STATE OF NEW YORK

4415

2023-2024 Regular Sessions

IN SENATE

February 8, 2023

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

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:

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

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

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

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

(c) In reviewing and approving designs for such required work, a public service corporation shall not require the authority to provide

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

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for anticipated future service increases or other betterments, other than to comply with current standards, without the authority's agreement. Betterments to comply with current standards shall only be required by the public service corporation within the area of such required work.

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

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

§ 2. This act shall take effect immediately.