



The State University
of New York

Office for Capital Facilities Guidance Document

CLC-12

Revised: May 9, 2019

Issued: September 17, 2018

Telecommunications Site Manager Agreement

A reference guide to assist in the use of the
NYS Police Crown Castle
Telecommunications Agreement

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Overview

In November 1997, the New York State Police on behalf of New York State, entered into a 20-year contract with Crown to manage and maintain New York State-owned communication structures (e.g., towers, roof tops, signage, etc.) for the purpose of licensing them to private carriers and generating revenues. Revenues generated from such licenses are shared between Crown and the State. The contract calls for Crown to rehabilitate existing structures and/or build new structures, as appropriate, and to market these structures to private carriers. Crown is also responsible for executing licensing agreements with interested carriers.

The State’s primary goals for entering into this contract were: (1) to assure that the communication needs of State agencies, departments and authorities are met while simultaneously providing private sector communications carriers access to the State’s vast communication network; and (2) to generate revenue for the State. Upon expiration of the current contract, the State and Crown have the option to extend the contract four additional times, each in five year increments.

To date Crown has licensed over 1,250 antennas and has developed over 72 wireless infrastructure sites on State lands, including 27 new State-owned towers. The State has received tens of millions of dollars in revenue from Crown’s development and licensing of State sites, and currently nets over \$10 million in revenue annually. As of July 2018, SUNY State-operated Campuses with wireless infrastructure sites developed and managed by Crown under the TSMA include Albany, Brockport, Cortland, and Oneonta.

SUNY has the option to utilize this agreement to manage and maintain communication structures on Campus.

Contract No: X000761
Telecommunications Site Manager Agreement (TSMA)

Parties: Crown Castle Communication New York, Inc.
New York State Police

Term: 11/13/1997 to 11/12/2017
Four, 5-year renewals
First optional renewal in effect: 11/13/2017 to 11/12/2022



Participating Agencies: MOUs between New York State Police and the following state agencies, as of August 11, 1997:

- Office of General Services
- Department of Environmental Conservation
- State Emergency Management Office
- Office of Parks, Recreation and Historic Preservation
- Office of Mental Health
- Department of Transportation
- SUNY

Benefits to SUNY

- Crown manages the installation¹ and management of the project
- Crown is responsible for the management, inspection, maintenance or dismantling facilities
- Use of the TSMA does not require approval by the Attorney General and Office of the State Comptroller.
- The agreement generates revenue
- Use of the agreement facilitates the original “green” intent: responsible, non-duplicative development of cell towers and equipment state-wide
- Note that if applicable, the Campus is responsible for issuing building permits and code compliance certificates (certificates of occupancy).²

How does it work?

In the TSMA, the State appoints Crown as its licensing agent. Crown establishes a licensing agreement with the telecommunications company for use of the state agency cell tower or roof top site. This license agreement is a pre-approved, form contract attached as an addendum to the TSMA.

Crown collects revenue from the telecommunications company user under the licensing agreement. If the structure pre-existed the contract, the State receives 50 percent of the agreement revenues. If Crown had to renovate or build a new structure, the State receives 30 percent of the revenues for the first 10 years of the associated agreements, and 50 percent of the revenues thereafter. This revenue sharing arrangement allows Crown to recapture its capital costs since ownership of the structure(s) remains with the State upon contract termination.

¹ The installation of a cell towers is generally considered an “installation.” The structure requires is a concrete foundation. Similarly, wind turbines, solar panels, solar parking lot canopies, pre-fabricated metal storage sheds, lamp posts and heavy duty fencing all use some type of concrete foundation, and are not generally considered “construction.” However, if an installation of a cell tower included construction activity, a campus is able to access the Crown Telecommunications Site Manager Agreement for that construction and installation.

² Structures such as radio and television transmission, communication and wind generation towers not attached to buildings – exempt from the Uniform Code per the 2017 Uniform Code Supplement, Item 1.1, Chapter 1, Section 101.2, Exception 4. When these types of structures are attached to buildings, they are subject to the Uniform Code provisions. Section 3108 of the 2015 International Building Code, for example, addresses telecommunication and broadcast towers. (Source: *Building Standards and Code, Code Outreach Program document, Issued 8/2/18.*)

For a new cell tower being installed or constructed under the TSMA, Crown provides the following services, as applicable:

- Environmental Assessment
- Draft site plans
- Construction plans
- Tower description
- Design specifications
- Description of remediation work or state action required
- List of local approvals needed

Prior to the start of installation, Crown provides:

- Final site plans
- Schedule of construction
- Names of contractors
- Boundary line survey performed by NYS licensed surveyor
- Construction costs estimate
- Description of equipment buildings/shelters
- Description of security measures

Additional Information

- Crown actively markets on behalf of the State to bring telecommunications users to state sites and to maximize users on existing sites
- Crown is fully insured and the State is fully indemnified in the contract
- Should development include installing or constructing a new tower as a replacement for a currently used tower, Crown relocates the telecommunications equipment from the old tower to the new tower at its own cost
- Any existing agreements that the State may have are not affected, unless the State chooses to have Crown take over the arrangements

When could a Campus potentially use the agreement?

- A communications company approaches the Campus with a proposal to replace or upgrade an existing structure or equipment.
- A communications company approaches the Campus with a proposal to install new equipment/structures.
- The Campus wishes to have a communications company upgrade, replace or manage existing or new equipment, but has not yet identified a company to do so.
- Crown approaches the Campus with a proposal from a telecommunications company.

How does a Campus access the agreement?

A Campus wishing to utilize the Crown Telecommunications Site Manager Agreement must contact campus counsel. Campus counsel will provide further guidance on how to use this contract.

A revocable permit in accordance with SUNY Policy 5603 between the Campus and Crown is required. In order to issue the revocable permit, Campuses must ensure that the project information and project

plans specify site access arrangements. Because the TSMA is approved, revenue contracts and revocable permits associated with the agreement do not require approval by the Attorney General or the Office of the State Comptroller.

References

2008 Office of State Comptroller Audit ([link](#))