

# STATE OF NEW YORK

635

2023-2024 Regular Sessions

## IN SENATE

January 5, 2023

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:

1 Section 1. The transportation law is amended by adding a new section  
2 23 to read as follows:

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

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

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

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

20 § 119-d. Broadband conduit access. The commission, in consultation  
21 with the department of transportation, the New York state thruway  
22 authority and the metropolitan transportation authority shall ensure  
23 that any requesting provider of broadband services has access to any  
24 broadband conduit installed pursuant to the provisions of section twen-

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

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1 ty-four of the transportation law or fiber optic cable installed pursu-  
2 ant to section twenty-three of the transportation law. Such access shall  
3 be on a competitively neutral and nondiscriminatory basis, for a charge  
4 not to exceed a cost-based rate.

5 § 4. Section 10 of the highway law is amended by adding a new subdivi-  
6 sion 47 to read as follows:

7 47. Have the authority to enter into agreements and/or contracts to  
8 ensure all thruways and highways maintained by the New York state thru-  
9 way authority and the metropolitan transportation authority have fiber  
10 optic cable along such thruways and highways pursuant to section twen-  
11 ty-three of the transportation law and upon such terms and conditions as  
12 deemed appropriate by the commissioner or commissioner's designee.

13 § 5. This act shall take effect on the thirtieth day after it shall  
14 have become a law. Effective immediately, the addition, amendment and/or  
15 repeal of any rule or regulation necessary for the implementation of  
16 this act on its effective date are authorized to be made and completed  
17 on or before such effective date.