

HOUSE No. 2944

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan Hecht

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 double poles.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------|--|------------------|
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> | <i>1/18/2013</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>1/18/2013</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> | <i>1/18/2013</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> | <i>1/18/2013</i> |
| <i>Timothy R. Madden</i> | <i>Barnstable, Dukes and Nantucket</i> | <i>1/18/2013</i> |
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> | <i>1/18/2013</i> |
| <i>Denise Andrews</i> | <i>2nd Franklin</i> | <i>1/18/2013</i> |

HOUSE No. 2944

By Mr. Hecht of Watertown, a petition (accompanied by bill, House, No. 2944) of Jonathan Hecht and others for legislation to establish a double pole advisory council to recommend rules and regulations to reduce the use of double utility poles. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to double 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. Within 90 days of the effective date of this act, the department of public
2 utilities and the department of telecommunications and cable shall jointly issue a report relative
3 to double poles within the Commonwealth. The report shall provide an assessment of progress
4 made in reducing the number of double poles in the commonwealth since the report issued
5 pursuant to Section 110 of Chapter 46 of the Acts of 2003. Such assessment shall include data,
6 by municipality, on the removal of double poles installed before January 31, 2004, the removal
7 of double poles installed after January 31, 2004, and double poles remaining to be removed.
8 With respect to each double pole remaining to be removed, the data shall include the date of its
9 installation and the pole owner.

10 Section 2. Within 90 days of the effective date of this act, the chair of the department of
11 public utilities and the commissioner of the department of telecommunications and cable shall
12 jointly appoint a double pole remediation advisory council which shall consist of 11 members,
13 including 2 persons representing municipalities, chosen from a list compiled by the
14 Massachusetts Municipal Association, and 1 person representing each of the following (1)
15 telephone company pole owners, (2) electric distribution company pole owners, (3) municipal
16 light plants, (4) CATV operator pole attachees, (5), the attorney general, (6) organized telephone
17 pole workers, (7) organized electricity distribution pole workers, (8) the department of public
18 utilities, and (9) the department of telecommunications and cable. The chair of the department of
19 public utilities and the commissioner of the department of telecommunications and cable or their
20 respective designees shall serve as co-chairs of the council. The council shall meet within 90

21 days following the passage of this act and at such times thereafter as deemed necessary by the
22 co-chairs.

23 Section 3. Within 180 days of the effective date of this act, the double pole remediation
24 advisory council shall report to the department of telecommunications and cable, the department
25 of public utilities, the Joint Committee on Telecommunications, Utilities and Energy and the
26 Joint Committee on Municipalities and Regional Government their recommendations to reduce
27 the number of double poles in the commonwealth.

28 The report shall include, but not be limited to, analysis of the following possible
29 measures to improve and accelerate the removal of double poles in the commonwealth:

30 (1) measures to ensure the comprehensiveness, accuracy, and timeliness of the
31 information contained in the Pole Lifecycle Management (“PLM”) system

32 (2) measures to ensure access to the information contained in the PLM system by all pole
33 users, including municipalities

34 (3) requiring pole owners to provide semi-annual reports to each municipality listing all
35 double poles in their municipality, their location and/or pole number, the date of installation, and
36 the pole user currently identified by the PLM system as “first in line” to remove its wires and
37 other equipment

38 (4) mandating meetings of pole owners and municipalities, to take place in and at the
39 initiative of the municipalities, to discuss the status, scheduling, and prioritization of double pole
40 removals

41 (5) securing an enforceable commitment from pole owners to remove their existing
42 backlog of double poles and to devote adequate personnel and resources to ensure that all new
43 double poles are removed no more than one year after installation

44 (6) authorizing the commonwealth or municipalities to impose fines on pole owners that
45 do not respond within 30 days to a formal demand by a municipality to remove a double pole
46 installed for more than 180 days

47 (7) authorizing the commonwealth or municipalities to impose escalating fines on poles
48 owners or pole attachees based on the length of delay in removing a double pole.

49 The double pole remediation advisory council may utilize the resources and staff of the
50 department of public utilities, the department of telecommunications and cable and other relevant
51 agencies of state government.

52 Section 4. Within one year of the effective date of this act, the department of public
53 utilities and the department of telecommunications and cable shall jointly promulgate rules and
54 regulations relative to reducing the number of double poles in the commonwealth pursuant to

55 section 34B of chapter 164 of the General Laws. The departments shall consider the
56 recommendations of the double pole remediation advisory council in promulgating such rules
57 and regulations, provided however that if the council fails to make recommendations within 180
58 days of the effective date of this act, the department of public utilities and department of
59 telecommunications and cable shall promulgate rules and regulations without the
60 recommendations of the council.

61 Such rules and regulations may include fines or other penalties on pole owners or pole
62 attachees for their failure to remove double poles. Municipalities may enforce, by the enactment
63 of a local ordinance or bylaw, any uniform, statewide fine structure in accordance with such
64 rules and regulations.

65 Section 5. No later than July 1st of each year after the effective date of this act, the
66 department of public utilities and the department of telecommunications and cable shall jointly
67 submit an annual report to the legislature describing the status of double pole remediation and
68 recommending legislation or other measures to improve enforcement of section 34B of Chapter
69 164 of the General Laws or otherwise reduce the number of double poles in the Commonwealth.
70 This section shall not apply in the year in which said departments issue their report pursuant to
71 Section 1 of this act.