

STATE OF NEW YORK

3133

2023-2024 Regular Sessions

IN SENATE

January 27, 2023

Introduced by Sens. MANNION, BORRELLO, HELMING, HINCHEY, STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the highway law, in relation to when surveys may be required for fiber optics by the department of transportation; and to amend the New York state urban development corporation act, in relation to the powers and duties of the division of broadband access

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

1 Section 1. Section 10 of the highway law is amended by adding a new
2 subdivision 24-e to read as follows:

3 24-e. The commissioner shall not require a survey from any fiber optic
4 utility for permitting or continuance of the use and occupancy of a
5 state right of way for the purposes of installing, modifying, relocat-
6 ing, repairing, operating, or maintaining fiber optic facilities where a
7 survey of the state right of way has already been conducted for,
8 received by, or is otherwise accessible to, the state department of
9 transportation provided there have been no material changes to the right
10 of way since such survey, or when such use and occupancy of the state
11 right of way is utilizing existing infrastructure sited in the same
12 location as the existing facilities, including but not limited to aerial
13 pole attachments and underground conduits. Notwithstanding the require-
14 ments of this section or any other law, the commissioner may not require
15 any such survey of the state right of way for any fiber optic deployment
16 project receiving funding from the division of broadband access estab-
17 lished pursuant to section 16-gg of section 1 of chapter 174 of the laws
18 of 1968, as added by section 2 of part MMM of chapter 58 of the laws of
19 2022.

20 § 2. Subdivision 4, paragraph (f) of subdivision 6, and paragraph (b)
21 of subdivision 13 of section 16-gg of section 1 of chapter 174 of the
22 laws of 1968, constituting the New York state urban development corpo-

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

LBD05181-01-3

1 ration act, as added by section 2 of part MMM of chapter 58 of the laws
2 of 2022, are amended to read as follows:

3 4. Powers and duties of the division of broadband [~~development~~]
4 access. The division shall have the power and duty to:

5 (a) Coordinate the activities of all state agencies performing func-
6 tions affecting access to high-speed, reliable, and affordable broad-
7 band.

8 (b) Conduct research and analyses of matters affecting access to high-
9 speed, reliable, and affordable broadband.

10 (c) Advise and make recommendations to the commissioner on matters
11 affecting access to high-speed, reliable, and affordable broadband.

12 (d) Provide advisory assistance to municipalities, state and local
13 authorities, and other entities to expand access to high-speed, reli-
14 able, and affordable broadband.

15 (e) Establish and implement programs, including grant programs, to
16 expand access to high-speed, reliable, and affordable broadband, includ-
17 ing but not limited to: programs to improve broadband access at unserved
18 and underserved locations; programs to deploy broadband infrastructure
19 owned or managed by municipalities, state and local authorities, enti-
20 ties established pursuant to section 99-y of the general municipal law,
21 or not-for-profit entities; programs to deploy innovative broadband
22 technologies and means to improve broadband access; including in low-in-
23 come areas; programs to improve digital equity, digital inclusion, and
24 digital literacy.

25 (f) Take additional actions the division deems necessary to expand
26 access to high-speed, reliable, and affordable broadband.

27 (g) Campaign to increase awareness of and enrollment in state or
28 federal internet subsidy programs.

29 (h) Work with the state education department and internet service
30 providers to ensure schools, libraries and other locations with public
31 and communal internet have access to reliable high-speed broadband, and
32 to assist school districts in ensuring availability of affordable broad-
33 band services for remote learning.

34 (f) The committee shall:

35 (i) advise the director in carrying out the functions, powers and
36 duties of the division, as set forth in this article.

37 (ii) advise the director, the governor, and the legislature concerning
38 policy changes necessary to promote expansion and development of access
39 to high-speed, reliable, and affordable broadband.

40 (iii) advise the director, the governor, and the legislature concern-
41 ing existing policies of state agencies which may be counter-productive
42 or inimical to promote expansion and deployment of high-speed, reliable,
43 and affordable broadband.

44 (iv) advise the director, the governor, and the legislature concerning
45 the development of inter-governmental cooperation among agencies of the
46 federal, state, and local governments and cooperation between private
47 industry and government so as to promote expansion, deployment and
48 continued provision of high-speed, reliable, and affordable broadband.

49 (v) advise the director, the governor, and the legislature on issues
50 related to fostering consumer choice, increasing competition in the
51 broadband industry, and promoting open-access infrastructure.

52 (vi) advise the director, in consultation with the division of broad-
53 band access, on potential guidelines or regulations for implementation
54 of broadband-related programs.

1 (vii) advise the director, the governor, and the legislature on poli-
2 cies related to the deployment of wireless and cellular services,
3 including deployment of small cell networks for access to 5G services.

4 (viii) advise the director on policies to reduce regulatory obstacles
5 and streamline regulations to promote access to high-speed, reliable,
6 and affordable broadband.

7 (ix) advise the director on policies to maximize access to high-speed,
8 reliable, and affordable broadband in affordable housing projects.

9 (x) advise the director on policies relevant to ensuring that senior
10 citizens have access to high-speed, reliable, and affordable broadband.

11 (xi) make periodic recommendations [~~as to updates to~~ using the
12 [~~broadband report~~] findings of the reports required by the Comprehensive
13 Broadband Connectivity Act.

14 (b) every six months, beginning twelve months after the first
15 disbursement to a grant awardee under any program established under this
16 section, until such a time that all funds associated with all programs
17 established under this section have been fully expended, submit a report
18 to the governor, the temporary president of the senate, and the speaker
19 of the assembly setting forth the activities undertaken by the program.
20 Such reports shall include, but need not be limited to, the details of
21 the grants and recipients, locations of the projects, and such other
22 information as the division deems necessary and appropriate[~~, to the~~
23 ~~extent that the production such reporting is not duplicative of federal~~
24 ~~reporting requirements associated with broadband expansion in New York~~
25 ~~state under the Infrastructure Investment and Jobs Act or American~~
26 ~~Rescue Plan Act]. The division shall maintain, and regularly update, a
27 database of all grants awarded by the division along with information on
28 the awardees, amount of the award, project for which an award was made,
29 and progress on completion of a project. Such database shall be
30 published and made available on the department's website in a downloada-
31 ble and searchable format. Such reports shall be included on the depart-
32 ment's website and any other publicly accessible state database that
33 list economic development programs as determined by the director.~~

34 § 3. This act shall take effect immediately.