

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

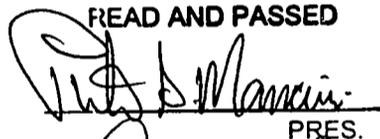
RESOLUTION OF THE CITY COUNCIL

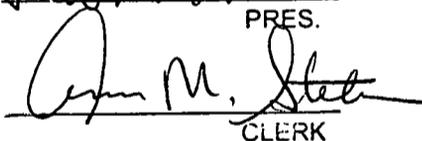
No. 199

Approved MARCH 26, 2007

RESOLVED, That the Members of the Providence City Council hereby Endorses and Supports the Town of Burriville's request that the State Legislature and the Governor's Office support Senate Bill 2007-S 0545, "An Act Relating to Public Utilities – Excavation Near Underground Utility Facilities – Costs", which would require that public utilities be responsible for an cost incurred by municipal corporations associated with temporary or permanent relocation of utility infrastructure such as public utility poles during public works projects within municipal right of way.

IN CITY COUNCIL
MAR 15 2007
READ AND PASSED


PRES.


CLERK

APPROVED



MAYOR

3/26/07

ok

Memorandum

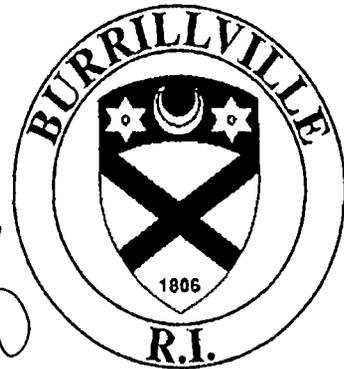
To: Anna Stetson, Town Clerk
City of Providence

From: Louise R. Phaneuf, Town Clerk

Date: March 2, 2007

Re: Council Resolution

Louise R. Phaneuf



At the Regular Meeting of the Burrillville Town Council held on Wednesday, February 28, 2007, at 7:00 P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main St., Harrisville, and at which time a quorum was present and acting throughout the Town Council voted to adopt several resolutions that they believe will be of Statewide interest.

Attached are copies of the Burrillville Town Council resolutions. The Burrillville Town Council respectfully requests that the various City and Town Councils of the State of Rhode Island consider and support these proposals.

Thank you.

105 Harrisville Main St.
Harrisville, RI 02830
Phone: (401) 568-4300 Ext. 114
FAX: (401) 568-0490

TOWN OF BURRILLVILLE

07-078

Office of Town Clerk
Louise R. Phaneuf
Town Clerk



TOWN BUILDING
HARRISVILLE, R.I.

Telephone: (401) 568-4300 ext. 114
FAX: (401) 568-0490
E-mail: townclerk@burrillville.org
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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 or other mandates or regulatory compliance cannot be achieved without relocating the apparatus; and
- WHEREAS,** the cost (charges) to relocate these facilities is extraordinary and the process is very time consuming and cumbersome, and the municipalities are expected to bear this excessive cost, even when ADA laws or other mandates require relocation of these facilities; and
- WHEREAS,** it is unclear how these 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; and
- WHEREAS,** 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 2007 - S 0545, *An Act Relating to Public Utilities - Excavation Near Underground Utility Facilities - Costs*, which would require that public utilities be responsible for any cost incurred by municipal corporations associated with the temporary or permanent relocation of utility infrastructure such as public utility poles 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 28th day of February 2007.



Louise R. Phaneuf
Louise R. Phaneuf
Town Clerk

Nancy F. Binns
Nancy F. Binns
Burrillville Town Council

2007 -- S 0545

LC02196

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

AN ACT

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

Introduced By: Senators P Fogarty, Tassoni, Gallo, and Connors

Date Introduced: February 15, 2007

Referred To: Senate Corporations

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 as a result of the temporary or permanent relocation of any public utility infrastructure, including,
6 but not limited to, public utility poles, during the repair, maintenance, construction or
7 reconstruction or any municipal right-of-way shall be borne exclusively by the public utility.
8 SECTION 2. This act shall take effect upon passage.

LC02196

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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

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

5 This act would take effect upon passage.

LC02196