HOUSE DOCKET, NO. 1708 FILED ON: 1/15/2025

HOUSE . . . . . No. 3478

The Commonwealth of Massachusetts

PRESENTED BY:

Kip A. Diggs

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 streamline broadband permitting and ensure equitable access to infrastructure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kip A. Diggs	*2nd Barnstable*	*1/15/2025*
Christopher Hendricks	*11th Bristol*	*5/5/2025*
Vanna Howard	*17th Middlesex*	*6/25/2025*
Bud L. Williams	*11th Hampden*	*2/26/2025*

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By Representative Diggs of Barnstable, a petition (accompanied by bill, House, No. 3478) of Kip A. Diggs and Bud L. Williams relative to broadband permitting and access to infrastructure. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to streamline broadband permitting and ensure equitable access to infrastructure.

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. Chapter 166 of the General Laws, as appearing in the most recent edition, is hereby amended by inserting after Section 25B the following new section:

Section 25C: Expedited Permitting, Access to Broadband Infrastructure, and Open Access Networks

(a) Purpose.

The purpose of this section is to accelerate broadband deployment across the Commonwealth, ensure fair and equitable access to critical infrastructure, prioritize open access network models, and establish best practices for efficient permitting and construction processes.

(b) Definitions.

For the purposes of this section, the following terms shall have the following meanings:

1. Broadband infrastructure: Equipment or facilities necessary for broadband delivery, including poles, conduits, manholes, and wireless systems.

2. Broadband provider: Any entity engaged in deploying broadband services, including public, private, and non-profit organizations.

3. Covered infrastructure: Poles, conduits, manholes, and other facilities essential to broadband deployment.

4. Legacy right-of-way agreement: Any pre-existing agreement granting exclusive use of infrastructure to a single entity.

5. Open access network: A broadband network model in which physical infrastructure is shared by multiple service providers to promote competition, reduce deployment costs, and ensure equitable access to high-speed internet services.

(c) Commonwealth Priority for Open Access Networks.

1. The Commonwealth shall prioritize investment in and deployment of open access networks to ensure broadband infrastructure can support multiple service providers on fair and equitable terms.

2. Any state or municipal funding provided for broadband projects under this chapter shall require the recipient to implement an open access model for newly constructed infrastructure.

3. Public or non-profit broadband providers operating open access networks shall receive priority consideration for state funding and access to covered infrastructure.

(d) Non-Discriminatory Access to Covered Infrastructure.

1. All owners of covered infrastructure, including municipalities, private utilities, and telecommunications companies, shall grant broadband providers fair and timely access for the installation, maintenance, and operation of broadband infrastructure.

2. Requests for access must be approved or denied within 30 days of submission. Denials must include written justification and, where feasible, suggested alternatives.

3. Fees charged for access to covered infrastructure must be cost-based and transparent, with standards established by the Department of Telecommunications and Cable (DTC) within 180 days of enactment.

(e) Streamlined Permitting.

1. State and municipal permitting authorities shall process all broadband infrastructure permit applications within 45 days for standard projects and within 30 days for underserved or historic districts.

2. The Commonwealth shall develop and adopt a standardized permitting process applicable to all municipalities and state agencies to streamline broadband deployment.

(f) One-Touch Make-Ready (OTMR).

1. Pole owners must adopt OTMR procedures to allow broadband providers or contractors to perform all necessary work in a single coordinated operation.

2. OTMR work must comply with the National Electrical Safety Code (NESC) and state safety regulations.

3. The DTC shall establish a publicly accessible registry of qualified contractors authorized to perform OTMR work.

(g) "Dig Once" Policy.

1. Municipalities and state agencies may adopt a "Dig Once" policy, mandating the inclusion of empty conduits during all significant excavation projects to facilitate future broadband deployment.

2. Broadband providers shall be notified of planned excavation projects no fewer than 90 days in advance to coordinate installation efforts.

(h) Enforcement and Compliance.

1. The DTC shall oversee enforcement of this section and impose fines for non-compliance, up to $25,000 per violation per day, with each day constituting a separate offense.

2. A broadband provider denied access or facing unreasonable permitting delays may appeal to the DTC, which shall resolve the matter within 30 days.

(i) Reporting Requirements.

The DTC shall submit an annual report to the General Court detailing:

1. The deployment progress of broadband infrastructure, particularly in underserved areas and economic development zones.

2. Progress in implementing open access networks statewide, including funded projects and their adherence to the open access model.

3. Compliance and enforcement actions taken under this section.

SECTION 2. The provisions of this Act shall take effect 90 days after enactment.