**TOWN OF PLATTSBURGH**

**TOWN BOARD MONTHLY MEETING**

**May 6, 2021**

#### Resolution No. 021-076 Requesting the Rescinding of the NYS Fiber Right of Way Fee

#### Whereas, the 2019-2020 New York State budget contained language that enacted a right-of-way use and occupancy fee for any fiber optic cables located in or crossing a state-controlled right of way and authorized the New York State Department of Transportation (DOT) to enter fee bearing permits with fiber optic installers and;

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#### Whereas, the 2019-2020 state budget also added Section 7 of the Transportation Corporation Law, allowing the DOT to charge fiber optic corporations installing and operating the utility lines for fair-market use and occupancy of the state right-of-way and;

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#### Whereas, in early 2020 organizations, businesses, legislators and residents of northern New York became aware of the fee because the DOT started charging the fee and;

#### Whereas, in the rural counties of the North Country it’s virtually impossible to install fiber optic cables for any distance without utilizing or crossing a state right-of-way and development requirements within the Adirondack Park almost entirely preclude installation of broadband in any location other than an existing state right-of-way and;

#### Whereas, the coronavirus pandemic has caused more people to be working from home and more students to be learning from home, and has increased the use of telemedicine, thus magnifying the need for additional broadband services in unserved and underserved areas so rural residents can engage in everyday activities and;

#### Whereas, Governor Cuomo, in his 2021 State of the State address championed his Connectivity Agenda which includes, among other provisions, enactment of a requirement for affordable internet for lowincome families and a series of actions to promote broadband build-out and market competition and;

#### Whereas, the Governor said, “And without affordable broadband, people are not just disconnected, they are disenfranchised. Broadband must be available to everyone, everywhere. And in New York we will make sure it is” and;

#### Whereas, the DOT fiber right-of-way fee is acting as a significant financial deterrent to broadband buildout in rural areas, with some projects already cancelled and others put on hold due to the fact that these fees will cost providers hundreds of thousands, and in some cases, millions of dollars annually, and Now, therefore be it

#### Resolved, that Adirondack Park Local Government Review Board formally opposes the enactment of the DOT right-of-way fees on fiber optic cable and urges the Governor and the New York State Legislature to rescind the right-of-way use and occupancy fees on fiber cable immediately so that the Governor’s pledge can be fulfilled and the expansion of the fiber network in the North Country can continue in order to serve critically unserved and underserved areas.

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**Motion:**

**Seconded by:**

**Discussion:**

**Roll Call: Yes No Absent Carried Tabled**

**Thomas E. Wood Meg E. Bobbin**

**Barbara E. Hebert**

**Charles A. Kostyk**

**Michael S. Cashman**