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

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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:

Section 1. Subdivision 9 of section 760 of the general business law, as amended by chapter 685 of the laws of 1994, is amended to read as follows:

9. "Local [governing body] GOVERNMENT" means a COUNTY, town [or], city [outside the city of New York or a county within the city of New York] OR VILLAGE.

S 2. Paragraph d of subdivision 2 and subdivision 3 of section 761 of the general business law, paragraph d of subdivision 2 as amended by chapter 215 of the laws of 1996 and subdivision 3 as added by chapter 685 of the laws of 1994, are added to read as follows:

d. Provide local [governing bodies] GOVERNMENTS with the telephone number of the system and a sample or model notice informing operators and excavators of the system and their responsibilities relating to protection of underground facilities; cooperate with local [governing bodies] GOVERNMENTS to encourage their participation in the system to 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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excavators and operators receive information about the system and about their obligations to protect underground facilities;

3. Costs. The costs of operating the system shall be apportioned equitably among the members of the system, with the exception of [municipalities] LOCAL GOVERNMENTS and PUBLIC authorities that operate underground facilities and any operator of underground facilities that provides water service to less than four thousand customers. In apportioning such costs, the system shall take into account the number of customers, extent of underground facilities and frequency of use.

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

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

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

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

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

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

S 6. This act shall take effect immediately.