STATE OF NEW YORK

1415

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

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

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:

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

The commissioner of transportation shall establish regulations governing the issuance of highway work permits, including the fees to be charged therefor, a system of deposits of money or bonds guaranteeing the performance of the work and requirements of insurance to protect the interests of the state during performance of the work pursuant to a highway work permit. **With respect to accommodation of fiber optic utilities within the state highway right of way, the regulations shall additionally provide that the department shall issue a written notice of complete application to an applicant for a highway work permit or use and occupancy permit within twenty-one days of receipt of the work permit application. Within such time of submission for an accommodation of fiber optic utilities, an initial review of the application shall be conducted and the department shall either make a determination that the application is complete, or identify any additional information required to be submitted by the applicant for the application to be considered complete. With respect to accommodation of fiber optic utilities, the regulations shall also provide that the department shall: complete the review of the application and either issue or deny a work permit and/or use and occupancy permit within forty-five days of issuing the written notice of complete application; and provide that any application that is pending for more than forty-five days without a permit being issued shall be deemed approved. If the work permit and/or use and occupancy**

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

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permit is denied, the department shall identify and provide specific reasoning and basis for the denial. With respect to driveway entrance permits, the regulations shall take into consideration the prospective character of the development, the traffic which will be generated by the facility within the reasonably foreseeable future, the design and frequency of access to the facility, the effect of the facility upon drainage as related to existing drainage systems, the extent to which such facility may impair the safety and traffic carrying capacity of the existing state highway and any proposed improvement thereto within the reasonably foreseeable future, and any standards governing access, non-access or limited access which have been established by the department of transportation.

§ 2. This act shall take effect ninety days 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.