



**Substitute Senate Bill No. 321**

**Public Act No. 26-20**

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 16-330g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2026*):

[(a) On or before January 1, 2022, the Public Utilities Regulatory Authority shall initiate an uncontested proceeding to develop a process for the construction of facilities in the 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 Internet access service providers. Upon application by the broadband Internet access service providers for the construction of underground facilities that will contain conduit for telecommunications service providers or broadband Internet access service providers, the Public Utilities Regulatory Authority shall condition any approval of such application on the following:

(1) The size of such conduit shall be consistent with industry best practices and sufficient to accommodate potential demand;

(2) Any handholes and manholes for fiber optic cable access and

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pulling with respect to each such practice shall be placed at intervals consistent with industry best practices;

(3) Such conduit shall be installed with a pull tape and capabilities of supporting additional fiber optic cable;

(4) The applicant shall notify telecommunications service providers and broadband Internet access service providers of the proposed excavation to reduce the potential for future street excavations in the same location;

(5) Any requesting telecommunications service provider or broadband Internet access service provider shall be able to access such conduit on a competitively neutral and nondiscriminatory basis and for a charge not to exceed a cost-based rate;

(6) The applicant shall report to the authority upon completion of any approved construction verifying that it has complied with the provisions of this subsection; and

(7) Any other condition deemed prudent and reasonable by the authority.]

(a) (1) Not less than thirty days before beginning construction of any underground facility in the state that exceeds five hundred feet in length and that is located in the public highways, streets or other public rights-of-way, a telecommunications service provider or a broadband Internet access service provider, as applicable, shall submit to the Public Utilities Regulatory Authority a notice that includes a description and location of the proposed facility. Such notice shall be submitted to the authority not less than five days before beginning construction of any other such underground facility.

(2) In addition to the notice required under subdivision (1) of this section, for any excavation work undertaken with the construction of

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any underground facility in the state highway rights-of-way, the provider shall submit notice to the Department of Transportation that includes a description of the proposed underground facility, the location of such proposed facility and a list of any other service providers that will utilize such proposed facility at the time of construction.

(b) The Public Utilities Regulatory Authority shall publish information submitted to the authority concerning a proposed underground facility pursuant to subsection (a) of this section in a manner determined by the authority to be accessible to any person or entity that may be interested in installing an underground facility in the area of the proposed underground facility.

~~[(b)]~~ (c) For excavations in the state highway rights-of-way, the [applicant] provider shall comply with the Department of Transportation's encroachment permit process, including the payment of any applicable fees. Any application for construction in the public highways, streets or other public rights-of-way shall require the applicant to install a conduit for the benefit of the Department of Transportation, as required by section 16-233. Such conduit shall be installed with one pull tape per inch of diameter of such conduit and be capable of accommodating additional fiber optic cable installed for such purpose.

~~[(c)]~~ (d) The Commissioner of Transportation is authorized to lease space, or enter into any other contract or agreement to permit access to such space, in any conduit installed by the Department of Transportation in the public highways, streets or other public rights-of-way on such terms and conditions, and for any purpose, deemed to be in the public interest by said commissioner.

~~[(d)]~~ (e) Nothing in this section shall be construed to limit the use of conduit by the Department of Transportation on public highways,

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streets or other public rights-of-way as otherwise permitted by law or prevent a telecommunications service provider or broadband Internet access service provider from constructing an underground facility if such service provider receives any applicable permit required for such construction under any applicable provision of law.

[(e)] (f) All telecommunications service providers and broadband Internet access service providers that are authorized by the authority to install facilities in, under or over the public highways, streets or other public rights-of-way shall obey, observe and comply with this section and each applicable order made by the authority with respect to underground conduit. Failure to comply with this section or applicable orders of the authority may result in a civil penalty levied by the authority in accordance with section 16-41. Any such fines shall not be recoverable costs in any rate proceeding conducted by the authority.