

1063

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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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

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

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1 as a condition precedent to the granting of the permit provided in this  
2 section.

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

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

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