

2009 -- H 5088

LC00047

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - LOCATION OF GAS  
REGULATORS AND GAS METERS

Introduced By: Representatives Costantino, Fox, Slater, Ajello, and Williams

Date Introduced: January 14, 2009

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 39 of the General Laws entitled "Public Utilities and Carriers" is  
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 2.1

4 LOCATION OF RESIDENTIAL GAS REGULATORS AND GAS METERS

5 **39-2.1-1. Location of residential gas regulators and gas meters.--** (a) Prior to the  
6 location or relocation of any residential gas regulator or gas meter, the public utility shall consult  
7 with the owner(s) of the property as to their preference concerning the most suitable location for  
8 such devices, and the public utility shall give preference to locations that are least visibly  
9 prominent.

10 (b) The public utility is hereby prohibited from installing gas regulators and/or gas meters  
11 on the visible front of any residential property or visible sides of the property that face a public  
12 right-of-way, unless it is determined that there exists no prudent and feasible alternative to such  
13 location. In high-pressure systems, the gas regulator may be located in an unobtrusive exterior  
14 location that is not visible from a public right-of-way.

15 **39-2.1-2. Location of gas regulators and/or gas meters in historic districts.--** (a) The  
16 public utility is hereby prohibited from installing gas regulators or gas meters on the exterior of  
17 property located within a historic district, unless permitted to do so by the owner, and are hereby  
18 required to obtain a permit from the historic district commission of any city or town which has

1 been created by the city or town council in accordance with the provisions of chapter 45-24.1, et.  
2 seq.

3 (b) For the purposes of this section “property located with a historic district” means “a  
4 certified historic structure” as defined in section 44-33.2-2 (1).

5 **39-2.1-3. Obligations of residential property owners.--** (a) The owner(s) of any  
6 residential property within the interior of which a gas regulator or gas meter is located shall grant  
7 reasonable access to the public utility responsible for the maintenance of the regulator or meter in  
8 order to perform safety activities as required by law not less than every thirty-six (36) months.  
9 Any owner which denies the public utility access to the gas regulator or gas meter shall be subject  
10 to termination of service, and the public utility is hereby authorized to relocate the gas regulator  
11 or gas meter to the exterior of the property in accordance with the provisions of section 39-2.1-1.

12 (b) The owner(s) of property with interior gas regulators or gas meters shall be required  
13 to sign a consent form agreeing to the terms set forth in subsection (a).

14 (c) The owner(s) of residential property are hereby authorized to paint exterior gas  
15 regulators and gas meters in order to blend with color of the property, and may landscape in front  
16 of the regulator and/or meter in order to conceal the location thereof.

17 SECTION 2. Chapter 39-4-6 of the general laws entitled “Hearings and Investigations”  
18 is hereby amended by adding thereto the following section:

19 **39-4-3.1. Investigations on complaint against utility – Location of residential gas**  
20 **regulators.--** Upon a written complaint made against any public utility as defined in subsection  
21 39-1-2(20) by any city or town council, or by any corporation, or by any twenty-five (25)  
22 qualified electors that the proposed location or relocation of residential gas regulators or gas  
23 meters by the public utility is unreasonable or unjustly discriminatory, the division shall proceed,  
24 with or without notice, to make such investigation as it may deem necessary or convenient;  
25 provided, that no order as provided in section 39-4-10 affecting the location of the gas regulators  
26 or gas meters shall be entered by the division without a formal public hearing. When any  
27 complaint shall be made by twenty-five (25) or more qualified electors, the complaint shall  
28 designate one of the complainants upon whom shall be served all notices, orders, and citations  
29 required by this chapter to be served upon complainants. Prior to taking final action, the division  
30 shall provide notice to the state historical preservation and heritage commission of complaints  
31 filed in accordance with this section, and the division shall provide a record of decision to the  
32 historical preservation and heritage commission that explains the division's actions regarding the  
33 complaint.

34 SECTION 3. Chapter 45-24.1 of the general laws entitled “Historical Area Zoning” is

1 hereby amended by adding thereto the following section:

2 **45-24.1-3.2. Legislative findings.--** The general assembly hereby recognizes that gas  
3 regulators or gas meters located anywhere on the exterior of historic buildings or buildings  
4 located in a historic district may create a visual intrusion to the property and to the surrounding  
5 historic district, and it is the intent of this chapter to provide procedures for any public utility  
6 proposing to locate or relocate such devices on residential historic buildings.

7 SECTION 4. Section 45-24.1-4 of the General Laws in chapter 45-24.1 entitled  
8 “Historical Area Zoning” is hereby amended to read as follows:

9 **45-24.1-4. Permit required to construct, alter, or demolish structure – Application –**  
10 **Written decisions of commission – Powers of commission.** -- (a) The commission shall, within  
11 twelve (12) months of the date the local historic district zoning ordinance takes effect:

12 (1) Adopt and publish all rules and regulations necessary to carry out its functions  
13 under the provisions of this chapter; and

14 (2) Publish standards as necessary to inform historic district residents, property owners,  
15 and the general public of those criteria by which the commission determines whether to issue a  
16 certificate of appropriateness. The commission may amend these standards as reasonably  
17 necessary, and it shall publish all amendments.

18 (b) Before a property owner or public utility as defined in subsection 39-1-2(20) may  
19 authorize or commence construction, alteration, repair, removal, or demolition affecting the  
20 exterior appearance of a structure or its appurtenances within a historic district or affecting a  
21 historic cemetery wherever located within a city or town, the owner or public utility must apply  
22 for and receive a certificate of appropriateness from the commission. In applying, the owner or  
23 public utility must comply with application procedures established by the commission pursuant to  
24 this chapter and the applicable local ordinance. The commission ~~requires~~ shall require the owner  
25 or public utility to submit information which is reasonably necessary to evaluate the proposed  
26 construction, alteration, repair, removal, or demolition, including, but not limited to, plans,  
27 drawings, photographs, or other information. The owner of the property or the public utility must  
28 obtain a certificate of appropriateness for the project whether or not state law requires that he ~~or~~ she  
29 or it also obtain a permit from the local building official. The building official shall not issue  
30 a permit until the commission has granted a certificate of appropriateness.

31 (c) In the case of a historic cemetery, the owner must comply with all provisions of law  
32 and make suitable and appropriate provisions for the reinterment of any human remains in an  
33 established cemetery. Original or existing headstones and markers shall be preserved and  
34 installed at the site of the reinterment.

1 (d) In reviewing plans, the commission shall give consideration to:

2 (1) The historic and architectural significance of the structure and its appurtenances;

3 (2) The way in which the structure and its appurtenances contribute to the historical and  
4 architectural significance of the district; and

5 (3) The appropriateness of the general design, arrangement, texture, materials, and  
6 siting proposed in the plans.

7 The commission shall pass only on exterior features of a structure and its appurtenances  
8 and shall not consider interior arrangements.

9 (e) All decisions of the commission shall be in writing. The commission shall articulate  
10 and explain the reasons and bases of each decision on a record, and, in the case of a decision not  
11 to issue a certificate of appropriateness, the commission shall include in the bases for its  
12 conclusion that the proposed activity would be incongruous with those aspects of the structure,  
13 appurtenances, or the district which the commission has determined to be historically or  
14 architecturally significant. The commission shall send a copy of the decision to the applicant.

15 (f) In the case of an application for construction, repair, alteration, removal, or  
16 demolition affecting the exterior appearance of a structure, or its appurtenances, which the  
17 commission deems so valuable to the city, town, state, or nation, that the loss of that structure will  
18 be a great loss to the city, town, state, or nation, the commission shall endeavor to work out with  
19 the owner an economically feasible plan for the preservation of that structure. Unless the  
20 commission is satisfied that the retention of the structure constitutes a hazard to public safety,  
21 which hazard cannot be eliminated by economic means available to the owner, including the sale  
22 of the structure to any purchaser willing to preserve the structure, or unless the commission votes  
23 to issue a certificate of appropriateness for the proposed construction, alteration, repair, removal,  
24 or demolition, the commission shall file with the building official or duly delegated authority its  
25 rejection of the application. In the absence of a change in the structure arising from casualty, no  
26 new application for the same or similar work shall be filed within one year after the rejection.

27 (g) In the case of any structure deemed to be valuable for the period of architecture it  
28 represents and important to the neighborhood within which it exists, the commission may file  
29 with the building official, or other duly delegated authority its certificate of appropriateness for an  
30 application if any of the circumstances under which a certificate of appropriateness might have  
31 been given under subsection (6) are in existence or if:

32 (1) Preservation of the structure is a deterrent to a major improvement program which  
33 will be of substantial benefit to the community;

34 (2) Preservation of the structure would cause undue or unreasonable financial hardship

1 to the owner, taking into account the financial resources available to the owner, including the sale  
2 of the structure to any purchaser willing to preserve the structure; or

3 (3) The preservation of the structure would not be in the interest of the majority of the  
4 community.

5 (h) When considering an application to demolish or remove a structure of historic or  
6 architectural value, the commission shall assist the owner in identifying and evaluating  
7 alternatives to demolition, including the sale of the structure and its present site. In addition to  
8 any other criteria, the commission also shall consider whether there is a reasonable likelihood that  
9 some person or group other than the current owner is willing to purchase, move, and preserve the  
10 structure, and whether the owner has made continuing, bona fide, and reasonable efforts to sell  
11 the structure to any purchaser willing to move and preserve the structure.

12 (i) No less than fifteen (15) days after receiving an application to demolish or to remove  
13 an historic cemetery, the commission shall forward the application to the commission to study  
14 historic cemeteries. The commission shall also immediately forward to the commission to study  
15 historic cemeteries its finding of fact, if any, together with its action on the application.

16 SECTION 5. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - LOCATION OF GAS  
REGULATORS AND GAS METERS

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1           This act would establish procedures for the location or relocation of gas regulators and  
2 gas meters on residential property by a public utility, and would make additional provisions  
3 regarding historic buildings.

4           This act would take effect upon passage.

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