

CHAUTAUQUA COUNTY
MOTION NO. _____

**TITLE: OPPOSING PART O OF THE GOVERNOR’S 2024 ARTICLE VII REVENUE BILL
REGARDING THE SITING OF MAJOR ELECTRIC TRANSMISSION
FACILITIES, ALSO KNOWN AS THE “RAPID” ACT**

AT THE REQUEST OF: Legislator Proctor:

WHEREAS, New York Governor Hochul has released the Executive Budget Proposal for Fiscal Year 2025, which includes Part O of the Transportation, Economic Development, and Environmental Conservation budget bill entitled the Renewable Action through Project Interconnect and Deployment (“RAPID”) Act; and

WHEREAS, the RAPID Act seeks to move the Office of Renewable Energy Siting (“ORES”) from the Department of State to the Department of Public Service, and seeks to consolidate and expedite permitting procedures for major renewable energy and electric transmission facilities under a new Article VIII of the Public Service Law; and

WHEREAS, if passed, the RAPID Act will undermine sound environmental review of major electric transmission facilities by requiring ORES to render a permit decision within a single year, otherwise the facility shall be automatically approved, regardless of project size or impact on private property or conservation lands; and

WHEREAS, if passed, the RAPID Act will constitute a significant deprivation of Private Property Rights by extending the power of Eminent Domain to the construction of major electric transmission facilities by large-scale solar and wind developers, said power being currently limited to regulated utilities granted a certificate of environmental compatibility and public need; and

WHEREAS, if passed, the RAPID Act will undermine the protection of natural resources by allowing conservation easements to be extinguished anywhere in the state, including the Adirondack Park and Catskill Parks, for the construction of major electric transmission facilities by large-scale solar and wind developers, said authority being currently limited to regulated utilities granted a certificate of environmental compatibility and public need; and

WHEREAS, if passed, the RAPID Act will further erode home rule and local decision-making enshrined in the New York State Constitution, Local Government Bill of Rights, Statute of Local Governments, and Municipal Home Rule law, usurping the rights of local governments to determine how communities and property within their jurisdictions develop, and contravening the purpose of comprehensive planning; now therefore be it

RESOLVED, that the Chautauqua County Legislature strongly opposes the passage of Part O contained in the Governor’s Article VII Revenue Bill relating to the expedited siting of major electric transmission facilities, the use of Eminent Domain for said purposes, and the extinguishing of conservation easements, and be it further

RESOLVED, that the Chautauqua County Legislature calls on the Governor of the State of New York, members of the State Senate, and members of the State Assembly to ensure that

Part O, and particularly the offending provisions identified herein, be excluded from the New York State budget or any other legislation, and be it further

RESOLVED, that the Chautauqua County Legislature opposes state or federal action that would weaken or eliminate New York State's long-standing tradition of home rule and local government authority; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to provide a copy of this resolution to Governor Kathy Hochul, State Senator George Borello, Assemblyman Andrew Goodell, the New York State Association of Counties, and all others deemed necessary and proper.