STATE OF NEW YORK

5918--C

Cal. No. 1177

2023-2024 Regular Sessions

IN SENATE

March 22, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public service law, in relation to requiring corporations and municipalities to notify property owners prior to beginning certain services

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

Section 1. The public service law is amended by adding a new section 119-e to read as follows:

§ 119-e. Notification to property owners. 1. Prior to beginning any scheduled service that may interfere with a property owner's ability to use, or access such owner's property, a gas corporation, an electric corporation, a gas and electric corporation, a water corporation, a steam corporation, a telegraph corporation, a telephone corporation or a municipality rendering equivalent utility services shall provide notice to such property owner that such service is to be performed. Such notice shall include, but not be limited to, the service to be performed, the expected duration of such service, the location of such service, any road closures or detours that shall occur due to such service, any necessary equipment, including service vehicles, that may intrude upon

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

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the property owner's property or interfere with such property owner's ability to use, or access such property owner's property, and the contact information for the corporation or municipality performing such service. Notice shall be given as far in advance as circumstances may allow, but shall be given no more than thirty days in advance of the start date of such service and no less than five days in advance of the start of such service. Notice shall be provided to property owners whose property boundaries are adjacent to such work to be performed, and any other property owner such as a gas corporation, an electric corporation, a gas and electric corporation, a water corporation, a steam corporation, a telegraph corporation, a telephone corporation or a municipality rendering equivalent utility services believes will be directly impacted by such service to be performed.

2. A gas corporation, an electric corporation, a gas and electric corporation, a water corporation, a steam corporation, a telegraph corporation, a telephone corporation or a municipality rendering equivalent utility services subject to the provisions of this section shall provide notice to property owners, in writing or, when appropriate, via electronic transmission and shall further make reasonable efforts to contact property owners prior to beginning any scheduled service that may interfere with a property owner's ability to use, or access such property owner's property.

3. A gas corporation, an electric corporation, a gas and electric corporation, a water corporation, a steam corporation, a telegraph corporation, a telephone corporation or a municipality rendering equivalent utility services subject to the provisions of this section shall provide to property owners, as part of any notice required pursuant to subdivision one or two of this section, direct contact information for any subcontractor being used for such service.

4. The provisions of this section shall not apply in the case of a natural or man-made disaster or state of emergency pursuant to article two-B of the executive law, or where the need to provide such notice would prevent the timely installation, restoration or repair of a utility customer's service. Additionally, the provisions of this section shall not apply to work scheduled at the request of the customer if the utility has provided the customer written notice of the scheduled date.

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