

SENATE No. 2250

The Commonwealth of Massachusetts

PRESENTED BY:

Brendan P. Crighton

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:	
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>4/1/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>6/13/2025</i>

SENATE No. 2250

By Mr. Crighton, a petition (accompanied by bill, Senate, No. 2250) of Brendan P. Crighton 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. 2107 OF 2023-2024.]

The Commonwealth of Massachusetts

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

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:

1 SECTION 1. Section 34B of chapter 164 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by adding at the end thereof the following:-

3 The owner of said pole shall allow municipalities to access data through the National
4 Joint Utilities Notification System (NJUNS) or any additional or successor pole management
5 systems.

6 When feasible, new poles shall be installed in full compliance with the Americans with
7 Disabilities Act Standards for Accessible Design and Massachusetts Architectural Access Board
8 Rules and Regulations (521 CMR). Any disruption to public infrastructure shall be brought to a
9 state of good repair standard.

10 In the event that a pole, wire or attachment is not removed within the required 90 days or
11 the agreed upon timeframe, municipalities may move, relocate or remove utility poles, wires or
12 attachments, or arrange for another party to move, relocate or remove utility poles, wires and
13 attachments. Owners of such poles may be charged for said removal or relocation by a city or
14 town. In the event that overdue removal of existing poles causes delays to associated municipal
15 projects, municipalities may further charge owners of such poles for the total costs incurred due
16 to such a delay and a reasonable administration fee. In the event of circumstances outside of the
17 pole owners' and attachees' control, including work stoppages and adverse weather conditions,
18 additional time beyond 90 days may be granted by the municipality. Municipalities may also
19 suspend or delay the issuance of current, pending or future permits or licenses to the pole owners
20 by no more than 30 calendar days after reaching compliance with pole removal deadlines.

21 Municipalities may adopt bylaws and ordinances relating to (a) the imposition of fees or
22 fines on electric distribution, telephone, and other companies that own poles or pole attachments
23 that operate in the public right of way, (b) the assessment of taxes on utility companies that
24 operate in the public right of way, (c) the licensing and permitting of utility companies that
25 operate in the public right of way.

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