

STATE OF NEW YORK

3771--B

2017-2018 Regular Sessions

IN ASSEMBLY

January 30, 2017

Introduced by M. of A. DINOWITZ, VANEL -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to the one-call notification system; and providing for the repeal of certain provisions upon expiration thereof

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 § 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 amended 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-~~

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

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1 ~~municipalities~~ local governments and public authorities that operate under-
2 ground facilities and any operator of underground facilities that
3 provides water service to less than four thousand customers. In apportioning
4 such costs, the system shall take into account the number of
5 customers, extent of underground facilities and frequency of use.

6 § 3. Section 762 of the general business law, as amended by chapter
7 685 of the laws of 1994, is amended to read as follows:

8 § 762. Duties of local ~~[governing bodies]~~ governments. The local
9 ~~[governing bodies]~~ governments shall display in an appropriate location
10 and provide a notice to each applicant for an excavation and demolition
11 permit that informs them about their responsibilities under the law and
12 regulations to protect underground facilities and the existence, operation
13 and programs of the one-call notification system. Any local
14 government which contracts for excavation of underground facilities
15 shall require the excavator to have completed the training and education
16 program provided by the one-call notification system pursuant to this
17 article or any other provider authorized by the public service commis-
18 sion to administer such training and education program. Such training
19 and education program shall be made available in-person and online. The
20 cost of such training and education program shall not exceed twenty-five
21 dollars and shall not be required more than once per five year period.

22 § 4. Section 762 of the general business law, as amended by chapter
23 685 of the laws of 1994, is amended to read as follows:

24 § 762. Duties of local ~~[governing bodies]~~ governments. The local
25 ~~[governing bodies]~~ governments shall display in an appropriate location
26 and provide a notice to each applicant for an excavation and demolition
27 permit that informs them about their responsibilities under the law and
28 regulations to protect underground facilities and the existence, operation
29 and programs of the one-call notification system.

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

32 4. Any operator which performs or contracts for the excavation of
33 underground facilities shall require the excavator to have completed the
34 training and education program provided by the one-call notification
35 system pursuant to this article or any other provider authorized by the
36 public service commission to administer such training and education
37 program. Such training and education program shall be made available
38 in-person and online. The cost of such training and education program
39 shall not exceed twenty-five dollars and shall not be required more than
40 once per five year period. In the case of an operator subject to the
41 jurisdiction of the public service commission, a training and education
42 program that is subject to audit by the department of public service
43 shall also satisfy the requirement herein.

44 § 6. Subdivision 5 of section 764 of the general business law, as
45 amended by chapter 685 of the laws of 1994, is amended to read as
46 follows:

47 5. In the event of contact with and/or damage to an underground facility,
48 the excavator shall immediately notify the operator of the facility
49 and no backfilling shall be done by the excavator until inspection
50 and/or repairs have been made by the operator and no repairs shall be
51 undertaken by the excavator until authorized by the operator. In the
52 event of an electrical short or the escape of gas or hazardous fluids
53 endangering life, the excavator shall immediately notify the operator of
54 the electric, gas or hazardous liquid underground facility and the fire
55 department, and all persons who might be endangered and assist in the
56 evacuation of such persons.

1 § 7. The public service commission shall be authorized to promulgate
2 rules and regulations necessary to implement the provisions of this act.

3 § 8. Any one-call notification system or other approved provider that
4 provides a training and education program pursuant to sections 762 and
5 763 of the general business law shall report annually to the governor,
6 the temporary president of the senate, and the speaker of the assembly.
7 Such report shall include but not be limited to the following informa-
8 tion: the number of incidents involving contact with or damage to under-
9 ground facilities for the five year period prior to the requirement
10 established herein that certain excavators complete the training and
11 education program, the number of incidents involving contact with or
12 damage to underground facilities after such requirement was enacted, the
13 number of training and education program certifications issued each
14 month of the preceding year, a breakdown of the number of training and
15 education programs provided in-person and online, an account of incurred
16 expenses for the training and education program, the revenues received
17 from the fees charged for such program, and any other information that
18 the one-call notification system deems necessary. The department of
19 public service shall cooperate in providing any data, which is not
20 directly reported to the one-call notification system, that is required
21 for such report.

22 § 9. This act shall take effect on the one hundred eightieth day after
23 it shall have become a law; provided, however, that section three of
24 this act shall expire and be deemed repealed October 1, 2020 when upon
25 such date section four of this act shall take effect; provided, further,
26 however, that sections five, seven and eight of this act shall expire
27 and be deemed repealed October 1, 2020.