

**HOUSE . . . . . No. 02622**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Michael J. Moran*

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*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 passage of the accompanying bill:

An Act relative to the temporary relocation of utility wires.

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PETITION OF:

NAME:

*Michael J. Moran*

DISTRICT/ADDRESS:

*18th Suffolk*

# HOUSE . . . . . No. 02622

By Mr. Moran of Boston, a petition (accompanied by bill, House, No. 2622) of Moran relative to the temporary relocation of utility wires Joint Committee on Telecommunications, Utilities and Energy.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the temporary relocation of utility wires.

*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 39 of Chapter 166 of the General Laws, as appearing in the 2004 Official  
2 Edition, is hereby amended by striking out Section 39 and inserting in place thereof the  
3 following section:-
- 4 §39 Temporary removal of wires and supporting fixtures.
- 5 (a) Whenever, in order to move a building or for any other necessary purpose, a person desires  
6 that the pipes, mains, poles, wires, conduits or fixtures of a public utility be cut, disconnected, or  
7 removed, the person which desires the cutting, disconnection, or removal of pipes, mains, poles,  
8 wires, conduits or fixtures of a public utility shall give written notification thereof to the  
9 department of telecommunications and energy and the utility company no later than thirty days  
10 prior to the proposal date of the move. The written notification must contain the location of the  
11 site where the structure is presently located, the location of the final destination of the structure,

12 the path of the proposed move, described in reference to the crossings of streets or highways, and  
13 the date of the required cutting, disconnection or removal.

14 The public utility shall not be responsible for any more than five thousand dollars in costs  
15 associated with the cutting, disconnecting, or removing of the pipes, mains, poles, wires,  
16 conduits, or fixtures, unless the department of telecommunication and energy, after notice and a  
17 public hearing considers the following factors and so orders. The factors to be considered are:

18 (1) Whether the building to be moved is to be used as affordable housing for low and moderate  
19 income persons;

20 (2) The replacement value of the building once moved and rehabilitated;

21 (3) The historic value of the building;

22 (4) The fiscal cost of the building, move and rehabilitation;

23 (5) The public expense involved in the move, including utility costs, state and city labor costs  
24 including police and any other public funds or expense required to move and rehabilitate the  
25 building;

26 (6) The potential damage to roads, trees or buildings; and

27 (7) The disruption of utility service and street use and the expense to others who are  
28 inconvenienced by the loss of utility services and/or use of roads or buildings.

29 (b) If the person which desires the cutting, disconnection, or removal of pipes, mains, poles,  
30 wires, conduits, or fixtures requests a public hearing, it shall be held no later than twenty-one  
31 (21) days prior to the proposed move. Notice of the proposal and the hearing shall be placed

32 primarily in at least ten (10) locations in each mile on the proposed route and shall be mailed to  
33 the chief executive officer of every city or town on the route, and each city or town council  
34 person whose district includes any portion of the route. In addition, the department of  
35 telecommunications and energy shall provide such other notice as required by law and that is  
36 usually given for public hearings of the department of telecommunications and energy. The cost  
37 of the notices required by this section shall be paid by the applicant.

38 (c) If after hearing, and considering each of the factors above, the department of  
39 telecommunications and energy finds that the public benefit, including the factors set out in  
40 subsections (1), (2), and (3) above substantially outweighs the fiscal cost, public expense,  
41 potential damage and disruption set out in subsections (4), (5), (6) and (7) above. The department  
42 of telecommunications and energy may order that all or part of the utility costs shall be at the  
43 utilities' expense and issue such further orders as may be necessary to facilitate the move. In no  
44 event shall the department of telecommunications and energy approve any more where the  
45 combined cost to the affected utilities exceeds twenty-five thousand dollars.