STATE OF NEW YORK

8460

IN SENATE

March 3, 2022

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

AN ACT to amend the transportation law, the public service law and the highway law, in relation to installing fiber optic utility along certain highways

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

Section 1. The transportation law is amended by adding a new section 23 to read as follows:

§ 23. Maintaining fiber optic utility along highways. The commissioner shall enter into an agreement with any fiber optic utility for the purposes of installing, modifying, relocating, repairing, operating, and maintaining fiber optic facilities and fiber optic cables along all thruways and highways maintained by the New York state thruway authority and the metropolitan transportation authority so such fiber optic facilities and cables may be utilized for access to fiber optic and broadband services.

§ 2. The transportation law is amended by adding a new section 24 to read as follows:

§ 24. Broadband conduit requirement for certain highway projects. Notwithstanding any provision of law to the contrary, any highway or thruway project which receives state funding shall include the installation of conduits suitable for fiber optic cables or wireless facilities that support broadband services.

§ 3. The public service law is amended by adding a new section 119-d to read as follows:

§ 119-d. Broadband conduit access. The commission, in consultation with the department of transportation, the New York state thruway authority and the metropolitan transportation authority shall ensure that any requesting provider of broadband services has access to any broadband conduit installed pursuant to the provisions of section twenty-four of the transportation law or fiber optic cable installed pursuant to section twenty-three of the transportation law. Such access shall

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

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be on a competitively neutral and nondiscriminatory basis, for a charge not to exceed a cost-based rate.

§ 4. Section 10 of the highway law is amended by adding a new subdivision 47 to read as follows:

47. Have the authority to enter into agreements and/or contracts to ensure all thruways and highways maintained by the New York state thruway authority and the metropolitan transportation authority have fiber optic cable along such thruways and highways pursuant to section twenty-three of the transportation law and upon such terms and conditions as deemed appropriate by the commissioner or commissioner's designee.

§ 5. This act shall take effect on the thirtieth day 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.