

2024 -- H 7611

LC004801

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HIGHWAYS -- RELOCATION OF UTILITY SERVICES

Introduced By: Representatives McGaw, Phillips, Morales, Slater, Cortvriend, Hull,  
Carson, Abney, and Kislak

Date Introduced: February 15, 2024

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 24-8.1-2 of the General Laws in Chapter 24-8.1 entitled "Relocation  
2 of Utility Services" is hereby amended to read as follows:

3 **24-8.1-2. Relocation of utility facilities necessitated by highway construction.**

4 (a) Notwithstanding any provision of law or of any charter or statute, general or special, to  
5 the contrary, whenever state-initiated relocation of utility facilities in the state, owned by private  
6 corporations, or private companies, ~~municipalities, political subdivisions, authorities, or agencies~~  
7 ~~of the state,~~ whether within or without the limits of public ways, shall become necessary in  
8 connection with a highway project on the federal aid primary or secondary systems or on the  
9 national system of interstate and defense highways, including extensions thereof, for which the  
10 state shall be entitled under any law of the United States to reimbursement from federal funds for  
11 any portion of the cost of the project, then the state may order the relocation of the utility facilities,  
12 and the private corporation, or private company, ~~municipality, political subdivision, agencies of the~~  
13 ~~state, or authority~~ owning or operating the facilities shall promptly relocate the facilities in  
14 accordance with the order and the state shall reimburse the owner of the utility or utility facility for  
15 the cost of relocation subject to the following limitations and in accordance with the following  
16 formula: for any utility facility that is to be reimbursed federally, in whole or in part, and for any  
17 utility facility that does not qualify for federal reimbursement, the division shall reimburse the  
18 owner fifty percent (50%) of the costs of relocating the utility facility; in no case shall a utility be  
19 reimbursed for any type of betterment; reimbursement is for relocation costs only; the state shall

1 pay the cost of the relocation to the utility as part of the cost of the federally aided highway project.  
2 A utility relocation shall be eligible for reimbursement pursuant to this section only if it is  
3 completed to the satisfaction of the state within target dates established by the state and in  
4 accordance with design criteria set forth by the state for the relocation in a manner that facilitates  
5 the timely completion of the affected project. Upon compliance and satisfaction of the conditions  
6 of this subsection, The the state shall pay a fifty percent (50%) of the reasonable amount to private  
7 corporations and private companies for the relocation of utilities commencing with highway  
8 projects that are authorized for construction after March 1, 1976.

9 (b) Notwithstanding any provision of law or of any charter or statute, general or special, to  
10 the contrary, whenever state initiated relocation of utility facilities in the state, owned by  
11 municipalities, political subdivisions, authorities, or agencies of the state, whether within or without  
12 the limits of public ways, shall become necessary in connection with a highway project on the  
13 federal aid primary or secondary systems or on the national system of interstate and defense  
14 highways, including extensions thereof, for which the state shall be entitled under any law of the  
15 United States to reimbursement from federal funds for any portion of the cost of the project, then  
16 the state may order the relocation of the utility facilities, and the municipality, political subdivision,  
17 agencies of the state, or authority owning or operating the facilities shall promptly relocate the  
18 facilities in accordance with the order and the state shall pay the cost of the relocation to the utility  
19 as part of the cost of the federally aided highway project.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would provide that the cost of relocation of utility facilities necessitated by  
2 highway construction shall be reimbursed by the state at fifty percent (50%) of the reasonable  
3 amount to private corporations and companies. The cost of relocation shall be fully reimbursed by  
4 the state for relocation of utility facilities owned by municipalities and political subdivisions.

5           This act would take effect upon passage.

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