

CHAPTER 220  
SB 361 – FINAL VERSION

03/21/12 1172s  
25Apr2012... 1655h

2012 SESSION

12-2947  
09/05

SENATE BILL **361**

AN ACT establishing a commission to study the feasibility of establishing energy infrastructure corridors within existing transportation rights of way and repealing a commission.

SPONSORS: Sen. Forrester, Dist 2; Sen. Carson, Dist 14; Sen. Groen, Dist 6; Sen. Sanborn, Dist 7; Sen. Lambert, Dist 13; Rep. Rappaport, Coos 1; Rep. Ladd, Graf 5; Rep. Brosseau, Graf 6; Rep. Cali-Pitts, Rock 16

COMMITTEE: Transportation

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AMENDED ANALYSIS

This bill establishes a commission to study the feasibility of establishing energy infrastructure corridors within existing transportation rights of way.

This bill also repeals the commission established in HB 648 of the 2012 regular session.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT                    establishing a commission to study the feasibility of establishing energy infrastructure corridors within existing transportation rights of way and repealing a commission.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            220:1 Declaration of Purpose. The legislature finds that the state would be well served by  
2 determining whether it is feasible to use existing transportation rights of way to serve as locations  
3 for utility infrastructure, including underground installations. This act establishes a commission to  
4 conduct a feasibility study, and, if warranted, to recommend a process by which appropriate energy  
5 infrastructure corridors should be identified for specific utility facilities and a process by which  
6 bidding for these corridors and revenue for the annual use of the corridors would be established. The  
7 commission shall have no regulatory or supervisory authority over the planning, siting, construction,  
8 or operation of any past, present, or future power transmission or energy infrastructure project.

9            220:2 New Chapter; Commission to Study the Feasibility of Establishing Energy Infrastructure  
10 Corridors Within Existing Transportation Rights of Way. Amend RSA by inserting after chapter  
11 362-F the following new chapter:

CHAPTER 362-G

COMMISSION TO STUDY THE FEASIBILITY OF  
ESTABLISHING ENERGY INFRASTRUCTURE CORRIDORS  
WITHIN THE EXISTING TRANSPORTATION RIGHTS OF WAY

16            362-G:1 Definitions. In this chapter:

17            I. “Energy infrastructure” includes electric transmission and distribution facilities, natural  
18 gas transmission lines, carbon dioxide pipelines, petroleum pipelines, and other energy transport  
19 pipelines or conduits.

20            II. “Energy infrastructure corridor” means a transportation right of way on an existing  
21 state-owned transportation right of way within which energy infrastructure could potentially be  
22 sited underground or aboveground.

23            III. “Potential developer” means a person that can demonstrate to the state the financial and  
24 technical capability to engage in the development and construction of energy infrastructure.

25            IV. “Project” means the development or construction of energy infrastructure within an  
26 energy infrastructure corridor.

27            V. “State-owned” means owned by the state or by a state agency or state authority.

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1           362-G:2 Commission to Study the Feasibility of Establishing Energy Infrastructure Corridors  
2 Within the Existing Transportation Rights of Ways.

3           I. There is established a commission to study the feasibility of establishing energy  
4 infrastructure corridors within the existing transportation rights of ways.

5           II. The members of the commission shall be as follows:

6               (a) One member of the senate, appointed by the president of the senate.

7               (b) Three members of the house of representatives, appointed by the speaker of the  
8 house of representatives.

9               (c) The director of the office of energy and planning, or designee.

10              (d) The commissioner of the department of administrative services, or designee.

11              (e) The commissioner of the department of transportation, or designee.

12              (f) The commissioner of the department of environmental services, or designee.

13              (g) The commissioner of the department of resources and economic development, or  
14 designee.

15              (h) The chairman of the public utilities commission, or designee.

16              (i) The commissioner of the department of revenue administration, or designee.

17           III. Legislative members of the commission shall receive mileage at the legislative rate when  
18 attending to the duties of the commission.

19           IV. The commission shall identify the feasibility of using state-owned transportation  
20 corridors for energy infrastructure and, if the commission finds the use of transportation corridors  
21 feasible for such use, shall specify which corridors are most appropriate for specific utility  
22 infrastructures. The commission's assessment of feasibility shall consider, but shall not be limited to  
23 the following issues:

24               (a) Whether such corridor or corridors materially enhance the delivery of electricity or  
25 other utilities, or both, to New Hampshire consumers and increase the reliability and security of the  
26 electricity distribution system in the state.

27               (b) The identification of the corridors.

28               (c) The identification of available technologies.

29               (d) The identification of the costs of available technologies.

30               (e) Whether there would be long-term economic benefits for the state, including, but not  
31 limited to, direct financial benefits from leasing rights of ways; employment opportunities; and  
32 private sector economic development.

33               (f) What the effects of such corridor or corridors are on the retail price of electricity or  
34 other utilities, or both, to businesses and residential ratepayers.

35               (g) A process design to assure the efficient development of such corridor or corridors by  
36 energy distribution companies serving the state.

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1           (h) What actions need to be taken to assure that conflict with the public purposes for  
2 which such rights of way are already owned is minimized.

3           (i) Circumstances where eminent domain might be used to complete an otherwise  
4 incomplete energy infrastructure corridor.

5           V. Chairperson; Quorum. The members of the commission shall elect a chairperson from  
6 among the members. The first meeting of the commission shall be called by the first-named senate  
7 member. The first meeting of the commission shall be held within 45 days of the effective date of  
8 this section. Six members of the commission shall constitute a quorum.

9           VI. Report. The commission, after public hearings, shall report its findings and any  
10 recommendations for proposed legislation to the president of the senate, the speaker of the house of  
11 representatives, the senate clerk, the house clerk, the governor, and the state library on or before  
12 December 1, 2012.

13           220:3 Repeal. The following are repealed:

14           I. RSA 362-G, relative to the commission to study the feasibility of establishing energy  
15 infrastructure corridors within the existing transportation rights of way.

16           II. RSA 371:16-a, relative to the establishment of the commission to investigate the  
17 procedural rights of the landowner when a petition is presented to the public utilities commission by  
18 a utility seeking eminent domain, develop a framework for the state to provide use rights to  
19 transmission developers on state owned rights-of-way, develop policies to encourage burying such  
20 lines where practicable, and establish a structure for payment.

21           220:4 Effective Date.

22           I. Paragraph I of section 3 of this act shall take effect December 2, 2012.

23           II. The remainder of this act shall take effect upon its passage.

24 Approved: June 13, 2012

25 Effective Date: I. Paragraph I of section 3 shall take effect December 2, 2012.

26           II. Remainder shall take effect June 13, 2012.