

4862--C

Cal. No. 593

2015-2016 Regular Sessions

I N S E N A T E

April 22, 2015

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general business law, in relation to the one-call notification system

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

1 Section 1. Subdivision 9 of section 760 of the general business law,
2 as amended by chapter 685 of the laws of 1994, is amended to read as
3 follows:
4 9. "Local [governing body] GOVERNMENT" means a COUNTY, town [or], city
5 [outside the city of New York or a county within the city of New York]
6 OR VILLAGE.
7 S 2. Paragraph d of subdivision 2 and subdivision 3 of section 761 of
8 the general business law, paragraph d of subdivision 2 as amended by
9 chapter 215 of the laws of 1996 and subdivision 3 as added by chapter
10 685 of the laws of 1994, are added to read as follows:
11 d. Provide local [governing bodies] GOVERNMENTS with the telephone
12 number of the system and a sample or model notice informing operators
13 and excavators of the system and their responsibilities relating to
14 protection of underground facilities; cooperate with local [governing
15 bodies] GOVERNMENTS to encourage their participation in the system to
16 assure that when permits involving excavation and demolition are issued,

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

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1 excavators and operators receive information about the system and about
2 their obligations to protect underground facilities;

3 3. Costs. The costs of operating the system shall be apportioned
4 equitably among the members of the system, with the exception of [muni-
5 cipalities] LOCAL GOVERNMENTS and PUBLIC authorities that operate under-
6 ground facilities and any operator of underground facilities that
7 provides water service to less than four thousand customers. In appor-
8 tioning such costs, the system shall take into account the number of
9 customers, extent of underground facilities and frequency of use.

10 S 3. Section 762 of the general business law, as amended by chapter
11 685 of the laws of 1994, is amended to read as follows:

12 S 762. Duties of local [governing bodies] GOVERNMENTS. The local
13 [governing bodies] GOVERNMENTS shall display in an appropriate location
14 and provide a notice to each applicant for an excavation and demolition
15 permit that informs them about their responsibilities under the law and
16 regulations to protect underground facilities and the existence, opera-
17 tion and programs of the one-call notification system. ANY LOCAL
18 GOVERNMENT WHICH CONTRACTS FOR EXCAVATION OF UNDERGROUND FACILITIES
19 SHALL REQUIRE THE EXCAVATOR TO HAVE COMPLETED THE TRAINING AND EDUCATION
20 PROGRAM PROVIDED BY THE ONE-CALL NOTIFICATION SYSTEM PURSUANT TO THIS
21 ARTICLE.

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

24 4. ANY OPERATOR WHICH PERFORMS OR CONTRACTS FOR THE EXCAVATION OF
25 UNDERGROUND FACILITIES SHALL REQUIRE THE EXCAVATOR TO HAVE COMPLETED THE
26 TRAINING AND EDUCATION PROGRAM PROVIDED BY THE ONE-CALL NOTIFICATION
27 SYSTEM PURSUANT TO THIS ARTICLE OR PURSUANT TO A WRITTEN QUALIFICATION
28 PROGRAM REQUIRED IN 16 NYCRR PART 255.

29 S 5. Subdivision 5 of section 764 of the general business law, as
30 amended by chapter 685 of the laws of 1994, is amended to read as
31 follows:

32 5. In the event of contact with and/or damage to an underground facil-
33 ity, the excavator shall immediately notify the operator of the facility
34 and no backfilling shall be done by the excavator until inspection
35 and/or repairs have been made by the operator and no repairs shall be
36 undertaken by the excavator until authorized by the operator. In the
37 event of an electrical short or the escape of gas or hazardous fluids
38 endangering life, the excavator shall immediately notify the operator of
39 the electric, gas or hazardous liquid underground facility AND THE FIRE
40 DEPARTMENT, and all persons who might be endangered and assist in the
41 evacuation of such persons.

42 S 6. This act shall take effect immediately.