STATE OF NEW YORK

S. 3046 A. 4066

2019-2020 Regular Sessions

SENATE - ASSEMBLY

February 1, 2019

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

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

AN ACT to amend the public service law, in relation to notice requirements and municipal cooperation in wireless facility siting

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-d to read as follows:

§ 119-d. Wireless siting notice; municipal cooperation. 1. For purposes of this section "wireless facility" means any facility used in connection with the provision of commercial mobile services, as that term is defined in section 332(d) of title 47, United States Code; wireless facility shall include, but is not limited to, antennas, small cell infrastructure, ancillary equipment and telecommunications towers.

2. Prior to any telecommunication company or cellular communication company installing a wireless facility in the state, such company shall, not less than sixty days before the planned installation of such wireless facility:

a. provide written notice to all owners and residents of property located within two thousand five hundred feet of such proposed wireless facility;

b. provide written notice to the municipalities in which such proposed wireless facility is located;

c. solicit suggestions from municipalities in which such proposed wireless facility is located for existing infrastructure which is technically and commercially feasible for co-location with such proposed wireless facility; and

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

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d. use suggested existing infrastructure which is technically and commercially feasible for co-location with such proposed wireless facility.

3. No later than December thirty-first, two thousand nineteen, the commission shall develop a guide for any telecommunication company or cellular communication company installing wireless facilities in the state. Such guide shall include best practices for coordination with local municipal governments, property owners, and residents for the siting and potential co-location of wireless facilities.

§ 2. This act shall take effect immediately.