hundreds of thousands of New Yorkers who live in towns to make their own decisions about how best to benefit their communities and protect their local environment.

NRDC, Riverkeeper, Scenic Hudson and Sierra Club support this legislation to give local control to towns over the permitting of regulated pipelines within their borders.