S T A T E O F N E W Y O R K

536--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KLEIN, DIAZ, HASSELL-THOMPSON, HUNTLEY, SAMPSON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the applicability of noise ordinances on school construction work sites

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

Section 1. The education law is amended by adding a new section 408-c to read as follows:

S 408-C. GUIDELINES RELATING TO NOISE AND WORK HOURS ON SCHOOL CONSTRUCTION SITES. 1. THE DEPARTMENT SHALL ISSUE GUIDELINES FOR PUBLIC SCHOOL DISTRICT CONSTRUCTION AS IT PERTAINS TO NOISE LEVELS AND HOURS OF WORK. GUIDELINES SHALL SPECIFY THAT RECOMMENDED HOURS OF WORK ARE BETWEEN SEVEN O'CLOCK A.M. AND SEVEN O'CLOCK P.M. SHOULD WORK OCCUR OUTSIDE THESE HOURS, RECOMMENDED NOISE LEVELS AFTER SEVEN O'CLOCK P.M. OR BEFORE SEVEN O'CLOCK A.M. SHOULD BE CONSISTENT WITH MANDATES ISSUED BY THE DEPARTMENT FOR CONSTRUCTION OCCURRING DURING SCHOOL HOURS.

2. THE DEPARTMENT SHALL ISSUE GUIDELINES PROVIDING FOR THE DISSEMINATION OF GUIDELINES FOR SCHOOL DISTRICT CONSTRUCTION AS THEY PERTAIN TO NOISE AND HOURS OF WORK. DISSEMINATION SHALL INCLUDE PROMINENTLY POSTING THE OFFICE WITHIN THE DEPARTMENT RESPONSIBLE FOR FIELDING COMPLAINTS REGARDING NOISE LEVELS OR WORK HOURS ON THE DEPARTMENT'S WEBSITE AND INCLUDING INFORMATION IN THE DEPARTMENT'S NEWSLETTER.

3. WHILE THE DEPARTMENT IS NOT RESPONSIBLE FOR ROUTINELY MONITORING ADHERENCE TO GUIDELINES, IT WILL WORK TO MAINTAIN POSITIVE COMMUNITY RELATIONS BETWEEN LOCAL RESIDENTS AND SCHOOL DISTRICTS WHEN DISPUTES ARISE OVER SCHOOL CONSTRUCTION.

S 2. This act shall take effect immediately.

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

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