

4956

2015-2016 Regular Sessions

I N   S E N A T E

April 24, 2015

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Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to enacting the "natural gas roadway excavation safety act"

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "natural gas roadway excavation safety act".

3     S 2. The labor law is amended by adding a new section 28 to read as  
4     follows:

5     S 28. WORKERS ON EXCAVATIONS. UTILITY COMPANIES OR THEIR CONTRACTORS  
6     TO WHOM A PERMIT MAY BE ISSUED BY THE STATE, A COUNTY OR A MUNICIPALITY  
7     TO USE TO OPEN A STREET FOR THE PURPOSE OF MOVING, RECONFIGURING, MODI-  
8     FYING, RESTORING, REPAIRING, INSTALLING OR REPLACING BARE STEEL, CAST  
9     IRON, HIGH DENSITY POLYETHYLENE OR OTHER TYPES OF POLYETHYLENE PIPE USED  
10    FOR NATURAL GAS DISTRIBUTION AND TRANSMISSION SYSTEMS, SHALL BE REQUIRED  
11    BEFORE SUCH PERMIT SHALL BE ISSUED, TO ENTER INTO AN AGREEMENT THAT ONLY  
12    COMPETENT WORKERS SKILLED IN THE WORK REQUIRED OF THEM AND WHO, PRIOR TO  
13    PERFORMING SUCH WORK, HAVE BEEN CERTIFIED AS SUCCESSFULLY COMPLETING A  
14    COURSE IN CONSTRUCTION SAFETY AND HEALTH APPROVED BY THE UNITED STATES  
15    DEPARTMENT OF LABOR'S OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION THAT  
16    IS AT LEAST THIRTY HOURS IN DURATION, SHALL BE EMPLOYED ON THE PROJECT  
17    FOR WHICH SUCH PERMIT TO USE OR OPEN A STREET WAS ISSUED, AND THAT THE  
18    PREVAILING WAGE FOR SIMILAR TITLES AS ESTABLISHED BY THE FISCAL OFFICER  
19    PURSUANT TO SECTION TWO HUNDRED TWENTY OF THIS CHAPTER, BE PAID TO THOSE  
20    SO EMPLOYED. NO PERMIT SHALL BE ISSUED UNTIL SUCH AGREEMENT SHALL HAVE  
21    BEEN ENTERED INTO WITH THE APPROPRIATE STATE, COUNTY OR MUNICIPAL AGEN-  
22    CY, AND ALL PERMITS ISSUED AFTER THE EFFECTIVE DATE OF THIS SECTION  
23    SHALL INCLUDE THEREIN A COPY OF THIS SECTION. WHEN PERMITS ARE ISSUED TO  
24    UTILITY COMPANIES OR THEIR CONTRACTORS, THE POWER TO ENFORCE THE TERMS

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

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1 OF THIS SECTION SHALL BE VESTED WITH THE DEPARTMENT CONSISTENT WITH THE  
2 PROVISIONS OF SECTION TWO HUNDRED TWENTY OF THIS CHAPTER.  
3 S 3. This act shall take effect on the thirtieth day after it shall  
4 have become a law.