

4352

2009-2010 Regular Sessions

I N A S S E M B L Y

February 3, 2009

Introduced by M. of A. HEASTIE -- read once and referred to the Committee on Corporations, Authorities and Commissions

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 hundred twentieth day after it
23 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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