

## Experts Skeptical About Anti-NYRI Bills

Acuri, Other Congressmen, Fight Over Power Line

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Experts are skeptical that bills being introduced in Congress by U.S. Rep. Michael Arcuri and other area congressmen will be successful in blocking the New York Regional Interconnect power line's use of federal eminent domain powers.

Syracuse University Law Professor Terry Turnipseed called the bills' chances "essentially zero" if filed as stand-alone legislation. And Columbia Law School Professor Tom Merrill expressed similar reservations. Arcuri's office, however, said the concepts outlined in the bills could become law.

Arcuri, D-Utica, announced Monday morning that he would introduce two bills, along with Congressman Maurice Hinchey, D-Hurley, and John Hall, D-Dover Plains, that would change part of the federal Energy Act of 2005.

- The first bill would change a section of the Energy Act that authorizes the creation of National Interest Electric Transmission Corridors. As the law stands now, federal laws would trump state laws relating to the siting of transmission lines within the corridors.
- The second bill would modify the corridors so lines within them would have to follow state, not federal, eminent domain laws. This bill is similar to one introduced by former U.S. Rep. Sue Kelly, R-Katonah, in the last Congressional session.

Arcuri said the second bill was a fallback if the first one didn't gain enough support. A third bill the three representatives are sponsoring would allow for more public input in the siting process in areas deemed to have cultural, historical or scenic value.

"I am hopeful that together we can write the final chapter of this saga that has beleaguered our citizens and communities for far too long," Arcuri said at a news conference at his Utica office. He was flanked by a bipartisan group of local and state officials.

## NYRI predictions

New York Regional Interconnect hit back in a news release, saying that blocking the proposed line could "put our state on a path toward slower economic growth, degraded and insecure infrastructure and loss of opportunity, jobs and local tax revenues."

The release also made predictions of the state's increasing dependence on foreign oil and brown- and black-outs that would "wreak havoc with our hospitals, schools and businesses," if the line doesn't go through.

The proposed line would run along the New York Susquehanna and Western Railroad tracks. Locally, the tracks pass through the communities of New York Mills, South Utica, Washington Mills, Chadwicks, Sauquoit, Clayville, Cassville and Waterville.

Mike Steiger of the local power line opposition group Upstate New York Citizens Alliance, said he would like to see the first of the bills pass.

"The one to eliminate the national interest corridors entirely, I would highly support because I never agreed with that from the very beginning," he said.

Meetings held by Steiger's group have attracted hundreds of local residents who fear the line would lower their property values, harm their health and diminish their quality of life.

But Columbia's Merrill said that opposition was exactly why the Energy Act had included the National Interest Electric Transmission Corridor concept.

"One reason the provision was put in is because of increasing local opposition," he said. "The national energy needs really require these things be built, and it's desirable to streamline things at the federal level to overcome local opposition."

Reliable system needed

Turnipseed, too, said the corridor legislation would be difficult to change.

"I think the purpose behind the bill is a good one, and that is to strengthen the reliability of the nation's power grid," he said. "There is no question that the NYRI project would very much help to enhance the reliability of the electric power distribution system and at the expense frankly of those of us living in Upstate New York."

Merrill said that there was a history of electric transmission lines getting eminent domain powers, even ones that were privately owned, because they served a public use.

Hayley Rumback, Arcuri's chief of staff, said there was no history at the federal level of such powers going to transmission line owners.

"Eminent domain power specifically for power lines and power companies was only given in the 2005 energy bill," she said. "This is not a long-standing precedent."

Turnipseed and Merrill said the success of the bills would depend on the ability of Arcuri and the other sponsors to gain support in the House and Senate.

Rumback said the 2005 Energy Act had been passed by a Republican dominated Congress, and that since the 2006 election, the balance of power had shifted to the Democrats. She also said it was possible the legislation could pass as part of a larger bill.

The office of U.S. Senator Charles Schumer declined to comment Monday about whether Schumer would support the bill in the Senate, citing their efforts to process President Bush's \$2.9 trillion budget.

U.S. Senator Hillary Clinton's office said the same and pointed to the senator's previous statements that siting rules should be left up to the state.