

STATE OF NEW YORK

7544

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

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

AN ACT to amend the public service law and the general municipal law, in relation to enforcement of pole attachment safety and quality

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

1 Section 1. The public service law is amended by adding a new section
2 119-e to read as follows:

3 § 119-e. Utility pole and attachment identification. 1. (a) In
4 connection to a new pole attachment, or during the modification, repair
5 or inspection of a pole or pole attachment, all utility pole owners and
6 attachers shall be required to submit information that allows inspectors
7 to ensure physical identification of their equipment on a utility pole.
8 Such information shall include the (i) telecommunication or cable compa-
9 ny that owns the equipment, (ii) contractor or subcontractor responsible
10 for completing the pole attachment work, and (iii) date of work. Such
11 information shall also be submitted electronically to the commission and
12 kept in an electronic database pursuant to paragraph (b) of this subdivi-
13 vision.

14 (b) The commission shall keep a record of all pole attachment work
15 including which attachers have equipment on which poles and the contrac-
16 tor, telecommunications or cable company who completed the work.

17 (c) The commission shall promulgate rules and regulations to provide a
18 uniform format or form for complying with paragraphs (a) and (b) of this
19 subdivision.

20 2. (a) The commission shall create an electronic complaint form, post-
21 ed to the commission's website, to allow members of the public and tele-
22 communications workers to report (i) telecommunications equipment moved
23 in violation of applicable laws and regulations including but not limit-
24 ed to subdivision five of section one hundred nineteen-a of this arti-
25 cle, (ii) an attachment that does not meet industry standards including

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

LBD11374-01-5

1 but not limited to the National Electrical Safety Code (NESC) and
2 Telcordia Standards, (iii) an unsafe attachment, telecommunications or
3 electrical equipment, or a pole that presents a safety hazard, and (iv)
4 anything else the commission deems necessary to protect workers and the
5 public and ensure safe pole attachment work.

6 (b) The complaint form shall include, at minimum, (i) the date and
7 time of the complaint, (ii) the location of the violation, (iii) a
8 description of the violation, and (iv) information on the pole owner,
9 attacher or contractor, if available. Such form shall allow for the
10 submission of photographs.

11 3. The commission shall be required to inspect a reported complaint
12 within two weeks of the submission of such complaint.

13 4. (a) Where the commission finds a violation outlined in subdivision
14 two of this section, any public utility company, corporation or person
15 and the officers, attachers, agents and employees shall be subject to
16 penalties set forth in subdivision two of section twenty-five of this
17 chapter and as further set forth in this subdivision. The commission
18 shall notify the responsible telecommunications or cable company and
19 their contractor of its findings in writing.

20 (i) Upon a first violation, the responsible party may be subject to a
21 twenty thousand dollar fine.

22 (ii) Upon a second violation, the responsible party may be subject to
23 a fifty thousand dollar fine.

24 (iii) Upon a third violation, the responsible party may be subject to
25 a stop work order in the county where any of the violations were made.

26 (b) The commission shall issue a fine of no less than twenty thousand
27 dollars for violations of the provisions of subdivision five of section
28 one hundred nineteen-a of this article.

29 5. The commission shall compile a semiannual list of attachers, inter-
30 net service providers and their contractors that have received three or
31 more complaints. The commission shall distribute such list to relevant
32 agencies including but not limited to the division of broadband access,
33 as established in section sixteen-gg of the urban development corpo-
34 ration act. Notwithstanding any other provision of law, a contractor,
35 telecommunications or cable company that appears on the list shall be
36 deemed ineligible for any direct or indirect state grants, state guaran-
37 teed loans or tax benefits for three years after the date such list is
38 published.

39 § 2. The general municipal law is amended by adding a new section
40 109-e to read as follows:

41 § 109-e. Additional requirements for right-of-way permits. As a
42 requirement of obtaining a public right-of-way permit, all applicants
43 shall disclose to the local permitting authority of a municipality prior
44 to the issuance of such permit the identity of each contractor, subcon-
45 tractor, or agent that will perform work authorized by the permit in the
46 right-of-way, whether a sole proprietor, independent contractor, compa-
47 ny, or other entity. If there are any changes to the entities that will
48 perform permitted work in the right-of-way after submission, the appli-
49 cant shall update the municipality with the new information within twen-
50 ty-four hours.

51 § 3. This act shall take effect immediately.