

SENATE, NO. 2546

[Senate, July 15, 2010 - New draft of Senate, No. 1482 reported from the committee on Telecommunications, Utilities and Energy.]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

AN ACT RELATIVE TO THE FAILURE TO REMOVE EXISTING POLES.

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.** Chapter 164 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking out section 34B, and inserting in place thereof the
3 following new section:-

4 Section 34B. (a) A distribution company or telephone company engaging in the removal
5 of an existing pole and the installation of a new pole in place thereof that does not complete the
6 transfer of wires, all repairs, and the removal of the existing pole from the site within 180 days
7 from the date of the installation of the new pole shall pay a fine to the municipality where the

8 pole is located of \$10 per day for the first 30 days following the expiration of the said 180 days;
9 \$20 per day for the following 30 days thereafter; \$30 per day for the following 305 days
10 thereafter; and \$100 per day for the following days thereafter until the existing pole is removed;
11 provided, however, that for any approved commercial or industrial construction project, the
12 completion of which is expected to take longer than 1 year, said company shall be required to
13 remove such pole within 12 months from the date of installation of the new pole.

14 (b) The owner of such pole shall notify all other users of the starting date of such removal
15 and installation work at least 72 hours prior to the commencement of such work. Said owner
16 may impose a fine upon the user who has not removed their wiring and other attachments when
17 said failure to remove is responsible for the immediate delay in the removal of the existing pole.

18 (c) A pole owner or user may petition the department or the department of
19 telecommunications and cable for relief or exemption from any fines. Any fine imposed under
20 this section shall not be recoverable through rates without approval by the department or the
21 department of telecommunications and cable.

22 **SECTION 2.** Not later than January 1, 2011, the department of public utilities, in
23 consultation with the department of telecommunications and cable, shall adopt regulations for
24 the implementation of section 34B of chapter 164 of the General Laws.