

The Connecticut General Assembly

Legislative Commissioners' Office

Edwin J. Maley, Jr.
Commissioner
William A. Hamzy
Commissioner

Louise M. Nadeau
Director



Legislative Office Building
Suite 5500
Hartford, Connecticut
06106-1591
(860) 240-8410
fax (860) 240-8414
e-mail: lco@cga.ct.gov

Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: July 26, 2016

Regulation No:	2016-13
Agency:	Public Utilities Regulatory Authority
Subject Matter:	Excavation Near Underground Utility Facilities
Statutory Authority: (copy attached)	16-357

	Yes or No
Mandatory	Y
Federal Requirement	N
Permissive	N

For the Committee's Information:

On June 16, 2016, the Public Utilities Regulatory Authority submitted substitute pages 2, 9, 10, 11, 12, 14, 24, and 25. On June 22, 2016, the Public Utilities Regulatory Authority submitted substitute page 21. This report is based, in part, on the substitute pages.

Substantive Concerns:

Technical Corrections:

1. On page 3, in the fifth line of section 16-345-2(a), "State Agencies" should be "State Agencies", for proper form.
2. On page 3, in the first line of section 16-345-2(b), "Bylaws" should be "[Bylaws] bylaws", for proper form.
3. On page 4, in the eighth line of section 16-345-2(f), "30 days" should be "thirty (30) days", for consistency.
4. On page 5, in the fifth line of section 16-345-3(a)(3), "State Agencies" should be "State Agencies", for proper form.
5. On page 5, in the second line of section 16-345-3(a)(5), "chapter" should be "[chapter] Chapter", for consistency.
6. On page 6, in the first line of section 16-345-3(b)(1)(A), "In" should be bracketed and "Except for an area of continual excavation, in" should be inserted before "the event that", for clarity.
7. On page 6, in the fourth line of section 16-345-3(b)(1)(C), "regulations of Connecticut state agencies" should be "[regulations] Regulations of Connecticut [state agencies] State Agencies ", for proper form.
8. On page 6, in the first two lines of section 16-345-3(b)(1)(D), "The requirements contained in subparagraph (A) of this subdivision do not apply to an area of continual excavation." should be deleted, for clarity.
9. On page 6, in the third line of section 16-345-3(b)(1)(D), "and/or" should be "or", for proper form.
10. On page 7, in the fourth line of section 16-345-3(b)(2), "such further [on site] on-site assistance" should be "such further on-site assistance", to accurately reflect the text of the existing regulations.
11. On page 8, in the fourth line of section 16-345-3(f), "100 feet" should be "[100] one hundred (100) feet", for consistency.
12. On page 8, in the eighth line of section 16-345-3(f), "12 inches" should be "[12] twelve (12) inches", for consistency.
13. On page 8, in the eleventh and twelfth lines of section 16-345-3(f), "regulations of Connecticut state agencies" should be "[regulations] Regulations of Connecticut [state agencies] State Agencies ", for proper form.
14. On page 9, in the third line of 16-345-4(a)(1)(F), "Agencies; and" should be "Agencies; and", for accuracy.
15. On page 9, in the second line of section 16-345-4(a)(1)(G), "chapter" should be "[chapter] Chapter", for consistency.
16. On page 11, in the third line of section 16-345-4(c)(6), "must" should be "[must] shall", in accordance with the committee's directive concerning mandates.

17. On page 11, in the sixth line of section 16-345-4(c)(7), "and/or" should be "or", for proper form.
18. On page 11, in the fifth line of section 16-345-4(d), "must" should be "[must] shall", in accordance with the committee's directive concerning mandates.
19. On page 12, in the last line of section 16-345-4(e)(1), the semicolon after "occur" should be underlined, for proper form.
20. On page 12, after the second line of section 16-345-4(h), "345-1 to 16-345-9, inclusive, of the [regulations] Regulations of Connecticut [state agencies] State" should be added, for accuracy.
21. On page 13, in the first line of section 16-345-5(e), "center line" should be "center-line", for consistency with the existing regulations.
22. On page 14, in the third line of section 16-345-5(f), "Such stakes] When marking via staking or flagging, stakes and flags shall be placed in an upright" should be deleted, as unnecessary.
23. On page 14, in the second line of section 16-345-5(h), "twenty feet" should be "twenty (20) feet", for consistency.
24. On page 14, at the end of the page, "[(6)] [G--Gas.]" should be added, for accuracy.
25. On page 24, in the third line of section 16-345-5(k)(6)(A), "follows ('ABC' represents" should be "follows ('ABC' represents", for proper form.
26. On page 24, in the first line of section 16-345-5(k)(6)(C) and in the first line of section 16-345-5(k)(6)(D), "where 'X' represents" should be "where X' represents", for consistency.
27. On page 25, in the first line of section 16-345-5(m), "[(l)]" should be "[(l)]", for accuracy.
28. On page 25, in the third line of section 16-345-5(m), "of public utility" should be "of the public utility", for clarity.
29. On page 25, in the third line of section 16-345-6, "chapter" should be "[chapter] Chapter", for consistency.
30. On pages 25 and 26, in the sixth and eighth lines of section 16-345-7, "chapter" should be "[chapter] Chapter", for consistency.
31. On page 26, in the second line of section 16-345-8(a), "chapter" should be "[chapter] Chapter", for consistency.
32. On page 27, in the second line of section 16-345-9(a)(5), "the maximum" should be "the maximum", for proper form.

Recommendation:

<input checked="" type="checkbox"/>	Approval in whole
<input checked="" type="checkbox"/>	with technical corrections with deletions
<input checked="" type="checkbox"/>	with substitute pages
	Disapproval in whole or in part
	Rejection without prejudice

Reviewed by: Lynn A. Kirshbaum / Richard Hanratty

Date: July 14, 2016

Sec. 16-357. Regulations. The Public Utilities Regulatory Authority shall adopt regulations, in accordance with the provisions of chapter 54, to the extent necessary to ensure compliance with this chapter. Such regulations shall be designed to protect the public safety and shall prescribe (1) the duties and responsibilities of persons, public agencies and public utilities with respect to excavating, discharging explosives or demolition in proximity to any public utility underground facility, and (2) a schedule establishing the amounts which may be assessed as civil penalties for violations of this chapter, as provided in section 16-356, based upon the nature and severity of the violation and the number of past violations, but not to exceed the maximum penalty contained in said section. The authority shall revise the regulations adopted pursuant to this section regarding a graduated schedule of civil penalties assessed pursuant to section 16-356 and the criteria by which the authority determines the amount of such civil penalties.