SENATE DOCKET, NO. 2055 FILED ON: 2/19/2021

SENATE . . . . . No. 2189

The Commonwealth of Massachusetts

PRESENTED BY:

Adam G. Hinds

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:
Adam G. Hinds	*Berkshire, Hampshire, Franklin and Hampden*

SENATE DOCKET, NO. 2055 FILED ON: 2/19/2021

SENATE . . . . . No. 2189

By Mr. Hinds, a petition (accompanied by bill, Senate, No. 2189) of Adam G. Hinds for legislation relative to public utilities that operate in public rights of way. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1976* OF 2019-2020.]

The Commonwealth of Massachusetts

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

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:

SECTION 1. Section 34B of chapter 164 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding at the end thereof the following:-

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

Municipalities may adopt bylaws and ordinances relating to (a) the imposition of fees or fines on utility companies that operate in the public right of way, (b) the assessment of taxes on

utility companies that operate in the public right of way, (c) the licensing and permitting of utility companies that operate in the public right of way.

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