

STATE OF NEW YORK

6259

2021-2022 Regular Sessions

IN SENATE

April 19, 2021

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the highway law, in relation to applications for permits for work within the highway right of way

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The second undesignated paragraph of section 52 of the
2 highway law, as amended by chapter 297 of the laws of 1972, is amended
3 to read as follows:

4 The commissioner of transportation shall establish regulations govern-
5 ing the issuance of highway work permits, including the fees to be
6 charged therefor, a system of deposits of money or bonds guaranteeing
7 the performance of the work and requirements of insurance to protect the
8 interests of the state during performance of the work pursuant to a
9 highway work permit. Such regulations shall provide that the department
10 shall issue a written notice of complete application to an applicant for
11 a highway work or use and occupancy permit within twenty-one days of
12 receipt of the application following an initial review of the applica-
13 tion and either making a determination that the application is complete
14 or identifying any additional information required or to be submitted by
15 the applicant. The regulations shall also provide that the department
16 shall: complete the review of the application and issue a permit within
17 forty-five days of issuing the notice of application; and provide that
18 any application that is pending for more than forty-five days without a
19 permit being issued shall be deemed approved and, upon payment of a one
20 hundred dollar permit fee, the applicant shall not be required to take
21 further action with regard to the permit application. With respect to
22 driveway entrance permits, the regulations shall take into consideration
23 the prospective character of the development, the traffic which will be
24 generated by the facility within the reasonably foreseeable future, the
25 design and frequency of access to the facility, the effect of the facil-

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

LBD10833-02-1

1 ity upon drainage as related to existing drainage systems, the extent to
2 which such facility may impair the safety and traffic carrying capacity
3 of the existing state highway and any proposed improvement thereto with-
4 in the reasonably foreseeable future, and any standards governing
5 access, non-access or limited access which have been established by the
6 department of transportation.

7 § 2. This act shall take effect immediately.