

S.6997 (Ryan C)/A.7544 (Magnarelli)

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BILL S.6997 (Ryan C)/A.7544 (Magnarelli)
SUBJECT Requiring disclosure of information about pole attachments, contractors, and violations
DATE May 21, 2025
OPPOSE

The Business Council of New York State opposes S.6997 (Ryan C)/A.7544 (Magnarelli). This legislation seeks to create more transparency and harsher penalties to ensure compliance with safety regulations and other legal requirements, however, the outlined measures in this bill are overly broad and have potential to be abused and delay needed maintenance and development of infrastructure.

The creation of new section 119-e of the Public Service Law would give authority to the Public Service Commission (PSC) to impose fines for any violations listed in Public Service Law §119-a(5). This would be unconstitutional as this would mean PSC would be enforcing clauses in Collective Bargaining Agreements, as §119-a(5) states that “Nothing in this section shall be construed to authorize the public service commission to interfere in any manner with provisions of collective bargaining agreements.” Imposing such high and stringent fines would be in direct contradiction to this.

The penalties outlined in this legislation are not tied to severity or the nature of violation. The flat fine provides no room for flexibility on if the violation is a less severe administrative oversight or a serious safety violation and does not provide strong protections to ensure fair treatment.

This legislation also requires PSC to create a public portal for the purpose of reporting violations, while well intentioned, this leaves the potential to abuse this system. This provides the opportunity to those who wish to slow certain development projects. This creates unnecessary safety and operational risks, slows infrastructure deployment, and undermines good-faith pole work, even when performed in compliance with law and safety standards. Additionally, there is language that would blacklist any attacher, ISP, utility or contractor from receiving direct or indirect state grants, guaranteed loans, or tax benefits for three years if they receive 3 or more complaints. The language provides no distinction between whether the complaints are substantial or frivolous.

While this legislation is well intentioned and strives to provide transparency and ensure compliance, this is not the way to achieve it. Having penalties that are reflective of the severity of the violation, and proper due process for potential violations instead of automatically being barred from financial incentives would be more beneficial. As well as not having a public portal that could be potentially abused.

For these reasons, The Business Council strongly opposes S.6997 (Ryan C)/A.7544 (Magnarelli).

