STATE OF NEW YORK

6997--A

2025-2026 Regular Sessions

IN SENATE

March 28, 2025

Introduced by Sens. C. RYAN, BAILEY, BASKIN, GALLIVAN, HARCKHAM, HINCHEY, JACKSON, MARTINEZ, MATTERA, MAYER, MURRAY, PALUMBO, RHOADS, S. RYAN, SALAZAR, SCARCELLA-SPANTON, SKOUFIS, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 each individual attacher's and pole owner's equipment. Such information shall include the (i) telecommunications or cable company that owns the equipment attached to the pole, (ii) contractor or subcontractor responsible for completing the pole attachment work, (iii) date of work commencement and estimated completion, and (iv) any other information the commission deems necessary to allow inspectors to ensure physical identification of ownership relating to pole attachments on a utility pole. Such information shall also be submitted electronically to the commission and kept in an electronic database pursuant to the requirements listed within paragraph (b) of this subdivision.

(b) The commission shall keep a record of all information submitted pursuant to paragraph (a) of this subdivision.

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

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(c) The commission shall promulgate rules and regulations to provide a uniform format and 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 the following alleged violations: (i) telecommunications equipment moved in violation of applicable laws and regulations including but not limited to regulations established by the commission related to pole attachments and the use of one touch make ready, (ii) an attachment that does not meet industry standards including 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 alleged violation, (iii) a description of the alleged violation, and (iv) information regarding 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 and make a determination if a violation has occurred. If the commission determines a violation has occurred, the commission shall notify the relevant public utility company, corporation or person or the officers, attachers, agents or employees within two weeks of such determination.

4. (a) Where the commission determines a violation has occurred, the commission shall notify the relevant public utility company, corporation or person or the officers, attachers, agents and employees in writing of the violation and disclose its findings.

(b) (i) Such public utility company and/or attacher shall have one week from the date of notice to remedy the violation, which may be reduced or extended by the commission based on the nature and severity of the violation. Where the commission determines such remedy is not satisfactory, or the relevant public utility company, corporation or person or the officers, attachers, agents or employees have not remedied the violation within the required timeframe, such entity shall be subject to the following fine schedule:

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

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

(3) 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.

(ii) The provisions of this paragraph shall not apply to violations outlined in paragraph (c) of this subdivision.

(c) The commission shall issue a fine of up to twenty thousand dollars for violations of regulations established by the commission related to the use of one touch make ready.

5. The commission shall compile a semiannual list of attachers, internet service providers and their contractors that the commission has determined committed three or more violations. 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.

§ 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 five business days.

§ 3. This act shall take effect immediately.