

# STATE OF NEW YORK

4035

2023-2024 Regular Sessions

## IN ASSEMBLY

February 9, 2023

Introduced by M. of A. MAMDANI -- Multi-Sponsored by -- M. of A. CARROLL, FORREST, GALLAGHER, MITAYNES, RAGA, SEAWRIGHT, SEPTIMO, SHRESTHA, SIMONE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to expediting metropolitan commuter transportation authority capital project construction by establishing a process for utility relocation necessary for such construction

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

1 Section 1. Section 1266 of the public authorities law is amended by  
2 adding a new subdivision 12-b to read as follows:

3 12-b. For the purposes of this subdivision, the term "required work"  
4 shall mean any necessary removal, relocation, protection, or replacement  
5 of any pipes, mains, conduits or other infrastructure of any public  
6 service corporation and any fixtures and appliances connected therewith  
7 or attached thereto, either temporarily or permanently. Whenever the  
8 authority determines that any required work exists in connection with  
9 the improvement, construction, reconstruction, or rehabilitation of a  
10 transportation facility, all of the following provisions shall apply:

11 (a) The design for such required work shall be prepared by the author-  
12 ity or the authority's contractor. Such design shall be subject to the  
13 review and approval of the public service corporation, which shall not  
14 be unreasonably withheld. Such review and approval shall be completed  
15 within thirty days, or within such other reasonable period of time as  
16 may be determined by the authority after consultation with the public  
17 service corporation.

18 (b) In reviewing and approving designs for such required work, a  
19 public service corporation shall not create the need for another public  
20 service corporation to remove or relocate its pipes, mains, conduits or  
21 other infrastructure without the agreement of the authority.

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

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1 (c) In reviewing and approving designs for such required work, a  
2 public service corporation shall not require the authority to provide  
3 for anticipated future service increases or other betterments, other  
4 than to comply with current standards, without the authority's agree-  
5 ment. Betterments to comply with current standards shall only be  
6 required by the public service corporation within the area of such  
7 required work.

8 (d) The authority shall bear the cost of all work performed by its own  
9 contractors.

10 (e) Where the public service corporation determines that it shall  
11 perform any portion of such required work, such portion of such required  
12 work shall be performed according to a schedule determined by the  
13 authority after consultation with the public service corporation,  
14 provided that such schedule is reasonable and that the authority  
15 provides at least thirty days' notice.

16 § 2. This act shall take effect immediately.