

HR 829 IH

110th CONGRESS
1st Session
H. R. 829

To amend the Federal Power Act to make certain changes in provisions relating to National Interest Transmission Corridors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 5, 2007

Mr. WOLF (for himself, Mr. HINCHEY, Mr. TOM DAVIS of Virginia, Mr. GRIJALVA, Mr. ARCURI, and Mr. HALL of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Power Act to make certain changes in provisions relating to National Interest Transmission Corridors, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'National Interest Electric Transmission Corridor Clarification Act'.

SEC. 2. AMENDMENT OF FEDERAL POWER ACT.

Section 216 of the Federal Power Act is amended as follows:

(1) In paragraph (4) of subsection (a), by amending subparagraph (C) to read as follows:

'(C) the designation would consider potential impacts on natural values and special places considered to be in the national interest;'

(2) By adding the following at the end of subsection (a):

`(5) Before making any designation of a national interest electric transmission corridor under this subsection, the Secretary shall conduct, and publish the results of, a thorough analysis of all alternatives measures, considered individually and in concert, that could be implemented to address the energy transmission constraints or congestion concerned, including an analysis of demand reduction, available new technology, and distributed generation measures that could be taken. The Secretary shall provide a reasonable opportunity for public comment on the analysis.

`(6) No designation of a national interest electric transmission corridor under this subsection may encompass any lands on which development is prohibited or limited under any Federal or State law in order to protect scenic, natural, cultural, or historic resources, including any park or historic battlefield sites designated as such under Federal or State law and resources within one mile of their respective boundaries.'

(3) In subsection (b)(1), by striking the `or' at the end of subparagraph (B) and by striking subparagraph (C) and inserting the following:

`(C) a State commission or other State entity with authority to approve the siting of facilities has disapproved the siting pursuant to a State decision that the Commission finds to have been arbitrary or capricious or otherwise an abuse of discretion; or

`(D) a State commission or other State entity with authority to approve the siting of facilities has unreasonably withheld or delayed making a decision regarding the siting of the proposed facilities for at least one year after the filing of the permit application.'

(4) In subsection (c), by adding the following new paragraph at the end thereof:

`(3) Each permit application shall include an engineering study of the feasibility of placing the line underground.'

(5) By adding the following in paragraph (1) of subsection (f) after the period at the end thereof: `A diminution of 10 percent or more in the value of any property which results from the right-of-way and the construction of electric transmission facilities on the right-of-way shall be treated as a taking of property for purposes of this subsection.'

(6) In subsection (h)(5)(A), by striking out `As' and inserting `Each agency shall issue its own record of decision in order to ensure that the agency's environmental review is in compliance with the statutory mandates and regulatory requirements applicable to actions by that agency. As'

(7) By repealing paragraph (6) of subsection (h).

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 of this Act shall take effect with respect to any national interest electric transmission corridor designated under section 216 of the Federal Power Act after February 5, 2007.

END