

**HOUSE . . . . . No. 886**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Thomas M. Stanley*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the failure to remove existing poles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/18/2011</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>1/19/2011</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2011</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>2/1/2011</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>	<i>2/1/2011</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>1/18/2011</i>

**HOUSE . . . . . No. 886**

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By Mr. Stanley of Waltham, a petition (accompanied by bill, House, No. 886) of Thomas M. Stanley and others relative to the removal and installation of utility poles. Telecommunications, Utilities and Energy.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act relative to the failure to remove existing poles.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 164 of the General Laws, as appearing in the 2008 Official Edition,  
2 is hereby amended by striking out section 34B, and inserting in place thereof the following new  
3 section:-

4 Section 34B. (a) A distribution company or telephone company engaging in the removal  
5 of an existing pole and the installation of a new pole in place thereof that does not complete the  
6 transfer of wires, all repairs, and the removal of the existing pole from the site within 180 days  
7 from the date of the installation of the new pole shall pay a fine to the municipality where the  
8 pole is located of \$25 per day for the first 30 days following the expiration of the said 180 days;  
9 \$50 per day for the following 30 days thereafter; \$100 per day for the following 305 days  
10 thereafter; and \$250 per day for the following days thereafter until the existing pole is removed;  
11 provided, however, that for any approved commercial or industrial construction project, the  
12 completion of which is expected to take longer than 1 year, said company shall be required to  
13 remove such pole within 12 months from the date of installation of the new pole.

14 (b) The owner of such pole shall notify all other users of the starting date of such removal  
15 and installation work at least 72 hours prior to the commencement of such work. Said owner  
16 may impose a fine upon the user who has not removed their wiring and other attachments when  
17 said failure to remove is responsible for the immediate delay in the removal of the existing pole.

18 (c) A pole owner or user may petition the department or the department of  
19 telecommunications and cable for relief or exemption from any fines. Any fine imposed under  
20 this section shall not be recoverable through rates without approval by the department or the  
21 department of telecommunications and cable.

22 SECTION 2. Not later than January 1, 2011, the department of public utilities, in  
23 consultation with the department of telecommunications and cable, shall adopt regulations for  
24 the implementation of section 34B of chapter 164 of the General Law s.