

SENATE No. 2248

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to municipal voices in gas utility work.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>3/26/2025</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>3/31/2025</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>4/6/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>5/6/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>5/7/2025</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>5/29/2025</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>6/2/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>7/10/2025</i>

SENATE No. 2248

By Ms. Creem, a petition (accompanied by bill, Senate, No. 2248) of Cynthia Stone Creem for legislation relative to city council or select board consent in gas utility work. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to municipal voices in gas utility work.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 164 of the General Laws is hereby amended by striking section 70
2 and inserting in place thereof the following:-

3 Section 70. (a) A gas company may, with the written consent of the city council of a city
4 or the select board of a town, dig up and open the ground in any of the streets, lanes and
5 highways of a city or town, so far as necessary to accomplish the objects of said corporation; but
6 such consent shall not affect the right or remedy to recover damages for an injury caused to
7 persons or property by the acts of such corporation. It shall ensure that all such streets, lanes and
8 highways are in as good repair as when they were opened; and upon failure to do so within a
9 reasonable time, shall be guilty of a nuisance.

10 (b) For the purposes of this section, damage to property shall include (i) any tree on
11 public property damaged or killed by gas migrating into the critical root zone of such tree,
12 defined as the area measured from the trunk of a tree at a radius of 1 foot per inch of the diameter

13 of the tree at 4.5 feet above grade; or (ii) damage by construction during the course of repairing
14 or replacing gas infrastructure.

15 (c) As a condition of granting consent as provided in subsection (a) or consenting to a
16 grant of location, a city council or select board may require a gas company to provide the
17 following information within 30 days of request: (i) a list by street segment of the proposed
18 project; (ii) the age and condition of gas pipelines; (iii) the type and size of pipeline material; (iv)
19 the pipeline pressure; (v) the number of leaks within the city or town having a significant
20 environmental impact and the status and timeframe of their expected repair; (vi) probable cause
21 of such leaks, including defect, deterioration, or damage in pipe material or joint; (vii) estimated
22 cost and timeframe for making any repairs to, or replacement of, existing pipelines, including
23 estimated commencement date and completion date of such construction; (viii) whether a gas
24 main is being extended, repaired, replaced, or retired as part of the proposed project; (ix) where
25 and how many leaks are in the sections where work will be performed; (x) the purpose of work
26 to be performed, such as upcoming municipal roadwork, extension of service to new
27 development, or repair, replacement, or retirement of leak-prone pipeline; (xi) whether any
28 replacement will increase pipeline capacity; (xii) any anticipated risks or hazards from such
29 repair or replacement; and (xiii) such other information as the city council or select board may
30 reasonably require in order to make an informed consent.

31 (d) On written petition of a city council of a city or of a select board of a town aggrieved
32 by the failure or refusal of a gas company to comply with a request made by said city council or
33 select board pursuant to subsection (c), the department shall, after notice to such gas company to
34 appear at a time and place therein named to show cause why the prayer of such petition should
35 not be granted and after determining that the gas company has failed to comply with the

36 requirements of subsection (c), issue an order directing such gas company to provide the
37 petitioner with the information requested, upon such terms as are reasonable.

38 (e) Nothing in this section shall prevent a municipality from further regulating the
39 opening of streets or the use of public ways by a gas company in a manner that is otherwise
40 consistent with the laws and regulations of the commonwealth, or from conditioning the consent
41 of such municipality to dig up and open the ground in a manner that is otherwise consistent with
42 the laws and regulations of the commonwealth.

43 SECTION 2. Section 145 of chapter 164, as amended by chapter 239 of the acts of 2024,
44 is hereby amended by inserting at the end thereof the following subsection:-

45 (i) Within 3 days of submission of any plan by a gas company to the department for
46 repair, replacement, improvement or retirement of any existing infrastructure pursuant to this
47 section, a gas company shall send such plan including identification and prioritization of affected
48 street segments to the municipality whose service territory is covered by such plan, as a
49 condition of approval by the department of such plan. Within 90 days of receipt of such plan,
50 such municipality may provide the gas company with comments and questions about such plan.
51 Within 15 days of receipt of such comments and questions, the gas company shall respond to
52 questions posed by such municipality about such plan. Within 3 days of approval of such plan
53 by the department, the gas company shall send such approval to the municipality whose service
54 territory is covered by such plan. Costs for a non-emergency project whose plan was not
55 submitted for review by the affected municipality pursuant to this section shall be determined by
56 the department as not reasonably incurred pursuant to subsection (f).