



March 16<sup>th</sup>, 2018

Honorable John J. Flanagan  
Senate Majority Leader  
New York State Senate  
State Capitol, Room 330  
Albany, NY 12247

**RE: Response to NYCOM Opposition to Article VII, Part F of the Transportation Economic Development and Environmental Conservation ("TED") Executive Budget Proposal**

Dear Majority Leader Flanagan:

On behalf of CTIA, the trade association for the wireless communications industry, we are writing to correct some of misplaced allegations in NYCOM's letter to you of March 5, 2018 regarding TED Part F of the 2017-18 Executive Budget. Those specific budget provisions would provide New York wireless consumers with updated and enhanced wireless services, and would go a long way toward keeping New York competitive by bringing in millions in wireless investment and economic development and job growth across the State.

NYCOM's first allegation that the "bill would usurp local government authority to address the public safety and aesthetic concerns related to the installment of such facilities by providing for the default approval of wireless installations" is facially false. Section 301, 5., "Right of Access," specifically states that a small wireless facility "shall be so constructed and maintained as not to obstruct or hinder the usual traffic or public safety on such ROW..."

Additionally NYCOM alleges that the public's health, safety and welfare is at risk by "allowing wireless providers to begin installing and operating equipment that has not been inspected to ensure that (a) the structure on which it has been attached can safely handle the load or (b) the equipment was installed in compliance with the Uniform Fire Prevention and Building Code." Section 304, "Local Authority" specifically states a municipal corporation retains its authority over "zoning, land use, planning and permitting authority within its territorial boundaries, including with respect to wireless support structures and utility poles." Furthermore, "applicable codes" is specifically defined as the "New York State uniform fire prevention and building code as adopted..." In other words, a locality maintains complete control over denying an application for a small wireless facility if it does not comply with "applicable codes," including uniform fire prevention and building codes, as well as energy, electrical or mechanical codes.

The wireless industry would welcome the opportunity to discuss NYCOM's concerns to come to an agreement on this important legislation. Fourteen states across the country – representing over 1/3 of the US population – have adopted similar legislation. New York stands to benefit



considerably from the next generation of wireless networks, known as 5G, if the appropriate siting provisions are in place and, as a corollary, risks falling behind if they are not.

Sincerely,

Bethanne Cooley  
Senior Director, State Legislative Affairs  
CTIA

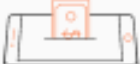


# 5G Economic Benefits: New York



- **New York City**
  - 80,000 jobs created
  - Over \$4.9 billion in Smart City benefits
  - \$13 billion in estimated GDP growth
- **Hempstead**
  - Over 7,100 jobs created
  - Over \$444 million in Smart City benefits
  - \$1.1 billion in estimated GDP growth
- **Albany**
  - 900 jobs created
  - Over \$56 million in Smart City benefits
  - \$149 million in estimated GDP growth
- **Syracuse**
  - Nearly 1,300 jobs created
  - Over \$82 million in Smart City benefits
  - \$218 million in estimated GDP growth
- **Buffalo**
  - Over 2,300 jobs created
  - Over \$148 million in Smart City benefits
  - \$391 million in estimated GDP growth
- **Rochester**
  - Over 1,900 jobs created
  - Nearly \$120 million in Smart City benefits
  - \$318 million in estimated GDP growth

Improving Communities Across America, from small towns to big cities.

- ✓ \$275B New Wireless Investment 
- ✓ 3 Million New American Jobs 
- ✓ \$500B Contribution to GDP 
- ✓ \$160B in Smart Community Benefits & Savings  
by reducing energy usage, decreasing traffic congestion and reducing fuel costs 

Source: <https://newsroom.accenture.com/news/new-research-from-accenture-robotics-national-economic-and-social-impact-of-investing-in-5g-networks>