

**HOUSE . . . . . No. 2811**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Natalie M. Blais and Michelle L. Ciccolo*

*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 municipal authority in public rights of way.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/16/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>3/7/2019</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/31/2019</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/31/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/31/2019</i>

**HOUSE . . . . . No. 2811**

By Representatives Blais of Sunderland and Ciccolo of Lexington, a petition (accompanied by bill, House, No. 2811) of Natalie M. Blais, Michelle L. Ciccolo and others relative to utility poles, wires or attachments and municipal authority in public rights of ways. Telecommunications, Utilities and Energy.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act relative to municipal authority in public rights of way.

*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. Section 34B of chapter 164 of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by adding at the end thereof the following:-

3 In the event that a utility company does not move a utility pole, wire or  
4 attachment within the required 90 days or the agreed upon timeframe, municipalities may move,  
5 relocate or remove utility poles, wires or attachments, or arrange for another party to move,  
6 relocate or remove utility poles, wires and attachments. Municipalities may charge the utility  
7 company a reasonable fee for non-performance.

8 Municipalities may adopt bylaws and ordinances relating to (a) the imposition of  
9 fees or fines on utility companies that operate in the public right of way, (b) the assessment of  
10 taxes on utility companies that operate in the public right of way, (c) the licensing and permitting  
11 of utility companies that operate in the public right of way.

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13           SECTION 2. Notwithstanding any special or general law to the contrary, municipalities  
14 and public utilities shall have the right to purchase utility poles from investor-owned utilities at a  
15 price that takes into account the depreciation in value of the utility poles.