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:

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

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

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

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

2. (a) The commission shall create an electronic complaint form, posted to the commission's website, to allow members of the public and telecommunications workers to report (i) telecommunications equipment moved in violation of applicable laws and regulations including but not limited to subdivision five of section one hundred nineteen-a of this article, (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.

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

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

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

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

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

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

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

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

5. The commission shall compile a semiannual list of attachers, internet service providers and their contractors that have received three or more complaints. The commission shall distribute such list to relevant agencies including but not limited to the division of broadband access, as established in section sixteen-gg of the urban development corporation act. Notwithstanding any other provision of law, a contractor, telecommunications or cable company that appears on the list shall be deemed ineligible for any direct or indirect state grants, state guaranteed loans or tax benefits for three years after the date such list is published.

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

§ 109-e. Additional requirements for right-of-way permits. As a requirement of obtaining a public right-of-way permit, all applicants shall disclose to the local permitting authority of a municipality prior to the issuance of such permit the identity of each contractor, subcontractor, or agent that will perform work authorized by the permit in the right-of-way, whether a sole proprietor, independent contractor, company, or other entity. If there are any changes to the entities that will perform permitted work in the right-of-way after submission, the applicant shall update the municipality with the new information within twenty-four hours.

§ 3. This act shall take effect immediately.