

**A RESOLUTION SUBMITTED BY  
LEGISLATOR MEYERS**

**Re: Support for Establishment of Broadband Internet Access across Erie County**

**WHEREAS**, for many years, there have been vast areas of Erie County that are considered to be “digital deserts” in that people living or working in these areas have no access to residential broadband Internet access; and

**WHEREAS**, former Erie County Legislator Patrick Burke vociferously advocated for the establishment of an Erie County broadband network; and

**WHEREAS**, his advocacy and partnership with the Poloncarz Administration led to the retention of a vendor, ECC Technologies, Inc. in April 2016, which issued an “Erie County Broadband Feasibility Study Final Report” on March 31, 2017; and

**WHEREAS**, that broadband feasibility study reported that “The purpose of the study was to provide analysis and guidance for the planning and development of broadband improvement strategies. The study methodology was to gather and document broadband infrastructure and services information and to provide analysis and initiatives for moving forward, which will be used to support economic development and County broadband planning”; and

**WHEREAS**, the Congressional Research Service issued a report in January 2019 entitled “Broadband Internet Access and the Digital Divide: Federal Assistance Programs” that stated:

The “digital divide” is a term that has been used to characterize a gap between “information haves and have-nots,” or in other words, between those Americans who use or have access to telecommunications and information technologies and those who do not. One important subset of the digital divide debate concerns high-speed internet access and advanced telecommunications services, also known as broadband. Broadband is provided by a series of technologies (e.g., cable, telephone wire, fiber, satellite, mobile and fixed wireless) that give users the ability to send and receive data at volumes and speeds necessary to support a number of applications including voice communications, entertainment, telemedicine, distance education, telework, ecommerce, civic engagement, public safety, and energy conservation. Broadband technologies are currently being deployed primarily by the private sector throughout the United States. While the numbers of new broadband subscribers continue to grow, studies and data suggest that the rate of broadband deployment in urban/suburban and high-income areas is outpacing deployment in rural and low-income areas. Some policymakers, believing that disparities in broadband access across American society could have adverse economic and social consequences on those left behind, assert that the federal government should play a more active role to address the “digital divide” in broadband access.

**WHEREAS**, in January and February 2019, the Buffalo News printed in-depth articles discussing how there are many pockets in Erie County and Western New York where residents and households have no access to high speed Internet or broadband Internet access; and

**WHEREAS**, these disparities, whether in some urban neighborhoods in Buffalo or western Cheektowaga, or in rural areas of Erie County, helps perpetuate inequality, poverty, and a lack of educational and job opportunities for residents who simply cannot access the Internet at the necessary speeds to facilitate downloading of content; and

**WHEREAS**, in some cases, even when residents can theoretically purchase high-speed Internet access from local providers such as Spectrum (Charter) or Verizon, the cost of such packages is prohibitive to residents who have to make difficult choices such as paying for heat or food for their family as opposed to purchasing Internet access; and

**WHEREAS**, in many instances, media accounts have noted that providers of Internet access have failed to provide Internet at the speeds marketed, or have failed to meet their promises to expand high speed Internet access to communities and households, leading to state regulatory action against at least one provider; and

**WHEREAS**, as noted in a February 2019 Buffalo News article, (1) local Internet speeds rank among the country's slowest, and (2) a Buffalo News analysis of Federal Communications Commission records found that of the 10 wired internet providers that operate in the Buffalo Niagara region, only Spectrum offers broadband throughout Buffalo and its average speeds fall below benchmarks elsewhere, according to speed-testing services; and

**WHEREAS**, in modern society, access to the Internet and its resources is critically important for learning, growing and attaining employment; and

**WHEREAS**, in the absence of industry action, some advocates have called for the government to become involved in subsidizing or creating free, high speed public Wi-Fi systems for local residents to access; and

**WHEREAS**, at the County level, we have heard stories from representatives of the Poloncarz Administration and administrators of the Buffalo and Erie County Public Library system who have spoken of how people not only use the computers at branch libraries to access the Internet, but also who sit outside of the Central Library in downtown Buffalo to use the Wi-Fi system after library hours; and

**WHEREAS**, according to the Buffalo News, the Buffalo Niagara Medical Campus has begun meeting with business and city leaders to discuss a city-owned internet solution due to the growing consensus that Buffalo's Internet does not meet the community's needs; and

**WHEREAS**, while this is laudable, there is also a need to connect other localities in Erie County to high speed Internet access, which offers an opportunity for Erie County to play a role with our local partners; and

**WHEREAS**, this can take the form of building out a fiber network with “land lines” and cables, or wireless Wi-Fi networks; and

**WHEREAS**, in its “GAP Analysis”, the Erie County Broadband Feasibility Study by ECC Technologies stated: “The essential infrastructure missing is a competitive choice of fiber optic service providers to our city, town, and village neighborhoods, besides Spectrum and Verizon FiOS™. There is a fair amount of fiber optic cabling supporting the larger businesses of metropolitan Buffalo, but these providers either do not target residential or small business, or price their fiber optic services in such a way that it is prohibitively expensive to residential users or small business. This lack of infrastructure is only going to become more apparent as the number of devices requiring Internet access and bandwidth continue to increase in all aspects of our lives”; and

**WHEREAS**, the Erie County Broadband Feasibility Study “found that while the urban and suburban areas of the County are for the most part served in terms of access and competition, many of the rural areas of the County, which are towns and villages to the south and east, are lacking and expected to fall further behind. There is a municipal consortia of fiber optic networks that have successfully collaborated in the past to build out their public infrastructure and are agreeable to future collaborative endeavors. The challenge that the County faces are that the two major infrastructure providers for the region, Verizon and Charter Spectrum (formerly Time Warner Cable), are not significantly expanding their infrastructure nor replacing aging copper and coaxial cable plant with fiber optics. For much of Erie County, Charter Spectrum is the only provider that can offer a true broadband service to small businesses and residents”; and

**WHEREAS**, the Erie County Broadband Feasibility Study stated five recommendations moving forward to advance Broadband Internet access across the community:

1. “The **Broadband Committee** should continue to meet, perhaps on a quarterly or semi-annual basis, to review County broadband goals and objectives”;
2. “Similar to the County’s Broadband Committee, the County should continue to communicate with its municipal and community partners to identify opportunities for **broadband collaboration**. Today, this is an informal consortium of municipal partners that meets infrequently, if at all. The County may want to formalize this consortium and take a leadership role in convening an annual meeting to review opportunities and goals.”
3. “County and other local governments should adopt a “**dig once**” policy requiring the installation of municipal conduit or duct whenever a private or public works project opens up the earth along public Right-of-Way. Over time this has the potential of creating pathway for broadband infrastructure whenever street, water, sewer, lighting, and/or telecom projects can provide pathway for conduit burial.”
4. “The broadband committee and County agencies could **evaluate funding opportunities to include broadband infrastructure for economic development zones or targeted ECIDA sites**. Opportunities can include broadband conduit or duct bank providing access to multiple carriers into the site and buildings.”
5. “A more proactive broadband strategy is for the County to view broadband infrastructure as a utility necessary to maintain quality of life and keep our

communities competitive within the region, state, nation and the world. This is sometimes referred to as a “Technology Led” economic development strategy. The County, through several potential funding streams, would build-out, control, and maintain the broadband infrastructure for both public and private customers. This type of municipal network model for broadband development is often described as an **Open Access Network** (OAN). The OAN concept is for government to not compete directly with private broadband providers, but rather provide a not-for-profit broadband infrastructure that is accessible by public and private organizations, including the broadband providers.”; and

**WHEREAS**, on March 15, 2018, after hearing committee testimony from utility representatives, the Erie County Legislature approved Intro. 2-5 (2017), a resolution entitled “Support for an Erie County ‘Dig Once’ Policy”, which called for the establishment of a “Dig Once” policy by the Department of Environment and Planning in which any time the County government or its contractors digs/excavates on a road or right-of-way, they will coordinate with telecommunications, electrical, natural gas or water/sewer utility providers to, among other things, allow for the laying of fiber optic or high speed telecommunications cables.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Erie County Legislature expresses its support for the recommendations outlined in the Erie County Broadband Feasibility Study and urges the County Executive to re-impanel the County Broadband Committee and to take measures to address the digital divide and digital deserts in Erie County; and be it further

**RESOLVED**, that this Honorable Body expresses our support for efforts shepherded by the County’s Department of Environment and Planning and Division of Information and Support Services, working in conjunction with our city, town and village municipal partners, the Erie County Industrial Development Agency, the Niagara Frontier Transportation Authority, the University of Buffalo, Buffalo State College, the New York State Department of Transportation and other state agencies, and others such as the Buffalo Niagara Medical Campus, to (1) participate in the broadband committee, (2) collaborate on broadband expansion, (3) similarly adopt a dig once policy, (4) work together on funding opportunities from federal, state and non-profit foundation sources, and (5) pursue an Open Access Network so that all people in Erie County can enjoy the benefits of both Internet access and high speed Internet access; and be it further

**RESOLVED**, that certified copies of this resolution shall be transmitted to the Governor, the Commissioners of the New York State Public Service Commission, the County Executive, the Presidents of the University of Buffalo and Buffalo State College, the Executive Director of the NFTA, the Acting Commissioner of the New York State Department of Transportation, the Executive Director of the Buffalo Niagara Medical Campus, and the mayors of the cities and villages in Erie County and the supervisors of the towns in Erie County.

**Fiscal Impact:** None for this resolution.