STATE OF NEW YORK

2996

2023-2024 Regular Sessions

IN SENATE

January 26, 2023

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

AN ACT to amend the general business law, in relation to requiring cell towers to be equipped with a back-up power source in case of a power outage

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

Section 1. The general business law is amended by adding a new section 399-yyyy to read as follows:

§ 399-yyyy. Macro cell tower sites; back-up power. 1. Every owner or operator of macro cell tower sites located in this state shall, to the extent practicable, equip all such macro cell tower sites with an emergency back-up power source capable of providing adequate power to maintain the operation of such macro cell tower sites in the case of a loss of power. Such emergency back-up power source shall use a renewable energy system, fuel cell electric generating equipment, or an energy storage system and be capable of powering a macro cell tower site for a minimum of at least seventy-two hours. If a macro cell tower site is already equipped with an emergency back-up power source prior to the effective date of this section, then the owner or operator of such macro tower site shall not be required to update such emergency back-up power source to meet the requirements of this section, provided, however, that once such emergency back-up power source needs to be replaced, the owner or operator shall equip such macro cell tower site with an emergency back-up power source that meets the requirements of this section.

2. For the purposes of this section, "macro cell tower site" shall mean the place where wireless telecommunications equipment and network components, including towers, transmitters, base stations, and emergency powers necessary for providing wide area outdoor service, are located. A

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

LBD01762-01-3

macro cell tower site shall not include rooftop, small cell, or outdoor and indoor distributed antenna system sites.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.