

STATE OF NEW YORK

7544--A

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

Introduced by M. of A. MAGNARELLI, O'PHARROW, SCHIAVONI, RAMOS, BARRETT, JACOBSON, STERN, KASSAY, TORRES, GRIFFIN, SHRESTHA, BURDICK, GALLAGHER, OTIS, COLTON, LUNSFORD, EACHUS, KAY, DAVILA, McMAHON, SHIMSKY, DINOWITZ, TAYLOR, ROZIC, HEVESI, CLARK, SEAWRIGHT, SIMONE, REYES -- read once and referred to the Committee on Corporations, Authorities and Commissions -- 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:

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 each individual attacher's and pole
8 owner's equipment. Such information shall include the (i) telecommuni-
9 cations or cable company that owns the equipment attached to the pole,
10 (ii) contractor or subcontractor responsible for completing the pole
11 attachment work, (iii) date of work commencement and estimated
12 completion, and (iv) any other information the commission deems neces-
13 sary to allow inspectors to ensure physical identification of ownership
14 relating to pole attachments on a utility pole. Such information shall
15 also be submitted electronically to the commission and kept in an elec-
16 tronic database pursuant to the requirements listed within paragraph (b)
17 of this subdivision.

18 (b) The commission shall keep a record of all information submitted
19 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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1 (c) The commission shall promulgate rules and regulations to provide a
2 uniform format and form for complying with paragraphs (a) and (b) of
3 this subdivision.

4 2. (a) The commission shall create an electronic complaint form, post-
5 ed to the commission's website, to allow members of the public and tele-
6 communications workers to report the following alleged violations: (i)
7 telecommunications equipment moved in violation of applicable laws and
8 regulations including but not limited to regulations established by the
9 commission related to pole attachments and the use of one touch make
10 ready, (ii) an attachment that does not meet industry standards includ-
11 ing but not limited to the National Electrical Safety Code (NESC) and
12 Telcordia Standards, (iii) an unsafe attachment, telecommunications or
13 electrical equipment, or a pole that presents a safety hazard, and (iv)
14 anything else the commission deems necessary to protect workers and the
15 public and ensure safe pole attachment work.

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

21 3. The commission shall be required to inspect a reported complaint
22 within two weeks of the submission of such complaint and make a determi-
23 nation if a violation has occurred. If the commission determines a
24 violation has occurred, the commission shall notify the relevant public
25 utility company, corporation or person or the officers, attachers,
26 agents or employees within two weeks of such determination.

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

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

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

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

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

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

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

50 5. The commission shall compile a semiannual list of attachers, inter-
51 net service providers and their contractors that the commission has
52 determined committed three or more violations. The commission shall
53 distribute such list to relevant agencies including but not limited to
54 the division of broadband access, as established in section sixteen-gg
55 of the urban development corporation act.

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

3 § 109-e. Additional requirements for right-of-way permits. As a
4 requirement of obtaining a public right-of-way permit, all applicants
5 shall disclose to the local permitting authority of a municipality prior
6 to the issuance of such permit the identity of each contractor, subcon-
7 tractor, or agent that will perform work authorized by the permit in the
8 right-of-way, whether a sole proprietor, independent contractor, compa-
9 ny, or other entity. If there are any changes to the entities that will
10 perform permitted work in the right-of-way after submission, the appli-
11 cant shall update the municipality with the new information within five
12 business days.

13 § 3. This act shall take effect immediately.