
OLR Bill Analysis

sSB 321 (File 348, as amended by Senate "A")*

AN ACT CONCERNING REQUIREMENTS FOR CERTAIN EXCAVATION PROJECTS.

SUMMARY

This bill sets advance notice requirements for telecommunication service providers or broadband Internet access providers building any underground facility in the state's public highways, streets, or other public rights-of-way. Under the bill, the amount of advance notice and who it must go to (the Public Utilities Regulatory Authority (PURA) and the Department of Transportation (DOT)) depends on the project's length and location.

The bill requires PURA to publish the information it receives from these notices in a way it determines is accessible to any person or entity that may be interested in installing an underground facility in the proposed facility's area.

The bill also specifies that its provisions, and related provisions in existing law (see below), do not prevent a telecommunications service provider or broadband Internet access service provider from constructing an underground facility if it receives any applicable permit required for the construction.

*Senate Amendment "A" replaces the underlying bill, which generally would have required PURA to update its process for telecommunications service providers and broadband Internet providers to apply for PURA's approval to build underground facilities in public highways, streets, or other public rights of way.

EFFECTIVE DATE: October 1, 2026

NOTIFICATION TO PURA

Current law generally required PURA, by January 1, 2022, to initiate

an uncontested proceeding to develop a process for building facilities in public highways, streets, or other public rights of way to ensure timely and nondiscriminatory procedures that accomplish conduit excavations for telecommunications service providers and broadband providers. It also specifies certain requirements that PURA must impose on applicants looking to build underground facilities that will have conduits for telecommunications service providers or broadband providers.

The bill removes these provisions and instead sets advance notice requirements for telecommunication service providers or broadband Internet access providers constructing any underground facility in public highways, streets, or other public rights-of-way in the state. More specifically, it requires the providers to submit to PURA a notice that includes the proposed facility's description and location. If the facility is more than 500 feet long, they must submit the notice at least 30 days before starting construction. Otherwise, they must submit the notice at least five days before starting construction.

NOTIFICATION TO DOT

For constructing underground facilities in a state highway right-of-way, the bill requires the providers to also submit to DOT a notice that includes the proposed facility's description and location, and a list of any other service providers that will use the proposed facility during the construction. (The bill does not specify, but presumably these notices are subject to the same deadlines as the notices to PURA. The bill does not specify what DOT must do with this information.)

Under existing law, an application for construction in the public highways, streets, or other public rights-of-way must require the applicant to install a conduit for DOT's benefit, as required by law. The bill further requires that this conduit be (1) installed with one pull tape per inch of the conduit's diameter and (2) capable of accommodating additional fiber optic cable installed for DOT.

RELATED PROVISIONS

Under the bill, related provisions in existing law do not prevent a

telecommunications service provider or broadband Internet access service provider from constructing an underground facility if it receives any applicable permit required for the construction. These provisions generally:

1. require providers applying for excavations in state highway rights-of-way to comply with DOT's encroachment permit process, including paying its fees, and installing a conduit for DOT;
2. authorize the DOT commissioner to lease space, or allow access to the space, in any DOT-installed conduit in public highways, streets, or other public rights-of-way; and
3. require providers authorized to install facilities in, under, or over public highways, streets, or other public rights-of-way to obey, observe, and comply with these provisions on underground conduits and PURA's applicable orders about them.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/17/2026)