

JOINT COMMITTEE ON TELECOMMUNICATIONS, UTILITIES, AND ENERGY

BILL SUMMARY

BILL NO. H.3450

TITLE: An Act to establish municipal access to utility poles located in municipal rights-of-way

SPONSOR: Representative John Barrett, III

COMMITTEE: Telecommunications, Utilities, and Energy

HEARING DATE: June 4, 2025

PRIOR HISTORY: 2023-2024: H.3141, heard by committee; accompanied a study order H.4778
2021-2022: H.3256 heard by committee; accompanied study order H.5042
2019-2020: H.4148 heard by committee; accompanied a study order H.4405.

CURRENT LAW:

Section 22A of Chapter 166 of the General Laws pertains to the definitions used in Chapter 166 relating to poles and overhead wires and associated overhead structures. Section 22J of Chapter 166 of the General Laws concerns the removal of municipal equipment from a utility pole when the municipality adopts an ordinance or by-law requiring said pole's removal.

SUMMARY:

SECTION 1 of this bill establishes definitions for the terms "make-ready work" and "unserved or underserved area". "Make-ready work" is defined as the rearrangement or transfer of existing facilities, replacement of a pole, complete removal of any pole replaced, or any other changes required to make space available for an additional attachment to a shared-use pole. "Unserved or underserved area" is defined as an area that the Massachusetts Broadband Institute determines to meet criteria under M.G.L. chapter 40J § 6B(e), which shall include the percentage of households with access to broadband service within a municipality or other appropriate geographic area.

SECTION 2 of this bill amends M.G.L. chapter 166 by inserting a new section, § 22J½, which establishes that an owner of a shared-use pole and each entity attaching a facility to that pole is responsible for their own expenses for make-ready work to accommodate a municipality's attaching its own facilities to said pole for the following purposes: (i) for a governmental purpose consistent with the police power of the municipality, or (ii) for the purpose of providing broadband service to an unserved or underserved area.