



Kent County Water Authority

April 1, 2026

Senate Finance Committee
State House
82 Smith Street
Providence, RI 02903

SENT VIA EMAIL: SenateFinance@rilegislature.gov

RE: Senate Bill S3132: Revisions to RIGL 24-8.1-2 “Relocation of Utility Services”

Honorable Chairman and Committee Members:

My name is David Simmons, and I am the Executive Director and Chief Engineer of the Kent County Water Authority (KCWA) which provides drinking water to the residents and businesses for the Towns of West Warwick, Coventry, East Greenwich, West Greenwich, Scituate, North Kingstown, and the City of Warwick and City of Cranston. The KCWA supports the proposed amendments to RIGL 24-8.1-2, “Relocation of Utility Services”. As currently constituted, RIGL 24-8.1-2, places an unfair and unwarranted burden on municipal and quasi-municipal public utilities that provide water and sewer service to its residents without regard for availability of funding, as well as probable conflicts with a utilities’ capital improvement plan and/or current construction plans. **The costs associated with the relocation of a municipal water or sewer infrastructure as part of a state-initiated highway or roadway project should not be placed on the ratepayers of the affected utility.** Public water suppliers are already struggling with the high costs to deliver a safe and reliable water supply. The current legislation exposes public water suppliers, like KCWA, to unexpected and unwarranted expenses which would be passed on to its ratepayers.

Across the country, the standard practice when a state highway project forces a municipal utility to relocate its infrastructure is for the state to pick up the tab. Most states reimburse these costs at or near 100%, recognizing that utilities and their ratepayers should not be penalized for projects they did not initiate. Rhode Island’s rigid 50% cap is an outlier. It places our state among the bottom tier nationally on this issue, and it stands out even more when you look at what our immediate neighbors are doing.

In **Connecticut**, under CGS §13a-126, the state reimburses 100% of utility relocation costs on limited access highways and a minimum of 50% on other state highway projects, with the state’s share based on what is fair and equitable under the circumstances. In **Massachusetts**, MassDOT reimburses utility owners for relocations necessitated by state roadway and bridge projects, including municipal water and sewer infrastructure. Both of our bordering states treat this as a cost of doing the highway project, not a cost to be pushed onto ratepayers. Rhode Island is the exception, not the rule.

It is also important to note that the federal government, through 23 U.S.C. § 123 and 23 CFR Part 645, already allows states to seek federal reimbursement for utility relocation costs on Federal-aid highway projects. When a state pays for the relocation of a utility facility as part of a federally funded transportation project, the state can be reimbursed with federal funds at the same ratio the federal government is funding the project.

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Depending on the type of highway project, the federal share typically ranges from 80% on regular federal-aid projects to as high as 90% on interstate projects. The key requirement is that the state must first pay the utility before it can claim that reimbursement. Under Rhode Island's current law, which limits reimbursement to only 50%, the state is not taking full advantage of this federal funding. By restoring full reimbursement for municipally owned utilities, Rhode Island would not only relieve the burden on local ratepayers but would also be able to recover a much larger portion of those costs from the federal government. Right now, that money is being left on the table. Many of our neighboring states already take full advantage of this. Rhode Island should do the same. Passing Senate Bill S3132 would bring Rhode Island in line with the regional standard and ensure that the costs of state-initiated highway projects are not unfairly shifted to local ratepayers.

For the reasons noted above, the KCWA supports the amendments to RIGL 24-8.1-2 as proposed by Senate Bill S3132.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "D. Simmons", with a long horizontal flourish extending to the right.

David L. Simmons P.E.

Executive Director/Chief Engineer