

3603

2011-2012 Regular Sessions

I N   S E N A T E

February 28, 2011

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Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to providing for municipalities to require qualified manholes to contain locking devices

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The public service law is amended by adding a new section  
2     73 to read as follows:  
3     S 73. MANHOLE BARRIER LOCKING DEVICES. 1. AS USED IN THIS SECTION, THE  
4     FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:  
5     (A) "QUALIFIED MANHOLE" MEANS SURFACE-LEVEL ACCESS TO HIGHLY CRITICAL  
6     UNDERGROUND INFRASTRUCTURE WHICH IS AT OR NEAR GRADE, AND UNSECURED BY  
7     MEANS OTHER THAN A COVER OR GRATE OVER SUCH OPENING.  
8     (B) "SELF CONTAINED INDEPENDENT MANHOLE BARRIER LOCKING DEVICE" MEANS  
9     A SELF CONTAINED MECHANICAL LOCKING BARRIER DEVICE WHICH IS READILY  
10    REMOVABLE AND REUSABLE, AND REQUIRES A PROPRIETARY, CUSTOM, OR UNIQUE  
11    KEY OR WRENCH TO REMOVE, AND ANY ASSOCIATED KEY OR WRENCHES TO LOCK AND  
12    UNLOCK SUCH DEVICE.  
13    2. A CITY HAVING A POPULATION OF ONE MILLION OR MORE SHALL REQUIRE ALL  
14    QUALIFIED MANHOLES LOCATED WITHIN SUCH CITY TO CONTAIN A SELF CONTAINED  
15    INDEPENDENT MANHOLE BARRIER LOCKING DEVICE PURSUANT TO THE PROVISIONS OF  
16    THIS SECTION.  
17    3. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT  
18    THE POWER OF ANY COUNTY, CITY OF LESS THAN ONE MILLION IN POPULATION,  
19    TOWN OR VILLAGE, OR ANY DISTRICT, AGENCY, BOARD, BODY OR COMMISSION  
20    THEREOF TO ADOPT AND ENFORCE LOCAL LAWS THAT COMPLY WITH THE PROVISIONS  
21    SET FORTH IN THIS SECTION.  
22    S 2. This act shall take effect on the one hundred twentieth day after  
23    it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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