

STATE OF NEW YORK

6259--A

2021-2022 Regular Sessions

IN SENATE

April 19, 2021

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the highway law, in relation to applications for permits for work within the highway right of way

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The second undesignated paragraph of section 52 of the
2 highway law, as amended by chapter 297 of the laws of 1972, is amended
3 to read as follows:

4 The commissioner of transportation shall establish regulations govern-
5 ing the issuance of highway work permits, including the fees to be
6 charged therefor, a system of deposits of money or bonds guaranteeing
7 the performance of the work and requirements of insurance to protect the
8 interests of the state during performance of the work pursuant to a
9 highway work permit.

10 With respect to accommodation of fiber optic util-
11 ities within the state highway right of way, the regulations shall addi-
12 tionally provide that the department shall issue a written notice of
13 complete application to an applicant for a highway work permit or use
14 and occupancy permit within twenty-one days of receipt of the work
15 permit application. Within such time of submission for an accommodation
16 of fiber optic utilities, an initial review of the application shall be
17 conducted and the department shall either make a determination that the
18 application is complete, or identify any additional information required
19 to be submitted by the applicant for the application to be considered
20 complete. With respect to accommodation of fiber optic utilities, the
21 regulations shall also provide that the department shall: complete the
22 review of the application and either issue or deny a work permit and/or
23 use and occupancy permit within forty-five days of issuing the written
notice of complete application; and provide that any application that is

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

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1 pending for more than forty-five days without a permit being issued
2 shall be deemed approved. If the work permit and/or use and occupancy
3 permit is denied, the department shall identify and provide specific
4 reasoning and basis for the denial. With respect to driveway entrance
5 permits, the regulations shall take into consideration the prospective
6 character of the development, the traffic which will be generated by the
7 facility within the reasonably foreseeable future, the design and
8 frequency of access to the facility, the effect of the facility upon
9 drainage as related to existing drainage systems, the extent to which
10 such facility may impair the safety and traffic carrying capacity of the
11 existing state highway and any proposed improvement thereto within the
12 reasonably foreseeable future, and any standards governing access, non-
13 access or limited access which have been established by the department
14 of transportation.

15 § 2. This act shall take effect ninety days after it shall have become
16 a law. Effective immediately, the addition, amendment and/or repeal of
17 any rule or regulation necessary for the implementation of this act on
18 its effective date are authorized to be made and completed on or before
19 such effective date.