May 8, 2025

Mark D. Marini, Secretary
Department of Public Utilities
One South Station, 3rd Floor
Boston, MA 02110

Shonda Green, Secretary
Department of Telecommunications and Cable
1000 Washington Street, Suite 600
Boston, MA 02118

Re: Public Comment on D.P.U. 25-10/D.T.C. 25-1

Dear Secretary Marini and Secretary Green,

The Massachusetts Bay Transportation Authority (MBTA) appreciates the opportunity to comment on D.P.U. 25-10 / D.T.C. 25-1. While the Department of Public Utilities and the Department of Telecommunications and Cable (the Departments) seek comments on multiple considerations regarding utility pole attachment, conduit access, double pole, and related utility work conducted on public right-of-way (ROW), for the purposes of this comment letter, the MBTA is only offering feedback on ROW and pole-mounted electric vehicle supply equipment (EVSE).

The MBTA is the largest transit provider in New England, operating or contracting service across seven modes: heavy rail, light rail, bus rapid transit, fixed-route bus, commuter rail, ferry, and paratransit. Our system serves approximately 200 cities and towns across Eastern Massachusetts and parts of Rhode Island and covers 12 commuter rail lines, 5 subway lines, 40 miles of protected bus lanes, 150 bus routes, and 7,000 bus stops. Additionally, we operate buses in 54 communities and paratransit services in 58 communities, so we recognize and appreciate the importance of municipal coordination to enhance access to the curb and compatible curb uses. We are also the second largest landowner in the state, owning nearly 700 facilities and 1,000 miles of track and adjacent ROW.

Given the scale of our system, the number of communities we serve, and the extensive rapid transit and rail ROW that we own as well as the public ROW (municipal roadways, state highways, etc.) that our buses and paratransit use on a daily basis, we are seeking clarification and offering tailored feedback on the potential impact of deploying ROW and/or pole-mounted EVSE. Our comments, gathered from several MBTA departments, emphasize several key themes and overarching recommendations:

1. *Definitions:*
    a. *Public ROW:* The MBTA requests that the Departments provide a definition for "public ROW" as part of any regulatory updates and guidance developed pertaining to ROW and/or pole-mounted EVSE. If the Departments are relying on an existing definition of public ROW, we suggest including a reference to this definition in any future policies, regulations, etc. By referencing municipalities and the Massachusetts Department of

Transportation, the Joint Order appears to imply that, for the purposes of this inquiry, public ROW is meant to only apply to roadways. However, the MBTA ROW for certain transit lines extends into station areas, yards, and beyond. Clarification is needed from the Departments to determine if rapid transit and/or rail ROW (i.e. operational ROW) will or will not be included in this definition.

b. *ROW and Pole-Mounted EVSE:* To better understand the potential applications and impact of deploying this type of EVSE, we request that the Departments also define "ROW and Pole-Mounted EVSE". On certain portions of MBTA ROW, the MBTA owns as well as allows for utility poles and conduit access for different functions and would like to get clarity on what is intended to be covered by this inquiry and future policy and regulatory updates.

   As the MBTA continues to electrify our bus fleet, we are also investigating how and where to install on-route charging equipment. While some of this equipment may end up on MBTA property or ROW, there is a high likelihood that we will need to strategically site equipment along public roadways. With this in mind, we seek additional information regarding whether or not our bus EVSE may or may not defined as ROW or pole-mounted EVSE.

2. *ROW Safety:* If MBTA ROW is considered public ROW for the purposes of this inquiry, Given the potential disruption of service to construct, maintain, and operate ROW and/or pole-mounted EVSE, we request that future regulatory changes stipulate that third-party pole-mounted EVSE cannot be installed on operational ROW or can only be installed at the behest of the property owner.

3. *Operational and Bus Rider Safety:* The MBTA also operates buses and street-level railcars that operate on roadways and highways that we do not own. We have serious safety concerns regarding the installation of ROW and pole-mounted EVSE adjacent to our transit routes and lines. In particular, elevated chargers could pose obstructions for bus drivers' visibility that could block or screen site lines. Clear requirements also need to be developed to ensure mounted chargers are oriented toward the sidewalk to limit overhang and potential damage to equipment and vehicles. Given the high winds that parts of the Commonwealth experience, such as during Nor'easters, pole-mounted EVSE should also be designed and secured to withstand extreme wind gusts.

   Additionally, in many municipalities where we have bus service, curbside space is very limited, so we recommend that for any siting of ROW and pole-mounted EVSE that guidance is created to ensure proper clearance around existing bus stop locations, so riders are not impeded from boarding or alighting. Hanging charging cords should be secured and strategically placed to avoid trip hazards and limit conflicts with mobility devices. Moreover, the owner of the EVSE should ensure that the siting of this infrastructure adheres to ADA requirements, so that access is not restricted. The U.S. Access Board *Public Right-of-Way Accessibility Guidelines* (PROWAG) requires a minimum length of 8 feet and width of 4 feet for accessible transit stops. Our agency recommends that both ROW and EVSE owners consult the *MBTA Bus Stop Design Guide* for preferred standards and minimum requirements for common bus stop types and layouts and the PROWAG for accessible access to sidewalks and streets, crosswalks, curb ramps, pedestrian signals, on-street parking, and other components of public right-of-way.

Where possible, ROW owners should also consider opportunities to coordinate EVSE installation with other infrastructure upgrades, especially if excavation is necessary, to streamline construction and limit disruptions to other ROW uses. Additionally, where appropriate, we suggest that ROW owners and EVSE providers utilize EVSE designs that allow for consolidation of curbside infrastructure. For example, curbside infrastructure that functions as both a parking meter and an EV charging station would allow for more efficient use of limited sidewalk space and reduce the number of conflicts that could obstruct access to MBTA bus stops.

4. *Operational Efficiency:* The MBTA is also concerned about non-transit drivers parking or stopping to use transit ROW or pole-mounted chargers. Not only is this a safety concern, but it could significantly hamper bus operations and efficiency. As the MBTA continues to work to streamline and enhance our bus routes through Bus Network Redesign, collaborate with municipalities to create designated bus lanes as part of Transit Priority Projects, and implement bus lane and bus stop enforcement, it is vital that we do not introduce any obstructions that could block our buses from accessing bus stops or prevent our buses from utilizing part-time, peak-only bus lanes.

The MBTA encourages ROW owners and EVSE providers to engage MBTA staff early and often when planning for ROW or pole-mounted EVSE installation in the vicinity of a transit lane or transit stop. While we support the Commonwealth's approach to facilitate the clean energy transition and the role that ROW and pole-mounted EVSE can play in contributing to equitable transportation electrification options, the MBTA believes that this must go hand in hand with prioritizing transit along major transportation corridors, particularly high-frequency routes included in each phase of Bus Network Redesign and upcoming and future Transit Priority Projects, and any deployment of pole-mounted EVSE should avoid creating conflicts with bus travel and accessibility to bus loading and alighting areas. The MBTA also welcomes the opportunity to coordinate with municipalities on developing complementary parking policies that can support transit use and reduce conflict zones, while also accounting for local context and neighborhood-specific solutions.

Again, we sincerely appreciate the opportunity to comment and look forward to reviewing future regulatory changes and related guidance. Please feel free to reach out to Kat Eshel, Senior Director of Climate Policy and Planning, at keshel@mbta.com with any follow-up questions about our input.

Sincerely,

Lynsey Heffernan
Chief of Policy and Strategic Planning
MBTA