

STATE OF NEW YORK

6756--A

2017-2018 Regular Sessions

IN SENATE

June 16, 2017

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- 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-~~
21 ~~cipalities~~] local governments and public authorities that operate under-

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

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1 ground facilities and any operator of underground facilities that
2 provides water service to less than four thousand customers. In appor-
3 tioning such costs, the system shall take into account the number of
4 customers, extent of underground facilities and frequency of use.

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

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

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

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

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

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

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

46 5. In the event of contact with and/or damage to an underground facil-
47 ity, the excavator shall immediately notify the operator of the facility
48 and no backfilling shall be done by the excavator until inspection
49 and/or repairs have been made by the operator and no repairs shall be
50 undertaken by the excavator until authorized by the operator. In the
51 event of an electrical short or the escape of gas or hazardous fluids
52 endangering life, the excavator shall immediately notify the operator of
53 the electric, gas or hazardous liquid underground facility and the fire
54 department, and all persons who might be endangered and assist in the
55 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, 2021 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, 2021.