



Legislation Details (With Text)

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Int. No. 1400

By Council Members Restler, Gutiérrez, Brannan and Morano

A Local Law to amend the administrative code of the city of New York, in relation to requiring a notice and comment period prior to the deployment of public communications structures

Be it enacted by the Council as follows:

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 13 to read as follows:

CHAPTER 13

PUBLIC COMMUNICATIONS STRUCTURES

§ 23-1301 Definitions. For purposes of this chapter, the following terms have the following meanings:

Affected borough president. The term “affected borough president” means a borough president in whose borough a public communications structure is proposed to be deployed.

Affected community board. The term “affected community board” means a community board in whose

district a public communications structure is proposed to be deployed.

Affected council member. The term “affected council member” means a council member in whose district a public communications structure is proposed to be deployed.

Affected resident. The term “affected resident” means a natural person who resides within a radius of 500 feet from where a public communications structure is proposed to be deployed, to the nearest residential building.

Application. The term “application” means a written submission by a franchisee or such franchisee’s agent to the commissioner requesting authorization for the deployment of a public communications structure.

Collocation. The term “collocation” means the mounting or installation of a public communications structure on an existing fixture, equipment, facility, or appurtenance; or the modification of an existing fixture, equipment, facility, or appurtenance for the purpose of mounting or installing a public communications structure.

Commissioner. The term “commissioner” means the commissioner of information technology and telecommunications.

Department. The term “department” means the department of information technology and telecommunications.

Deploy. The term “deploy” means to mount or install a public communications structure, through collocation or otherwise.

Dwelling unit. The term “dwelling unit” has the same meaning as set forth in paragraph 13 of subdivision a of section 27-2004.

Franchise. The term “franchise” means a grant of authorization by the department under chapter 14 of the charter for the deployment of public communications structures in the city.

Franchisee. The term “franchisee” means a person granted a franchise.

Public communications structure. The term “public communications structure” means a structure

authorized to be installed, operated, and maintained under the franchise agreement between the city acting through the department and CityBridge, LLC approved by the franchise and concession review committee on December 10, 2014, as subsequently amended, or any successor agreement to such agreement.

Residential building. The term “residential building” means any building containing 1 or more dwelling units.

§ 23-1302 Advance notice and comment. a. Notice. The commissioner shall provide written notice of an application to:

1. Affected residents by personal delivery, except that if upon reasonable application the commissioner is unable to make such delivery upon any such resident, the commissioner shall provide notice to such resident by placing it at each public entrance to the building in which such resident resides;

2. The affected community board;

3. The affected council member; and

4. The affected borough president.

b. Content of notice. Written notice of such application that is required under subdivision a of this section shall include, at a minimum, the following information:

1. A description of the location of each public communications structure proposed to be deployed that includes the number of the affected community board and the street addresses of nearby buildings;

2. The approximate dimensions of such public communications structure;

3. The anticipated technological capabilities of such public communications structure;

4. The anticipated start date and completion date for the deployment of such public communications structure; and

5. Contact information for the commissioner or the commissioner’s designee.

c. Notice period. The commissioner shall begin performing the commissioner’s duties under subdivision a of this section within 2 days after receiving an application, and shall complete such duties within 15 days after

receiving such application.

d. Public comment. 1. The commissioner shall solicit and compile public comment relating to such application from affected residents and the affected community board.

2. The commissioner shall begin performing the commissioner's duties under paragraph 1 of this subdivision at the commencement of the notice period set forth in subdivision c of this section, and shall cease performing such duties:

(a) 30 days after receiving an application for solely collocation; and

(b) 45 days after receiving any other application.

e. Council member and borough president input. 1. The commissioner shall transmit all public comment relating to such application that is compiled under subdivision d of this section to the affected council member and affected borough president immediately upon conclusion of the relevant comment period set forth in such subdivision.

2. The commissioner shall solicit recommendations and respond to inquiries from affected council members and affected borough presidents regarding such application from the date of provision of notice under subdivision c of this section, until, as applicable:

(a) 15 days after the conclusion of the comment period set forth in subparagraph (a) of paragraph 2 of subdivision d of this section; and

(b) 30 days after the conclusion of the comment period set forth in subparagraph (b) of paragraph 2 of such subdivision.

f. Commissioner review. Prior to making a final determination on such application, the commissioner shall, to the extent permitted by federal law or regulation, independently review and consider all public comment compiled under subdivision d of this section and any recommendations received from affected council members and affected borough presidents under paragraph 2 of subdivision e of this section.

g. Final determination notice. Within 2 days after making a final determination on such application, the

commissioner shall publish and store permanently on the department's website written notice that states, at a minimum:

1. Whether the commissioner has approved or denied such application, either in whole or in part;
2. A description of the location of each public communications structure proposed to be deployed under such application that includes the number of the affected community board and the street addresses of nearby buildings; and whether the commissioner has approved or denied the siting of such public communications structure;
3. A summary of the public comments and recommendations reviewed and considered by the commissioner under subdivision f of this section;
4. A summary of the commissioner's deliberations in light of such comments and recommendations; and
5. Contact information for the commissioner or the commissioner's designee.

§ 2. This local law takes effect 120 days after it becomes law.

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