



General Assembly

Amendment

February Session, 2026

LCO No. 5365



Offered by:
SEN. NEEDLEMAN, 33rd Dist.

To: Subst. Senate Bill No. 321

File No. 348

Cal. No. 234

"AN ACT CONCERNING REQUIREMENTS FOR CERTAIN EXCAVATION PROJECTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 16-330g of the general statutes is repealed and the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

5 [(a) On or before January 1, 2022, the Public Utilities Regulatory
6 Authority shall initiate an uncontested proceeding to develop a process
7 for the construction of facilities in the public highways, streets or other
8 public rights-of-way to ensure timely and nondiscriminatory
9 procedures that accomplish conduit excavations for
10 telecommunications service providers and broadband Internet access
11 service providers. Upon application by the broadband Internet access
12 service providers for the construction of underground facilities that will
13 contain conduit for telecommunications service providers or broadband
14 Internet access service providers, the Public Utilities Regulatory
15 Authority shall condition any approval of such application on the

16 following:

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

19 (2) Any handholes and manholes for fiber optic cable access and
20 pulling with respect to each such practice shall be placed at intervals
21 consistent with industry best practices;

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

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

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

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

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

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

45 underground facility.

46 (2) In addition to the notice required under subdivision (1) of this
47 section, for any excavation work undertaken with the construction of
48 any underground facility in the state highway rights-of-way, the
49 provider shall submit notice to the Department of Transportation that
50 includes a description of the proposed underground facility, the
51 location of such proposed facility and a list of any other service
52 providers that will utilize such proposed facility at the time of
53 construction.

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

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

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

76 ~~[(d)]~~ (e) Nothing in this section shall be construed to limit the use of
77 conduit by the Department of Transportation on public highways,
78 streets or other public rights-of-way as otherwise permitted by law or
79 prevent a telecommunications service provider or broadband Internet
80 access service provider from constructing an underground facility if
81 such service provider receives any applicable permit required for such
82 construction under any applicable provision of law.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2026	16-330g