

STATE OF NEW YORK

9435

IN ASSEMBLY

January 6, 2026

Introduced by M. of A. MAGNARELLI -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to requiring utility pole owners and attachers to submit an annual report on pole attachments; and to repeal certain provisions of the general municipal law relating to requirements for right-of-way permits

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

1 Section 1. Section 119-e of the public service law, as added by a
2 chapter of the laws of 2025 amending the public service law and the
3 general municipal law relating to enforcement of pole attachment safety
4 and quality, as proposed in legislative bills numbers S. 6997-A and A.
5 7544-A, is amended to read as follows:

6 § 119-e. Utility pole [~~and~~] attachment [~~identification~~] report. 1.
7 [~~(a) In connection to a new pole attachment, or during the modification,~~
8 ~~repair or inspection of a pole or pole attachment, all~~] All utility pole
9 owners and attachers shall be required to submit [~~information that~~
10 ~~allows inspectors to ensure physical identification of each individual~~
11 ~~attacher's and pole owner's equipment~~] an annual report on pole attach-
12 ments. Such [~~information~~] report shall include [~~the (i) telecommuni-~~
13 ~~cations or cable company that owns the equipment attached to the pole,~~
14 ~~(ii) contractor or subcontractor responsible for completing the pole~~
15 ~~attachment work, (iii) date of work commencement and estimated~~
16 ~~completion,~~] (a) the number of pole attachment requests received; (b)
17 for each request received: (i) the processing time; and (ii) whether
18 make-ready is required; (c) the number of pole attachment requests
19 completed in the reporting year; (d) for each completed request: (i) the
20 number of poles sought for attachment; (ii) the number of new attach-
21 ments licensed resulting from the request; (iii) the contractor or
22 subcontractor responsible for completing the pole attachment work; and
23 (iv) the number of poles replaced associated with each licensed attach-
24 ment request, differentiated by payment source (e.g., the number of
25 poles funded by the pole owner, those funded by the third-party attach-
26 er, or a combination of the two); (e) for each request licensed: (i) the

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

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1 ~~time to complete make-ready; and (ii) make-ready charges to third-party~~
2 ~~attacher(s); and [(iv)] (f) any other information the commission deems~~
3 ~~necessary [to allow inspectors to ensure physical identification of~~
4 ~~ownership relating to pole attachments on a utility pole]. Such informa-~~
5 ~~tion shall [also] be submitted electronically to the commission [and~~
6 ~~kept in an electronic database pursuant to the requirements listed with-~~
7 ~~in paragraph (b) of this subdivision.~~

8 ~~(b) The commission shall keep a record of all information submitted~~
9 ~~pursuant to paragraph (a) of this subdivision.~~

10 ~~(c) The commission shall promulgate rules and regulations to provide a~~
11 ~~uniform format and form for complying with paragraphs (a) and (b) of~~
12 ~~this subdivision].~~

13 2. (a) The ~~[commission shall create an electronic complaint form,~~
14 ~~posted to the commission's website, to allow members of the public and~~
15 ~~telecommunications workers]~~ department may develop a means for inter-
16 ested persons to report the following ~~[alleged violations]~~: (i) telecom-
17 munications equipment moved in alleged violation of applicable laws and
18 regulations including but not limited to regulations established by the
19 commission related to pole attachments and the use of one touch make
20 ready, (ii) an attachment that does not meet industry standards includ-
21 ing but not limited to the National Electrical Safety Code (NESC) and
22 Telcordia Standards, (iii) an unsafe attachment, telecommunications or
23 electrical equipment, or a pole that presents a safety hazard, and (iv)
24 anything else the ~~[commission]~~ department deems necessary to protect
25 workers and the public and ensure safe pole attachment work.

26 (b) ~~[The complaint form]~~ Such complaints shall include, at minimum,
27 (i) the date and time of the complaint, (ii) the location of the alleged
28 violation, (iii) a description of the alleged violation, and (iv) infor-
29 mation regarding the pole owner, attacher or contractor, if available.
30 Such ~~[form shall]~~ complaints may allow for the submission of photo-
31 graphs.

32 ~~[3. The commission shall be required to inspect a reported complaint~~
33 ~~within two weeks of the submission of such complaint and make a determi-~~
34 ~~nation if a violation has occurred. If the commission determines a~~
35 ~~violation has occurred, the commission shall notify the relevant public~~
36 ~~utility company, corporation or person or the officers, attachers,~~
37 ~~agents or employees within two weeks of such determination.~~

38 4. (a) ~~Where the commission determines a violation has occurred, the~~
39 ~~commission shall notify the relevant public utility company, corporation~~
40 ~~or person or the officers, attachers, agents and employees in writing of~~
41 ~~the violation and disclose its findings.~~

42 (b) (i) ~~Such public utility company and/or attacher shall have one~~
43 ~~week from the date of notice to remedy the violation, which may be~~
44 ~~reduced or extended by the commission based on the nature and severity~~
45 ~~of the violation. Where the commission determines such remedy is not~~
46 ~~satisfactory, or the relevant public utility company, corporation or~~
47 ~~person or the officers, attachers, agents or employees have not reme-~~
48 ~~died the violation within the required timeframe, such entity shall be~~
49 ~~subject to the following fine schedule:~~

50 (1) ~~Upon a first violation, the responsible party may be subject up to~~
51 ~~a twenty thousand dollar fine.~~

52 (2) ~~Upon a second violation, the responsible party may be subject up~~
53 ~~to a fifty thousand dollar fine.~~

54 (3) ~~Upon a third violation, the responsible party may be subject to a~~
55 ~~stop work order in the county where any of the violations were made.~~

~~(ii) The provisions of this paragraph shall not apply to violations outlined in paragraph (c) of this subdivision.~~

~~(c) The commission shall issue a fine of up to twenty thousand dollars for violations of regulations established by the commission related to the use of one touch make ready.~~

~~5. The commission shall compile a semiannual list of attachers, internet service providers and their contractors that the commission has determined committed three or more violations. The commission shall distribute such list to relevant agencies including but not limited to the division of broadband access, as established in section sixteen-gg of the urban development corporation act.]~~

§ 2. Section 109-e of the general municipal law, as added by a chapter of the laws of 2025 amending the public service law and the general municipal law relating to enforcement of pole attachment safety and quality, as proposed in legislative bills numbers S. 6997-A and A. 7544-A, is REPEALED.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2025 amending the public service law and the general municipal law relating to enforcement of pole attachment safety and quality, as proposed in legislative bills numbers S. 6997-A and A. 7544-A, takes effect.