

HOUSE No. 2701

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen Kulik

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>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and</i>

Hampden

HOUSE No. 2701

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 2701) of Stephen Kulik and others relative to public utilities that operate in public rights of way. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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 2012
2 Official Edition, is hereby amended by adding –“

3 In the event that a utility company does not move a utility pole, wire or attachment within
4 the required 90 days or the agreed upon timeframe, municipalities may move, relocate or remove
5 utility poles, wires or attachments, or arrange for another party to move, relocate or remove
6 utility poles, wires and attachments. Municipalities may charge the utility company a reasonable
7 fee for non-performance.

8 Municipalities may adopt bylaws and ordinances relating to (a) the imposition of fees or
9 fines on utility companies that operate in the public right of way, (b) the assessment of taxes on
10 utility companies that operate in the public right of way, (c) the licensing and permitting of
11 utility companies that operate in the public right of way.