

RESOLUTION OF THE CITY COUNCIL

No. 232

Approved May 30, 2006

WHEREAS, When municipalities undertake road/sidewalk work, they encounter problems with the location of utility poles and the wires, cables, etc. that are on these poles. Many times the poles, located within the Towns' rights of way, are situated such that ADA compliance cannot be achieved without relocating the apparatus; and

WHEREAS, The cost (charges) to relocate these facilities is astronomical and the process is very time consuming and cumbersome, and the municipalities are expected to bear this excessive cost, even when ADA laws require relocation of these facilities; and

WHEREAS, It is unclear how those additional charges (costs) are derived by the utility companies; and

WHEREAS, Fees and charges should be based on reasonable, verifiable estimates of the actual cost for the service provided. It might be prudent to investigate how these charges are determined and who guards against potential abuses.

NOW, THEREFORE, BE IT RESOLVED, That we, the City Council of the City of Providence, respectfully request that the State Legislature and the Governor's Office support Senate Bill 2006-S 2029, An Act Relating to Public Utilities – Excavation Near Underground Utility facilities – Costs, which would require public utilities to reimburse municipal corporations for any cost incurred associated with the temporary or permanent relocation of utility infrastructure during public works projects within municipal right-of-way; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby instructed to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island seeking their consideration and support of this proposal.

IN CITY COUNCIL
MAY 28 2006
READ AND PASSED

PRES.

CLERK

APPROVED

MAYOR

IN CITY COUNCIL
APR 6 2006
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION
Ann M. Steen CLERK

THE COMMITTEE ON
STATE LEGISLATION
Recommends Approval
Loize DeBenedictis
May 2, 2006 CLERK

Council President Lombardi, By Request

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JUN 20 2006
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LC00088

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2006

A N A C T

RELATING TO PUBLIC UTILITIES -- EXCAVATION NEAR UNDERGROUND UTILITY
FACILITIES -- COSTS

Introduced By: Senators Gibbs, Blais, Breene, Bates, and Algieri

Date Introduced: January 10, 2006

Referred To: Senate Financial, Technology, Regulatory

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 39-1.2 of the General Laws entitled "Excavation Near
2 Underground Utility Facilities" is hereby amended by adding thereto the following section:

3 **39-1.2-2.1. Costs associated with relocation of public utility infrastructure during**
4 **public works construction projects. -- Any and all cost incurred by any municipal corporation**
5 **associated with the temporary or permanent relocation of any public utility infrastructure within a**
6 **municipal right of way and incurred during the repair, maintenance, construction or**
7 **reconstruction of such right of way, shall be borne exclusively by said public utility.**

8 SECTION 2. This act shall take effect upon passage.

LC00088

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO PUBLIC UTILITIES -- EXCAVATION NEAR UNDERGROUND UTILITY
FACILITIES -- COSTS

1 This act would require public utilities to reimburse municipal corporations for any cost
2 incurred associated with the temporary or permanent relocation of utility infrastructure during
3 public works projects within municipal rights of way.

4 This act would take effect upon passage.

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LC00088
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TOWN OF BURRILLVILLE

Office of Town Clerk

Louise R. Phaneuf
Town Clerk



TOWN BUILDING
HARRISVILLE, R.I.

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RESOLUTION **SUPPORTING LEGISLATION** **REQUIRING UTILITIES TO PAY FOR** **RELOCATION OF INFRASTRUCTURE**

WHEREAS, when municipalities undertake road/sidewalk work, they encounter problems with the location of utility poles and the wires, cables, etc. that are on these poles. Many times the poles, located within the Towns' rights of way, are situated such that ADA compliance cannot be achieved without relocating the apparatus; and

WHEREAS, the cost (charges) to relocate these facilities is astronomical and the process is very time consuming and cumbersome, and the municipalities are expected to bear this excessive cost, even when ADA laws require relocation of these facilities; and

WHEREAS, it is unclear how those additional charges (costs) are derived by the utility companies; and

WHEREAS, fees and charges should be based on reasonable, verifiable estimates of the actual cost for the service provided. It might be prudent to investigate how these charges are determined and who guards against potential abuses.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, respectfully request that the State Legislature and the Governor's Office support Senate Bill 2006 - S 2029, An Act Relating to Public Utilities – Excavation Near Underground Utility facilities – Costs, which would require public utilities to reimburse municipal corporations for any cost incurred associated with the temporary or permanent relocation of utility infrastructure during public works projects within municipal rights of way.

BE IT FURTHER RESOLVED that the town clerk is hereby instructed to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island seeking their consideration and support of this proposal.

PASSED AS A RESOLUTION of the Burrillville Town Council this 8th day of March 2006.

A handwritten signature in cursive script that reads "Wallace F. Lees".

Wallace F. Lees
Burrillville Town Council

ATTEST:

A handwritten signature in cursive script that reads "Louise R. Phaneuf".

Louise R. Phaneuf
Town Clerk