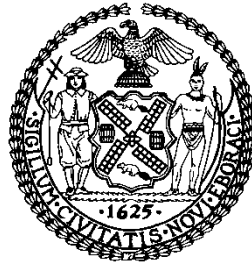


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**THE COUNCIL OF THE CITY OF NEW YORK**

COMMITTEE REPORT  
OF THE HUMAN SERVICES DIVISION  
Matthew Gewolb, Legislative Director

**COMMITTEE ON TRANSPORTATION**  
Hon. Ydanis Rodriguez, Chair

**February 13, 2017**

**PROPOSED INT. NO. 975-A:**

By Council Members Maisel, Rose and  
Corney

**TITLE:**

A Local Law to amend the administrative  
code of the city of New York, in relation to  
fines and civil penalties for failure to remove  
abandoned poles.

**ADMINISTRATIVE CODE:**

Amends subdivisions b and c of section 24-  
411 of title 24.

## **INTRODUCTION**

On February 13, 2017, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing on Proposed Int. No. 975-A, a Local Law in relation to fines and civil penalties for failure to remove abandoned poles. This is the second hearing on this item. The first hearing was held on January 26, 2017 at which the Committee heard testimony from the New York City Department of Transportation (“DOT”) and other interested stakeholders.

## **BACKGROUND**

When a utility company needs to replace a utility pole or moves upgraded services to another pole, they may leave the original pole in place, leading to the presence of “double” or “twin” poles.<sup>1</sup> City law requires old pole to be removed “forthwith” unless the owner demonstrates to DOT that there is “sufficient cause” for an extension; however, some poles are left in place due to the cost of removal and a lack of coordination between the multiple entities that may use the poles.<sup>2</sup> In addition to being an unsightly presence in local communities, abandoned poles can pose safety concerns if they are not removed in a reasonable period of time and become structurally unsound.<sup>3</sup>

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<sup>1</sup> Judy L. Randall, *Here’s the lowdown on Staten Island’s twinned utility poles*, Staten Island Advance, Feb. 18, 2014, available at [http://www.silive.com/news/index.ssf/2014/02/heres\\_the\\_lowdown\\_on\\_staten\\_is.html](http://www.silive.com/news/index.ssf/2014/02/heres_the_lowdown_on_staten_is.html).

<sup>2</sup> *Id.*; N.Y.C. Admin. Code § 24-411.

<sup>3</sup> Press Release, Senator Charles E. Schumer, *Schumer: Zombie Utility Poles, Weighing More Than 1000lbs, Are A Threat To Orange County Pedestrians & Are An Eyesore; Senator Says Companies Have Failed To Remove Old & Potentially Unstable Poles; Schumer Urges Companies Responsible To Remove Poles ASAP*, Feb. 16, 2016, available at [https://www.schumer.senate.gov/newsroom/press-releases/schumer-zombie-utility-poles-weighing-more-than-1000lbs-are-a-threat-to-orange-county-pedestrians-and-are-an-eyesore-senator-says-companies-have-failed-to-remove-old-potentially-unstable-poles-schumer-urges-companies-responsible-to-remove-poles-asap-;](https://www.schumer.senate.gov/newsroom/press-releases/schumer-zombie-utility-poles-weighing-more-than-1000lbs-are-a-threat-to-orange-county-pedestrians-and-are-an-eyesore-senator-says-companies-have-failed-to-remove-old-potentially-unstable-poles-schumer-urges-companies-responsible-to-remove-poles-asap-) Press Release, N.Y. State Public Service Commission, *PSC Deals with Utility Pole Issues*, May 19, 2011, available at [https://www3.dps.ny.gov/pscweb/WebFileRoom.nsf/Web/7E55C5207EAC4CB9852578950051E71B/\\$File/pr11038.pdf?OpenElement](https://www3.dps.ny.gov/pscweb/WebFileRoom.nsf/Web/7E55C5207EAC4CB9852578950051E71B/$File/pr11038.pdf?OpenElement).

If the person or company owning or managing the double pole does not remove it, the City will do so at their expense.<sup>4</sup> Currently, the penalty for violation is a fine of \$250 to \$500 and/or imprisonment of up to 10 days.<sup>5</sup> Proposed Int. No. 975-A would raise the fine for failure to remove a utility pole when required to \$350 to \$750 and provide that a person in violation may also be subject to civil penalties of \$100 per day that they are in violation of the Code.

### **ANALYSIS OF PROPOSED INT. NO. 975-A**

Section one of Proposed Int. No. 975-A would amend subdivision b of section 24-411 of the Administrative Code to remove references to the Commissioner of Design and Construction, clarifying that DOT is responsible for removing poles, wires, or appurtenances that have become disused, abandoned, dangerous, or unsafe when the owner fails to do so.

Section two of Proposed Int. No. 975-A would amend subdivision c of section 24-411 of the Administrative Code to increase the penalties for any person convicted of violations for the failure to remove abandoned poles such as telegraph, telephone and electric light poles, wires or conductors. Subdivision c would be amended to raise the fine for failure to remove a utility pole when required from a range of \$250-\$500 to \$350-\$750 and provide that a person in violation may also be subject to civil penalties of \$100 per day that they are in violation of the Code.

Section three provides that Proposed Int. No. 975-A would take effect in 120 days.

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<sup>4</sup> *Id.* at § 24-411(b).

<sup>5</sup> *Id.* at § 24-411(c).

Proposed Int. No. 975-A

By Council Members Maisel, Rose and Cornegy

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to fines and civil penalties for failure to remove abandoned poles

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 24-411 of the administrative code of the city of New York is amended to read as follows:

b. The persons owning, operating, managing or controlling poles, wires or appurtenances which may have been so disused or abandoned, or which may be dangerous or unsafe, shall take down and remove them, and upon their failure to do so, the commissioner of [design and construction, in accordance with chapter fifty-five of the charter, unless otherwise directed by the mayor pursuant to such chapter,] transportation shall remove the same forthwith, at the expense of such persons. Before such removal, the commissioner of transportation [or the commissioner of design and construction], except where a condition of danger exists, shall mail a notice thereof to the last known address of such persons, a copy of which shall be posted for a period of ten days on each of such poles prior to its removal.

§ 2. Subdivision c of section 24-411 of the administrative code of the city of New York is amended to read as follows:

c. Any person convicted of a violation of any of the provisions of this section shall be punished by a fine of not less than [two hundred fifty] \$350 nor more than [five hundred] \$750 dollars, imprisonment for not more than ten days, or both. In addition to or as an alternative to such penalty, such person shall also be subject to a civil penalty of no less than nor more than

\$100 per day such person is in violation of any provision of this section. Such civil penalties shall be imposed in the manner set forth in section 19-150.

§ 3. This local law takes effect 120 days after its enactment.

KET 2/7/17 6:48PM  
LS 3740/2014