

1           **S.166 – Draft Amendment (Third Option) for Consideration by the**  
2                                   **Committee on Finance**

3       Sec. 1. 30 V.S.A. § 208c is added to read:

4       § 208c. POLE ATTACHMENTS; WORKSITE CLEANUP; INSURANCE  
5                   REQUIREMENTS

6           (a) The purpose of this section is to protect the general public from harm or  
7       injury caused by unsafe construction practices related to utility pole  
8       attachments.

9           (b) On or before September 1, 2022, the Public Utility Commission, in  
10       consultation with the Department of Financial Regulation, shall issue a bulletin  
11       that establishes best practices and insurance requirements pertaining to pole  
12       attachments that are subject to Commission Rule 3.700. The best practices and  
13       insurance requirements contained in the bulletin shall apply to attaching  
14       entities, as defined in Rule 3.702(B), contractors, and subcontractors, as  
15       deemed appropriate by the Commission. Specifically, the bulletin shall  
16       establish best practices for the safe removal and disposal of construction  
17       worksite debris as well as minimum commercial general liability insurance  
18       requirements for construction projects. With respect to the insurance  
19       requirements, the bulletin shall include:

20           (1) minimum coverage amounts, which may vary based on the size and  
21       scope of a project;

- 1           (2) methods for demonstrating evidence of insurance prior to the  
2           commencement of a construction project;
- 3           (3) notification requirements applicable to cancellation of a policy,  
4           reduction of coverage, or other change in coverage status deemed significant  
5           by the Commission;
- 6           (4) identification of persons who should be covered as additional  
7           insureds on a policy;
- 8           (5) requirements for extended coverage after project completion, if  
9           appropriate; and
- 10           (6) any other requirements deemed appropriate by the Commission to  
11           accomplish the purpose of this section.

12           (c) A person who sustains harm or injury as a result of debris left on a  
13           construction worksite in violation of the best practices established pursuant to  
14           this section may sue and recover from the violator compensatory damages,  
15           reasonable attorney’s fees and litigation costs, and punitive damages not  
16           exceeding three times an award of compensatory damages.

17           (d) Nothing in this section shall be deemed to preclude the pursuit of any  
18           other civil or injunctive remedy by any person.

19           Sec. 2. EFFECTIVE DATE

20           This act shall take effect on passage.

1           and that after passage the title of the bill be amended to read: “An act  
2           relating to safety standards and insurance requirements for utility pole  
3           attachments”