

JOINT COMMITTEE ON TELECOMMUNICATIONS, UTILITIES, AND ENERGY

BILL SUMMARY

BILL NO. H.3446

TITLE: An Act relative to municipal voices in gas utility work.

SPONSOR: Representative Jennifer Armini

COMMITTEE: Telecommunications, Utilities, and Energy

HEARING DATE: June 4, 2025

PRIOR HISTORY: New bill

CURRENT LAW:

Chapter 164 of the General Laws pertains to the manufacture and sale of gas and electricity in the Commonwealth.

Section 70 of chapter 164 allows gas companies, with the written consent of the municipality, to dig up and open the ground in any of the streets, lanes and highways of a town, so far as necessary. The companies must put such streets, lanes and highways in as good repair as they were in when opened, it will be guilty of a nuisance upon failure so to do within a reasonable time.

Section 145 of Chapter 164 refers to the plan for replacement or improvement of aging or leaking natural gas infrastructure

SUMMARY:

This bill expands Section 70 of chapter 164 by clearly articulating what damage to property caused by a gas company while digging up a street may be recoverable by a property owner. These damages include:

- (i) any tree on public property damaged or killed by gas migrating into the critical root zone of such tree, defined as the area measured from the trunk of a tree at a radius of 1 foot per inch of the diameter of the tree at 4.5 feet above grade; or
- (ii) damage by construction during the course of repairing or replacing gas infrastructure.

Before granting consent to gas companies to dig up a street, the bill allows city councils/select boards to require them to provide the following information within 30 days of request:

- (i) a list by street segment of the proposed project;
- (ii) the age and condition of gas pipelines;
- (iii) the type and size of pipeline material;
- (iv) the pipeline pressure;

- (v) the number of leaks within the city or town having a significant environmental impact and the status and timeframe of their expected repair;
- (vi) probable cause of such leaks, including defect, deterioration, or damage in pipe material or joint;
- (vii) estimated cost and timeframe for making any repairs to, or replacement of, existing pipelines, including estimated commencement date and completion date of such construction;
- (viii) whether a gas main is being extended, repaired, replaced, or retired as part of the proposed project;
- (ix) where and how many leaks are in the sections where work will be performed;
- (x) the purpose of work to be performed, such as upcoming municipal roadwork, extension of service to new development, or repair, replacement, or retirement of leak-prone pipeline;
- (xi) whether any replacement will increase pipeline capacity;
- (xii) any anticipated risks or hazards from such repair or replacement; and
- (xiii) such other information as the city council or select board may reasonably require in order to make an informed consent.

The bill allows a city council/select board to make a written petition to DPU when a gas company fails to furnish the above requested information. DPU must then give notice to the gas company to appear and show cause why the petition should not be granted, and after determining that the gas company has failed to comply with the requirements of subsection (c), issue an order directing the gas company to provide the petitioner with the information requested.

The bill amends Section 145 of Chapter 164 by adding a new subsection that within 3 days of the submission of any plan to DPU to repair, replace, improve, or retire of any existing infrastructure pursuant to this section, a gas company is required to send the plan and include identification and prioritization of affected street segments to the municipality whose service territory is covered by the plan. Within 90 days, the municipality may provide the gas company with comments and questions about the plan. The gas company will then respond within 15 days to questions posed by the municipality. Within 3 days of approval of the plan by DPU, the gas company will send such approval to the municipality whose service territory is covered by such plan. Costs for a non-emergency project whose plan was not submitted for review by the affected municipality pursuant to this section shall be determined by DPU as not reasonably incurred.