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

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2015-2016 Regular Sessions

I N A S S E M B L Y

April 10, 2015

Introduced by M. of A. FAHY, BRENNAN, SEAWRIGHT, ABINANTI, OTIS, STECK, BRINDISI, STIRPE, SKOUFIS, COLTON, GALEF, KAVANAGH -- read once and referred to the Committee on Corporations, Authorities and Commissions -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public service law, in relation to municipal acquisition of street lights from electric utilities

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

Section 1. The public service law is amended by adding a new section 70-a to read as follows:

S 70-A. STREET LIGHTS. 1. ANY MUNICIPALITY OR OTHER GOVERNMENT ENTITY PROPOSING TO ACQUIRE TITLE TO AND TRANSFER OWNERSHIP OF THE COMPLETE SYSTEM OF STREET LIGHT LUMINAIRES OR FIXTURES, ALL SUPPORTING INFRASTRUCTURE, AND ASSOCIATED ELECTRIC CIRCUITRY MAY FILE AN APPLICATION WITH THE COMMISSION TO DETERMINE IF THERE IS PUBLIC INTEREST FOR THE COMMISSION TO COMMENCE A PROCEEDING TO FACILITATE AN OWNERSHIP TRANSFER AGREEMENT BETWEEN THE OWNER OF THE STREET LIGHTS AND THE PETITIONING MUNICIPALITY.

2. THE MUNICIPALITY SHALL FILE AN APPLICATION WITH THE COMMISSION IDENTIFYING OR PROVIDING:

(A) AN INVENTORY FORM WITH POLE NUMBERS, LOCATION, LIGHT SIZE, LIGHT TYPE AND OTHER RELEVANT DESCRIPTIVE INFORMATION; UPON REQUEST AN ELECTRIC CORPORATION SHALL PROVIDE SUCH INFORMATION REQUIRED BASED ON THE ACTUAL COST, IF ANY, TO PREPARE THE SAME;

(B) A STATEMENT EXPLAINING THE NEED FOR THE CHANGE IN OWNERSHIP INCLUDING THE ANTICIPATED FINANCIAL IMPACTS TO THE MUNICIPALITY;

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

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(C) A STATEMENT EXPLAINING THE MUNICIPALITY'S PLANS TO RETROFIT THE FIXTURES TO BE ACQUIRED WITH ENERGY EFFICIENT LIGHTING; AND

(D) SUCH OTHER INFORMATION AS THE APPLICANT MAY CONSIDER RELEVANT OR AS THE COMMISSION MAY REQUIRE.

3. ANY SUCH APPLICATION FILED WITH THE COMMISSION SHALL BE ACCOMPANIED BY PROOF OF SERVICE, AND SHALL BE SERVED ON THE OWNER OR OWNERS OF THE STREET LIGHT EQUIPMENT AND SUPPORTING INFRASTRUCTURE WHICH ARE SUBJECT TO SUCH PROCEEDING. THE APPLICANT SHALL SERVE A COPY OF SUCH APPLICATION ON SUCH OTHER PERSONS OR ENTITIES AS THE CHAIR MAY DEEM APPROPRIATE. THE APPLICANT, THE COMMISSION AND THOSE SERVED SHALL CONSTITUTE THE PARTIES TO A PROCEEDING PURSUANT TO THIS SECTION.

4. THE COMMISSION SHALL REQUIRE ANY UTILITY NAMED AS A PARTY TO A PROCEEDING PURSUANT TO THIS SECTION TO HAVE AN EFFECTIVE TARIFF WHICH ESTABLISHES THE PROCESS TO FACILITATE THE TRANSFER OF OWNERSHIP OF STREET LIGHT EQUIPMENT, INCLUDING LIGHT EMITTING DIODES, SUPPORTING INFRASTRUCTURE, ANY REQUIRED STREET LIGHTING ATTACHMENT PROVISIONS, AND THE RATES AND CHARGES RELATED TO THE FOREGOING.

5. THE COMMISSION SHALL REQUIRE THAT ANY AGREEMENT BETWEEN THE MUNICIPALITY AND THE OWNER OF THE STREET LIGHTING SYSTEM PROVIDE THAT ANY PERSONNEL THAT WORK ON SUCH STREET LIGHTING SYSTEM WILL BE ELECTRICALLY QUALIFIED TO ACCOMMODATE THE ENVIRONMENT WITHIN WHICH THE STREET LIGHT EQUIPMENT SHALL EXIST AND/OR BE IN COMPLIANCE WITH ESTABLISHED STANDARDS ASSOCIATED WITH WORK IN CLOSE PROXIMITY TO ELECTRICAL EQUIPMENT AND FURTHER PROVIDE THAT ANY REQUIRED MAKE-READY WORK MUST BE PERFORMED BY THE UTILITY OR QUALIFIED CONTRACTOR.

6. THE COMMISSION SHALL WORK WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY TO IDENTIFY ENERGY EFFICIENCY OR OF THE FUNDING WHICH WOULD BE AVAILABLE FOR MUNICIPALITIES FOR THE PURPOSES OF THE SECTION.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.