

HOUSE No. 5290

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 25, 2026.

The committee on Telecommunications, Utilities and Energy, to whom were referred the petition (accompanied by bill, House, No. 3478) of Kip A. Diggs and Bud L. Williams relative to broadband permitting and access to infrastructure; and the petition (accompanied by bill, House, No. 3546) of Angelo J. Puppolo, Jr., for legislation to establish standards for the pole attachment process to facilitate the construction of broadband networks, reports recommending that the accompanying bill (House, No. 5290) ought to pass.

For the committee,

MARK J. CUSACK.

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**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:

1 SECTION 1. Chapter 166 of the General Laws, as appearing in the 2024 Official Edition,
2 is hereby amended by inserting after Section 25B the following new section:

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

5 (a) Purpose.

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

9 (b) Definitions.

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

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

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

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

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

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

22 (c) Commonwealth Priority for Open Access Networks.

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

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

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

31 (d) Non-Discriminatory Access to Covered Infrastructure.

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

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

37 3. Fees charged for access to covered infrastructure must be cost-based and transparent,
38 with standards established by the Department of Telecommunications and Cable (DTC) within
39 180 days of enactment.

40 (e) Streamlined Permitting.

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

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

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

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

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

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

53 (g) "Dig Once" Policy.

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

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

59 (h) Enforcement and Compliance.

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

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

64 (i) Reporting Requirements.

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

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

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

70 3. Compliance and enforcement actions taken under this section.

71 SECTION 2. Section 25C of chapter 166 of the General Laws, inserted by Section 1 of
72 this act, shall not apply to railroad rights of way or any personal property located thereon.

73 SECTION 3. The provisions of this Act shall take effect 90 days after enactment.