

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 26-20—sSB 321

Energy and Technology Committee

**AN ACT CONCERNING REQUIREMENTS FOR CERTAIN
EXCAVATION PROJECTS**

SUMMARY: This act sets advance notice requirements for telecommunications service providers or broadband Internet access providers (“broadband providers”) building any underground facility in the state’s public highways, streets, or other public rights-of-way. Under the act, 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 act 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 act also specifies that its provisions, and related provisions in existing law, do not prevent a telecommunications service provider or broadband provider from building an underground facility if it receives any applicable permit required for the construction.

EFFECTIVE DATE: October 1, 2026

NOTIFICATION TO PURA

Prior law generally required PURA 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 specified certain requirements for PURA to impose on applicants to build underground facilities with conduits for telecommunications service providers or broadband providers.

The act removes these provisions and instead sets advance notice requirements for telecommunications service providers or broadband providers building any underground facility in public highways, streets, or other public rights-of-way in the state. 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 excavation work to build underground facilities in a state highway right-of-way, the act requires the providers to also submit to DOT a notice that includes the

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proposed facility's description and location, and a list of any other service providers that will use the proposed facility during the construction. (The act does not specify but, presumably, these notices are subject to the same deadlines as the notices to PURA.)

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 act 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

The act specifies that the above provisions and related provisions in existing law do not prevent a telecommunications service provider or broadband provider from building an underground facility if it receives any applicable permit required for the construction. These related 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.