



Legislation Text

File #: Int 0205-2004, **Version:** A

Int. No. 205-A

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A Local Law to amend the administrative code of the city of New York, in relation to the ownership and operation by local electric corporations of any piece of electrical-related infrastructure in the city of New York.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council finds that an ongoing state of danger exists on the streets and sidewalks of the City of New York in the form of stray voltage emanating from electrical-related infrastructure. This danger became immediately apparent on January 16, 2004 when Jodie S. Lane was tragically killed when she stepped on an electrically charged metal plate while walking her two dogs in Manhattan. The stray voltage that led to Ms. Lane's death prompted an examination of the state of the electrical-related infrastructure in the City for purposes of determining the incidence of stray voltage emanating from that infrastructure and the extent of the danger posed to New Yorkers in simply traversing the City's streets and sidewalks as they go about their daily routine. The examination found hundreds of cases of stray voltage throughout the five boroughs that were potentially harmful to the public. It is believed that the stray voltage was subsequently eliminated at these locations, but the widespread nature of these findings and the propensity for numerous additional cases of stray voltage in the future has demonstrated the necessity for the Council to act in an effort to protect New Yorkers from the dangers associated with stray voltage.

By requiring the New York City Department of Transportation to test for stray voltage in accordance with the provisions of this local law, the Council does not intend to impose any liability on the City or the New York City Department of Transportation for failure to detect stray voltage or to eliminate its source. The

Council merely intends for the New York City Department of Transportation to provide an independent check on the stray voltage inspection, testing and repair program mandated by this local law in an effort to further safeguard New Yorkers from the dangers of stray voltage.

It is further the Council's intent that the local action manifested in this local law is necessary until such time as the New York State Public Service Commission, or its successor, adopts rules or regulations imposing obligations upon electric corporations to conduct annual inspections, tests and repairs of its electrical-related infrastructure to detect and eliminate stray voltage.

§2. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-153 to read as follows:

§19-153 Inspection, testing and repair of electrical-related infrastructure. a. The provisions of this section shall only apply to electrical-related infrastructure located in the city of New York capable of emitting stray voltage. For purposes of this section, the following terms shall have the following meanings: 1. "Local electric corporation" shall mean an electric corporation as defined in paragraph 13 of section 2 of the public service law, or its successor provision, that owns and operates transmission and distribution systems for the provision of electrical service in the city of New York.

2. "Stray voltage" shall mean any unintended electrical potentials between contact points that may be encountered by humans or animals.

3. "Voltmeter" shall mean an instrument that measures differences of electric potential in volts.

4. "Non-conductive protective material" shall mean any casing or material of sufficient composition or thickness to adequately obstruct the unintended flow of electricity.

b. All local electric corporations shall, where practicable and appropriate for the protection of public safety, utilize non-conductive protective materials to insulate their electrical-related infrastructure to prevent stray voltage.

c. All local electric corporations shall establish and implement written guidelines and procedures for

the annual inspection or testing of each category of its electrical-related infrastructure used to provide electrical service and for the repair of such infrastructure if required. Such guidelines and procedures shall include the annual inspection of each category of its electrical-related infrastructure located on, above or below any sidewalk used to provide electrical service and the repair of such infrastructure if required. Such guidelines and procedures shall also include the annual testing of each category of its electrical-related infrastructure in any location other than on, above or below a sidewalk used to provide electrical service and the repair of such infrastructure if required. Each inspection and testing period shall be comprised of an uninterrupted twelve month period concluding on November 30 of each year. Such local electric corporations shall establish such inspection and testing schedules and procedures for at least the following categories of electrical-related infrastructure: transformers, switching and protective devices, regulators and capacitors, overhead and underground cables, wires and conductors, above and below ground utility and connection boxes, manhole covers, metal plates, gratings and poles.

d. Each piece of electrical-related infrastructure included in the list of categories of such infrastructure set forth in subdivision c of this section that has been found to emit stray voltage shall be repaired or made safe within twenty-four hours of discovery or knowledge of such condition by the local electric corporation that owns and operates the infrastructure, or a contractor or subcontractor thereof, in a manner that completely eliminates the emission of any such stray voltage.

e. Upon completion of the annual inspection, testing and repair program mandated by subdivision c of this section, all local electric corporations shall provide the council, the department and the public service commission with a written report no later than January 15 of each year. Such report shall state that each piece of its electrical-related infrastructure has been inspected where required, tested where required, and, if necessary, repaired during the immediately preceding inspection and testing period. Such report shall indicate each location at which stray voltage was found and shall state that in each such instance, each repair was completed in accordance with accepted professional standards and that no public safety hazard exists. Such

report shall include a detailed account of all types of non-conductive protective materials utilized to insulate such local electric corporation's electrical-related infrastructure during the period being reported upon, as well as any planned changes in the types of non-conductive protective materials to be employed during the next reporting period to meet the mandate set forth in subdivision b of this section with an explanation for any proposed change. Such report shall also include a complete list of all inspections, tests and repairs for the detection and elimination of stray voltage conducted outside the course of the inspection and testing schedules required by subdivision c of this section, such as those initiated in response to consumer complaints, including the nature and location of the condition complained of, whether the complaint was founded, what repair work was undertaken and to what category of electrical-related infrastructure and the amount of time taken from receipt of the complaint to completely eliminate any stray voltage.

f. The department shall conduct random tests, by utilizing a voltmeter, of the electrical-related infrastructure of any local electric corporation for the purposes of detecting stray voltage and shall maintain written reports of the results of each such test. Commencing with the twelve month inspection and testing period beginning on December 1, 2004, the department shall conduct at least two hundred fifty such tests at random sites during each twelve month inspection and testing period. The reports created pursuant to this testing shall be forwarded to the public service commission and to the local electric corporation whose sites the department tests.

g. All local electric corporations shall establish and implement an educational campaign aimed at informing the public of how to identify and protect themselves from the dangers of stray voltage potentially emanating from their electrical-related infrastructure. The campaign shall utilize the information from the annual report of inspections, tests and repairs required by this section to alert the public to the locations most frequently documented as having had stray voltage.

§3. This local law shall take effect immediately after its enactment into law.

