

This information is not the official version of the Official Compilation of the Rules and Regulations of the State of New York (NYCRR). No representation is made as to its accuracy, nor may it be used as an official business record of the New York State Department of Public Service. To ensure accuracy and for evidentiary purposes, reference should be made to the official NYCRR. The Official NYCRR is available from West Publishing: 1-800-344-5009.

SUBCHAPTER F. LONG-RANGE ELECTRIC SYSTEM PLANNING
PART 84. TRANSMISSION FACILITIES MANAGEMENT

§ 84.1 Aerial spraying approval

(a) Any electric utility in New York State that proposes to apply herbicides using the aerial application technique to manage right-of-way (ROW) vegetation shall, on a site-by-site basis for any given transmission ROW, submit a plan, with suitable maps and charts, justifying its choice of aerial herbicide treatments of ROW vegetation. At a minimum, the plan shall describe vegetation types to be treated, ROW access conditions, and measures to insure that nontarget resources such as surface and ground waters, potable water supplies and nontarget lands, such as residential and recreational areas, croplands, and other sensitive areas, will not be fouled by the herbicides. The statement shall also describe how the proposed aerial applications will achieve the ROW vegetation management goals that the company has established for the ROW system as a whole and management objectives for the affected individual ROW's.

(b) Such information shall be filed at least 60 days before the date on which the proposed aerial spraying is scheduled to begin. The proposed aerial spraying will not begin unless the affected company complies with the informational requirements specified in subdivision (a) of this section, and the commission approves the proposal. If, however, the commission has not acted upon the proposal within 45 days after its filing, the plan shall be deemed approved.

§ 84.2 Long-range right-of-way management plan for electric transmission systems

(a) Each member system of the New York Power Pool, except the Power Authority of the State of New York, shall, by March 31, 1981, submit for review and approval by the New York State Public Service Commission a long-range right-of-way (ROW) management plan for each respective electric transmission system comprised of transmission facilities of 34 kv and above, except where located entirely on public streets or roads. The plan, shall, at a minimum, describe each company's structure and organization for ROW management planning and program operation. The plan, with appropriate maps, charts and text, shall describe the ROW system in general terms, its location, extent, components by voltage class, ROW widths and general conditions. A statement shall be included explaining the rationale for selecting the time frame which the plan encompasses.

(b) The plan shall describe the functions of key positions in ROW management, including provisions and responsibilities for establishing and achieving long-range ROW management goals and annual right-of-way maintenance objectives.

(c) The plan should include a brief history of past and present ROW management policies and practices that would influence future management policies and practices. The management issues that the plan will address should be discussed along with the plan's goals and objectives that are established as a response to the issues.

(d) The plan should describe landowner or land-user notification procedures and restrictions concerning company ROW management plans and practices. The utilities should explain how they receive and handle restrictions and requests which modify management practices and procedures, especially those involving chemical treatments. Procedures for identifying, evaluating, reporting and responding to ROW maintenance problems should be described. Determinations of appropriate ROW treatments and maintenance schedules or cycles should be described, showing their relationship to

long-range management goals and more immediate program objectives for both the ROW's as a whole and vegetation in particular.

(e) The plan should list the various ROW management techniques used by the utility and the conditions under which a given mechanical, chemical or other technique is normally considered appropriate. There should be a discussion of the clearance standards sought, costs, effectiveness, environmental impacts, and other relevant concerns associated with use of the techniques. For chemical treatments the section should also include a discussion of combinations of treatment methods and materials, follow-up treatments, and the influence of accessibility, vegetation density, type and height, and other physical factors not described elsewhere.

(f) The approach to preparation of annual maintenance plans and schedules for individual ROW's and the steps to implement them to achieve the long-range plan goals should be discussed. The approaches that are used to determine work force size, type (e.g., company versus contractor) and capability, equipment and materials, and a description of training needs, budgets, specifications for treatments, and methods of program monitoring and evaluation should be included. Examples of forms, reports, records, etc., particularly those for cost accounting, should be provided in the plan or in appendices.

(g) The plan should contain a summary of those ROW management issues that have not yet been resolved and which are included in present or anticipated research activities involving ROW maintenance. Areas of any needed research which have not been undertaken should be briefly described.

(h) A discussion of regulations, licensing and permits should identify any needs there are for such authorizations to conduct ROW management operations.

(i) The plan should describe approximate funding levels that are needed to accomplish annual and multi-year ROW management planning goals. Any strategies involving significant increases in annual or multi-year funding levels that are deemed necessary to advance the achievement of plan goals should be included.

(j) The final section should describe provisions for periodically reviewing, evaluating and revising the long-range plan, and the time interval for such revisions.

§ 84.3 Transmission right-of-way maintenance programs and schedules

(a) Each member system of the New York Power Pool, except the Power Authority of the State of New York, shall, by March 31, 1981, prepare and file with the commission a right-of-way (ROW) maintenance program for its transmission system which is designed to achieve the company's long-range ROW management planning goals. At a minimum, the program should contain the following elements:

(1) provisions for regular inspections of the ROW's, including the specifics of the types of inspection and the frequencies of inspection;

(2) specific quantitative criteria relating to the clearances between conductors and vegetation and the corresponding range of time in which the vegetation maintenance must be performed. These criteria are to be used by ROW inspectors in determining when maintenance is necessary;

(3) a requirement that annual schedules for the treatment of vegetation based on the results of the ROW inspections be prepared;

(4) preparation and use of standardized inspection reports to record the findings of all ROW and vegetation inspections;

(5) the preparation and use of standardized reports of all ROW maintenance and vegetation treatments. Reports must include the type, location, acreage, and date of all mechanical, chemical or other treatments; and

(6) retention, for three years, of herbicide application reports, and retention, for a period to coincide with the maintenance cycle of the company, of ROW inspection dates, maintenance schedules and maintenance activities for each ROW in the transmission system. Maintenance information may be summarized on an annual basis and recorded on the permanent record for each transmission facility.

(b) It is the commission's intention by imposing these requirements to allow the utilities to develop their own ROW maintenance programs, but yet ensure that adequate records are maintained so that staff of the department may periodically examine them and report to the commission if they find that ROW vegetation treatment is being postponed or deferred to the extent that it threatens either the performance of the line during emergencies or attainment of the goals of the long-range ROW management plan.