

5205--A

2015-2016 Regular Sessions

I N   S E N A T E

May 7, 2015

---

Introduced by Sens. GRIFFO, AMEDORE, HOYLMAN, LATIMER, PANEPINTO, SERRA-  
NO -- read twice and ordered printed, and when printed to be committed  
to the Committee on Energy and Telecommunications -- committee  
discharged, bill amended, ordered reprinted as amended and recommitted  
to said committee

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

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

1     Section 1. The public service law is amended by adding a new section  
2     70-a to read as follows:  
3     S 70-A. STREET LIGHTS. 1. ANY MUNICIPALITY OR OTHER GOVERNMENT ENTITY  
4     PROPOSING TO ACQUIRE TITLE TO AND TRANSFER OWNERSHIP OF THE COMPLETE  
5     SYSTEM OF STREET LIGHT LUMINAIRES OR FIXTURES, ALL SUPPORTING INFRAS-  
6     TRUCTURE, AND ASSOCIATED ELECTRIC CIRCUITRY MAY FILE AN APPLICATION WITH  
7     THE COMMISSION TO DETERMINE IF THERE IS SUBSTANTIAL PUBLIC INTEREST FOR  
8     THE COMMISSION TO COMMENCE A PROCEEDING TO FACILITATE AN OWNERSHIP  
9     TRANSFER AGREEMENT BETWEEN THE OWNER OF THE STREET LIGHTS AND THE PETI-  
10    TIONING MUNICIPALITY.  
11    2. THE MUNICIPALITY SHALL FILE AN APPLICATION WITH THE COMMISSION  
12    IDENTIFYING OR PROVIDING:  
13    (A) AN INVENTORY FORM WITH POLE NUMBERS, LOCATION, LIGHT SIZE, LIGHT  
14    TYPE AND OTHER RELEVANT DESCRIPTIVE INFORMATION;  
15    (B) A STATEMENT EXPLAINING THE NEED FOR THE CHANGE IN OWNERSHIP  
16    INCLUDING THE FINANCIAL IMPACTS TO THE MUNICIPALITY;  
17    (C) A STATEMENT EXPLAINING THE MUNICIPALITY'S PLANS TO RETROFIT THE  
18    FIXTURES TO BE ACQUIRED WITH ENERGY EFFICIENT LIGHTING; AND  
19    (D) SUCH OTHER INFORMATION AS THE APPLICANT MAY CONSIDER RELEVANT OR  
20    AS THE COMMISSION MAY REQUIRE.  
21    3. ANY SUCH APPLICATION FILED WITH THE COMMISSION SHALL BE ACCOMPANIED  
22    BY PROOF OF SERVICE, AND SHALL BE SERVED ON THE OWNER OR OWNERS OF THE

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

LBD08112-04-5

1 STREET LIGHT EQUIPMENT AND SUPPORTING INFRASTRUCTURE WHICH ARE SUBJECT  
2 TO SUCH PROCEEDING. THE APPLICANT SHALL SERVE A COPY OF SUCH APPLICATION  
3 ON SUCH OTHER PERSONS OR ENTITIES AS THE CHAIR MAY DEEM APPROPRIATE. THE  
4 APPLICANT, THE COMMISSION AND THOSE SERVED SHALL CONSTITUTE THE PARTIES  
5 TO A PROCEEDING PURSUANT TO THIS SECTION.

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

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

20 6. THE COMMISSION SHALL WORK WITH THE NEW YORK STATE ENERGY RESEARCH  
21 AND DEVELOPMENT AUTHORITY TO IDENTIFY ENERGY EFFICIENCY OR OF THE FUND-  
22 ING WHICH WOULD BE AVAILABLE FOR MUNICIPALITIES FOR THE PURPOSES OF THE  
23 SECTION.

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