

THE CITY OF NEWPORT

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RESOLUTION  
OF THE  
COUNCIL  
No. 2024-43

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WHEREAS, relocation of utilities under current law (24-8.1-2) places an unfair and unwarranted burden on municipal and quasi-municipal public utilities that provide public water and sewer service to its residents without regard for 1) availability of funding; 2) current plans and construction already undertaken by the utilities; 3) probable conflict with short, medium and long term planning by the utilities; 4) as well as ignoring necessary and advisable permitting and approval processes for many of the utilities subject to RIPUC, RIDEM, RI State Water Resources Board, RIDOH, and EPA rules, and regulations; and

WHEREAS, the highway projects that 24-8.1-2 is meant to apply to are defined as those that are being federally funded, so that requiring a utility to contribute to a project that is already fully funded, is likely to actually interfere with the outside funding that defines the overall project, but in any event, is demanding a contribution for something that RIDOT is already adequately funded; and

WHEREAS, all public water utilities are required to file and regularly update their Clean Water Infrastructure Replacement Plan ("CWIRP"), a plan that includes both short- and long-term future capital improvements. The CWIRP is essentially the utility's stated plan to maintain a vibrant, well-functioning system and identify financing intentions and options, including bonding, grants, incentivized loans, as well as the other resources available to the utility. This law totally circumvents the autonomy of the utility to determine its own path without good cause; and

WHEREAS, there is no RI public utility that funds or operates the way that RIDOT has been employing the dictates of 24-8.1-2, nor should any public utility be required to do so; and

WHEREAS, at a time when both federal and state regulatory requirements have driven the cost of producing and delivering safe and healthful public water supply spiraling upwards, the legislature should be mindful of ways that can easily control and lessen those costs – which 24-8.1-2 unnecessarily exposes the public utilities to unexpected and unwarranted expense; and

WHEREAS, 24-8.1-2 treats utilities as if they are all equal and presupposes that all of the players are equally affected, which is diametrically opposed to the reality of funding resources, profit versus public service goals, and regulatory oversight; and

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WHEREAS, water and sewer utilities have essentially been the same for more than a century. Water and sewer are not experiencing the same radical innovation and variant growth that some of the “for profit” utilities are such as communications, or the downward trending that a utility such as gas is experiencing, which makes water and sewer utilities vastly different than others. NOW, THEREFORE BE IT

RESOLVED: that the City Council of Newport Rhode Island requests that 24-8.1-2 be amended to remove public water and sewer utilities from the dictates of the statute. AND BE IT FURTHER

RESOLVED: that the City Council of Newport Rhode Island requests all public water and sewer utilities, both municipal and quasi-municipal bodies join in our request to support House bill H7611 and its Senate counterpart S2587 which would amend 24-8.1-2 in so far as it applies to public water and sewer utilities.

IN COUNCIL  
READ AND PASSED  
APRIL 24, 2024



Laura C. Swistak, CMC  
City Clerk