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

7787

2015-2016 Regular Sessions

I N A S S E M B L Y

May 27, 2015

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

AN ACT to amend the public service law and the general business law, in relation to requiring the notification of the department of public service of an incident involving damage to any underground facilities

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

Section 1. Section 119-b of the public service law is amended by adding a new subdivision 9 to read as follows:

9. NOTWITHSTANDING ANY GENERAL OR SPECIAL LAW TO THE CONTRARY, EACH OPERATOR SHALL GIVE NOTICE TO THE DEPARTMENT OF EACH INCIDENT INVOLVING DAMAGES TO UNDERGROUND FACILITIES AT THE EARLIEST PRACTICABLE MOMENT FOLLOWING DISCOVERY OF SAID INCIDENT, IN SUCH FORM AS THE DEPARTMENT MAY REQUIRE. WITHIN SIXTY DAYS OF NOTICE OF AN INCIDENT UNDER THIS SECTION AND AFTER A PRELIMINARY INVESTIGATION, THE DEPARTMENT SHALL POST A NOTICE ON ITS WEBSITE DESCRIBING WHETHER IT WILL INVESTIGATE THE INCIDENT TO DETERMINE ITS CAUSE OR CAUSES AND ANY CONTRIBUTING FACTORS. IN THE EVENT THE DEPARTMENT DETERMINES NOT TO INVESTIGATE THE INCIDENT, IT SHALL SET FORTH THE REASONS FOR ITS DECISION. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT OR MODIFY THE AUTHORITY OF THE COMMISSIONER UNDER STATE OR FEDERAL LAW.

S 2. Section 763 of the general business law is amended by adding a new subdivision 4 to read as follows:

4. NOTWITHSTANDING ANY GENERAL OR SPECIAL LAW TO THE CONTRARY, EACH OPERATOR SHALL GIVE NOTICE TO THE DEPARTMENT OF PUBLIC SERVICE OF EACH INCIDENT INVOLVING DAMAGES TO UNDERGROUND FACILITIES AT THE EARLIEST PRACTICABLE MOMENT FOLLOWING DISCOVERY OF SAID INCIDENT, IN SUCH FORM AS SUCH DEPARTMENT MAY REQUIRE. WITHIN SIXTY DAYS OF NOTICE OF AN INCIDENT UNDER THIS SECTION AND AFTER A PRELIMINARY INVESTIGATION, THE DEPARTMENT OF PUBLIC SERVICE SHALL POST A NOTICE ON ITS WEBSITE DESCRIBING WHETHER IT WILL INVESTIGATE THE INCIDENT TO DETERMINE ITS CAUSE OR CAUSES AND

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

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ANY CONTRIBUTING FACTORS. IN THE EVENT THE DEPARTMENT OF PUBLIC SERVICE DETERMINES NOT TO INVESTIGATE THE INCIDENT, IT SHALL SET FORTH THE REASONS FOR ITS DECISION. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT OR MODIFY THE AUTHORITY OF THE PUBLIC SERVICE COMMISSION UNDER STATE OR FEDERAL LAW.

S 3. This act shall take effect immediately.