

JOINT COMMITTEE ON TELECOMMUNICATIONS, UTILITIES, AND ENERGY

BILL SUMMARY

BILL NO. H.3462

TITLE: An Act relative to municipal authority in public rights of way

SPONSOR: Representative Michelle L. Ciccolo

COMMITTEE: Telecommunications, Utilities, and Energy

HEARING DATE: June 12, 2025

PRIOR HISTORY: 2023-2024: H.3156; accompanied a study order, H.4778
2021-2022: H.3258 heard by committee; accompanied study order.
2019-2020: Similar matter H.2811 heard by committee; accompanied a study order, see H.4405
2017-2018: Similar matter H.2701 heard by committee; accompanied a study order, see H.4651.

CURRENT LAW:

Chapter 164, Section 34B pertains to the removal or installation of utility poles by distribution companies or telephone companies.

SUMMARY:

Section 1 amends Section 34B of chapter 164 by requiring the owners of existing poles that are being removed and replaced by a new pole to allow municipalities to access data through the National Joint Utilities Notification System (NJUNS) or any additional or successor pole management systems. It also requires, when feasible, for new poles to be installed in compliance with the ADA Standards for Accessible Design and Massachusetts Architectural Access Board Rules and Regulations (521 CMR).

In the event a pole, wire or attachment is not removed within 90 days, municipalities may move, relocate or remove utility poles, wires, or attachments or arrange for another party to do so. The owners of said poles may be charged for said removal or relocation by a city or town and further charges may be brought upon the pole owners if said poles disrupt municipal projects. Additional time may be granted beyond the 90 days in certain circumstances. This section also grants municipalities with the authority to suspend or delay issuance of current, pending or future permits to pole owners by no more than 30 days after reaching compliance with pole removal deadlines.

The act grants municipalities the ability to adopt bylaws and ordinances relating to:

- The imposition of fees or fines on electric distribution, telephone, and other companies that own poles or pole attachments that operate in the public right of way
- The assessment of taxes on utility companies that operate in the public right of way
- The licensing and permitting of utility companies that operate in the public right of way

Section 2 grants municipalities and public utilities the authority to purchase utility poles from investor-owned utilities at a price that takes into account the depreciation in value of said poles.