

STATE OF NEW YORK

7520

IN SENATE

January 23, 2020

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to exempting municipalities from fees for attachments to utility poles that promote public safety

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

1 Section 1. Section 119-a of the public service law, as added by chapter 703 of the laws of 1978, is amended to read as follows:

2 § 119-a. Attachments to utility poles; use of utility ducts, trenches
3 and conduits. 1. The commission shall prescribe just and reasonable
4 rates, terms and conditions for attachments to utility poles and the use
5 of utility ducts, trenches and conduits. A just and reasonable rate
6 shall assure the utility of the recovery of not less than the additional
7 cost of providing a pole attachment or of using a trench, duct or
8 conduit nor more than the actual operating expenses and return on capital
9 of the utility attributed to that portion of the pole, duct, trench
10 or conduit used. With respect to cable television attachments and use,
11 such portion shall be the percentage of total usable space on a pole or
12 the total capacity of the duct or conduit that is occupied by the facilities
13 of the user. Usable space shall be the space on a utility pole
14 above the minimum grade level which can be used for the attachment of
15 wires and cables.

16
17 2. Such rates shall not apply or be charged to municipalities for
18 attachments to utility poles that promote public safety, including but
19 not limited to, cameras and license plate readers, pursuant to article
20 twenty-four of the vehicle and traffic law.

21 § 2. This act shall take effect immediately.

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

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