HOUSE DOCKET, NO. 1859 FILED ON: 2/12/2021

HOUSE . . . . . No. 3256

The Commonwealth of Massachusetts

PRESENTED BY:

John Barrett, III

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 to establish municipal access to utility poles located in municipal rights-of-way.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
John Barrett, III	*1st Berkshire*	*2/12/2021*
Marcos A. Devers	*16th Essex*	*2/16/2021*
David T. Vieira	*3rd Barnstable*	*2/17/2021*
Michelle L. Ciccolo	*15th Middlesex*	*2/17/2021*
Natalie M. Blais	*1st Franklin*	*2/17/2021*
Colleen M. Garry	*36th Middlesex*	*2/17/2021*
Thomas P. Walsh	*12th Essex*	*2/18/2021*
Steven Ultrino	*33rd Middlesex*	*2/18/2021*
Tami L. Gouveia	*14th Middlesex*	*2/22/2021*
Sarah K. Peake	*4th Barnstable*	*2/23/2021*
Jessica Ann Giannino	*16th Suffolk*	*2/23/2021*
Carmine Lawrence Gentile	*13th Middlesex*	*2/24/2021*
Susan Williams Gifford	*2nd Plymouth*	*2/24/2021*
Smitty Pignatelli	*4th Berkshire*	*2/26/2021*
Susan L. Moran	*Plymouth and Barnstable*	*2/26/2021*
Kate Lipper-Garabedian	*32nd Middlesex*	*2/26/2021*
Daniel R. Carey	*2nd Hampshire*	*2/26/2021*
Michelle M. DuBois	*10th Plymouth*	*2/26/2021*

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HOUSE . . . . . No. 3256

By Mr. Barrett of North Adams, a petition (accompanied by bill, House, No. 3256) of John Barrett, III and others relative to municipal access to utility poles located in municipal rights-of-way. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *4148* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act to establish municipal access to utility poles located in municipal 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:

SECTION 1. Section 22A of chapter 166 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following 2 paragraphs:-

(j) "Make-ready work", the rearrangement or transfer of existing facilities, replacement of a pole, complete removal of any pole replaced or any other changes required to make space available for an additional attachment to a shared-use pole.

(k) "Unserved or underserved area", an area that the Massachusetts Broadband Institute, established pursuant to section 6B of chapter 40J, determines to meet criteria under subsection (e) of said section 6B. Criteria established by the Massachusetts Broadband Institute to define

unserved and underserved areas shall include the percentage of households with access to broadband service within a municipality or other appropriate geographic area.

SECTION 2. Said chapter 166, as so appearing, is hereby further amended by inserting after section 22J the following section:-

Section 22J ½. Notwithstanding any general or special law to the contrary, for the purpose of safeguarding access to infrastructure essential to public health, safety and welfare, an owner of a shared-use pole and each entity attaching to that pole is responsible for that owner's or entity's own expenses for make-ready work to accommodate a municipality's attaching its facilities to that shared-use pole: (i) for a governmental purpose consistent with the police power of the municipality; or (ii) for the purpose of providing broadband service to an unserved or underserved area. For the purpose of this section the term “shared use pole” shall include, but not be limited to poles and structures constructed pursuant to section 24, attachments as defined in section 25A, or poles and overhead wires and associated overhead structures.