

March 16, 2020

Honorable Andrew M. Cuomo  
Governor of New York State  
New York State Capitol Building  
Albany, New York 12224

Honorable Andrea Stewart-Cousins  
New York State Senate Majority Leader  
Legislative Office Building, Room 907  
Albany, New York 12247

Honorable Carl Heastie  
New York State Assembly Speaker  
Legislative Office Building, Room 932  
Albany, New York 12247

Dear Governor Cuomo, Senate Majority Leader Stewart Cousins and Assembly Speaker Carl Heastie,

**The County Executives, Mayors and local government officials listed below write to express strong opposition to Part BB of the FY 2021 New York State Executive Budget, “Article 13-E, Small Wireless Facilities Deployment” which will preempt the authority of our local governments to regulate the deployment of small cell wireless facilities.** This legislation would allow wireless providers virtually unfettered access to municipal rights-of-way and exempt these companies from local oversight and control of wireless facility installation. While we fully support promoting access to high-speed internet for all New Yorkers, this legislation will not further that goal and instead presents significant public safety risks, aesthetic concerns and endangers the workforce engaged in installation and construction of small cell wireless facilities.

This legislation usurps the ability of the town, county and city governments we lead to responsibly and safely manage the rollout of small cell infrastructure. Specifically the proposed budget language would:

- Circumvent local zoning review or standard siting processes for small cell wireless facilities.
- Make it more difficult for localities to undertake the necessary processes to ensure long-term safety in deployment. For example, oversight processes allow localities to test and ensure that the structures on which the equipment would be attached can safely handle the weight and that the installation would be fully in compliance with all relevant codes and regulations.
- Set unrealistic administrative requirements and aggressive timelines that constitute a significant burden for most of our governments. If these arbitrary timelines are not met, any application is automatically deemed approved. By removing the ability of the localities to properly review these concerns, the public’s safety and welfare is inherently put at risk
- Prohibit localities from requiring reasonable fees for the use of public rights-of-way. This standard limits fees to a locality’s “direct costs” which does not allow the locality to recoup

fully the cost of the utilization of public facilities and effectively requires localities to charge below-market rates.

- Bar localities from entering into certain agreements that allow in-kind contributions of fiber and conduit. By restricting fees and in-kind contributions, the ability of local government to further digital equity and ensure broadband access to unserved and underserved communities is significantly impeded.
- Restrict localities' ability to enact transparency requirements designed to enhance contractor accountability.

Local governments are in the best position to protect the public, public rights-of-way and workers by overseeing the deployment of this technology, negotiating vigorous standards of accountability and transparency, and ensuring fair compensation for the use of municipally owned infrastructure. We should not allow highly profitable wireless companies to steamroll the local regulatory process through this sweeping preemption language.

As this legislation would put the public's health, safety and welfare at risk by removing local governments' ability to do the above mentioned duties, we urge you to reject this proposal in full.

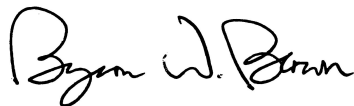
Sincerely,



Mayor Bill de Blasio, City of New York



Mayor Noah Bramson, City of New Rochelle



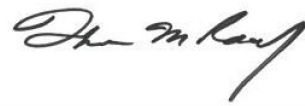
Mayor Byron Brown, City of Buffalo



Mayor Robert M. Palmieri, City of Utica



Mayor Lovely Warren, City of Rochester



Mayor Tom Roach, City of White Plains



Mayor Kathy Sheehan, City of Albany



Mayor Daniel Mandell, City of Elmira

*Don Hammond*

Mayor Don Hammond, Village of Nyack



Mayor Hal McCabe, Village of Homer



Westchester County Executive, George Latimer



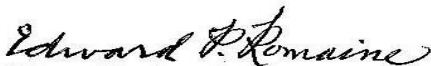
Erie County Executive, Mark Poloncarz



Town of Amherst Supervisor, Brian Kulpa




Town of Babylon Supervisor, Rich Schaffer



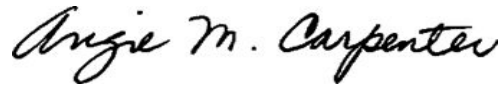
Town of Brookhaven Supervisor, Edward P. Romaine



Town of Clarkstown Supervisor, George Hoehmann



Town of Huntington Supervisor, Chad A. Lupinacci



Town of Islip Supervisor, Angie Carpenter



Town of Kent Supervisor, Maureen Fleming



Town of North Hempstead Supervisor, Judi Bosworth



Town of Oyster Bay Supervisor, Joseph Saladino



Town of Riverhead Supervisor, Yvette Aguiar



Town of Smithtown Supervisor, Edward R. Wehrheim



Town of Shelter Island Supervisor, Gerry Siller



Town of Southampton Supervisor, Jay Schneiderman



Town of Southold Supervisor, Scott Russell

*Joe Emminger*

Town of Tonawanda Supervisor, Joe  
Emminger

*Jennifer Puja*

Councilmember, City of White Plains,  
Jennifer Puja

*Justin C. Brasch*

Councilmember, City of White Plains, Justin  
C. Brasch

*Victoria Free Presser*

Councilmember, City of White Plains,  
Victoria Free Presser

*Nadine Hunt-Robinson*

Council President, City of White Plains,  
Nadine Hunt-Robinson, Esq.

*Robert Calarco*

Presiding Officer of the Legislature, Suffolk  
County, Robert Calarco