

3755

2011-2012 Regular Sessions

I N A S S E M B L Y

January 27, 2011

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the
Committee on Transportation

AN ACT to amend the highway law and the transportation corporations law,
in relation to requiring the issuance of permits to telegraph and
telephone corporations for work within a county road right of way

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

1 Section 1. Subdivision 1 of section 136 of the highway law, as added
2 by chapter 734 of the laws of 1982, is amended to read as follows:
3 1. Except in connection with the construction, reconstruction, mainte-
4 nance or improvement of a county road or operations of a corporation
5 pursuant to the provisions of [section twenty-seven of the transporta-
6 tion corporations law or] sections twenty-one, eighty-nine, ninety-one,
7 ninety-three, ninety-three-a and ninety-three-b of the railroad law, no
8 person, firm, corporation or municipality shall construct or improve,
9 within the county road right of way an entrance or connection to such
10 road, or construct within the county road right of way any works, struc-
11 ture or obstruction, or any overhead or underground crossing thereof, or
12 lay or maintain therein underground wires or conduits or drainage, sewer
13 or water pipes, except in accordance with the terms and conditions of a
14 work permit issued by the county superintendent or his duly designated
15 agent, notwithstanding any consent or franchise granted by any town
16 superintendent, or by any other municipal authority. Any municipal
17 corporation may enter upon any county road for the purpose of widening
18 the pavement or for any other purpose authorized by this section, but
19 only after securing a permit as provided herein. Notwithstanding the
20 limitations in any general or special law, every municipal corporation
21 shall have and is hereby given authority to deposit with the county
22 superintendent such a sum of money or a security bond as may be required
23 as a condition precedent to the granting of the permit provided in this
24 section.

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

LBD07457-01-1

1 S 2. Section 27 of the transportation corporations law, as amended by
2 chapter 840 of the laws of 1977, is amended to read as follows:

3 S 27. Construction of lines. [Any] SUBJECT TO THE PROVISIONS OF
4 SECTION ONE HUNDRED THIRTY-SIX OF THE HIGHWAY LAW, ANY such corporation
5 may erect, construct and maintain the necessary fixtures for its lines
6 upon, over or under any of the public roads, streets and highways; and
7 through, across or under any of the waters within the limits of this
8 state, and may erect, construct and maintain its necessary stations,
9 plants, equipment or lines upon, through or over any other land, subject
10 to the right of the owners thereof to full compensation for the same. If
11 any such corporation can not agree with such owner or owners upon the
12 compensation to be paid therefor, such compensation shall be ascertained
13 in the manner provided in the eminent domain procedure law. Any such
14 corporation is authorized, from time to time, to construct and lay lines
15 of electrical conductors under ground in any city, village or town with-
16 in the limits of this state, subject to all the provisions of law in
17 reference to such companies not inconsistent with this section; provided
18 that such corporation shall, before laying any such line in any city,
19 village or town of this state, first obtain from the common council of
20 cities, or other body having like jurisdiction therein, the trustees of
21 villages, or the town superintendents of towns, permission to use the
22 streets within such city, village or town for the purposes herein set
23 forth. Nothing in this section shall limit, alter, or affect the
24 provisions or powers relating or granted to telegraph corporations here-
25 tofore created by special act of the legislature of this state, except
26 in so far as to confer on any such corporation the right to lay elec-
27 trical conductors under ground.

28 S 3. This act shall take effect on the thirtieth day after it shall
29 have become a law.