

10499

I N   A S S E M B L Y

May 31, 2016

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

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,  
17 excavators and operators receive information about the system and about  
18 their obligations to protect underground facilities;

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

26     S 3. Section 762 of the general business law, as amended by chapter  
27 685 of the laws of 1994, is amended to read as follows:

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

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

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

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

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

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

31 S 6. This act shall take effect immediately.