

**HOUSE . . . . . No. 3141**

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**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:
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>1/13/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/20/2023</i>
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>1/24/2023</i>

**HOUSE . . . . . No. 3141**

By Representative Barrett of North Adams, a petition (accompanied by bill, House, No. 3141) of John Barrett, III, Michelle M. DuBois and Smitty Pignatelli 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. 3256 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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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:*

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

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

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

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

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

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