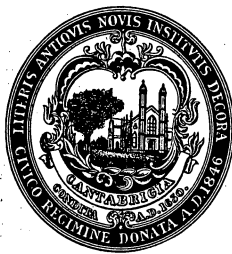


Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Nancy E. Glowa
First Assistant
City Solicitor



Arthur J. Goldberg
Supervising
Legal Counsel

Legal Counsel
Birge Albright
Gail S. Gabriel
Linda A. Stamper
Vali Buland
Cheryl Anne Watson

CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

May 19, 1999

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

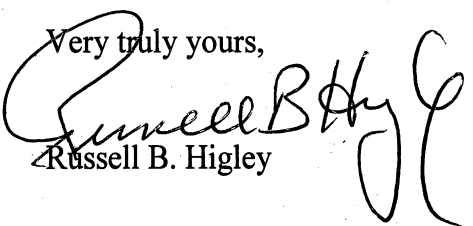
Re: DTE proposed rules on utilities restoring street excavations;
Council Communication #22—Awaiting Report item 99-94

Dear Mr. Healy:

The above-referenced Council Communication asked that the City be represented at the May 11 Department of Telecommunications and Energy hearing relative to a review of standards employed by public utility operators when restoring municipal street surfaces after performing excavations. The Council asked for a report on the hearing and a copy of any testimony submitted by the City.

Attached are a memo dated 5/18/99 from Bill Dwyer, Superintendent of Streets to Arthur Goldberg summarizing the May 11 meeting and a copy of the May 18 written comments from you to the DTE on the proposed regulations.

Very truly yours,


Russell B. Higley



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

May 18, 1999

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
100 Cambridge Street
Boston, MA 02202

Re: Standards for public utility operators to restore municipal street excavations
D.T.E.#98-22

Dear Ms. Cottrell:

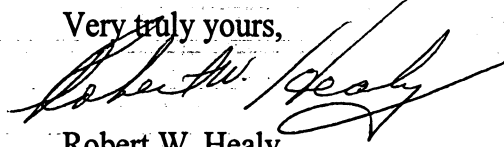
The City of Cambridge hereby submits these written comments concerning D.T.E.#98-22: "Investigation by the Department of Telecommunications and Energy upon its own motion, pursuant to G.L. chapters 164, 165, and 166A commencing a review of standards employed by public utility operators when restoring municipal street surfaces after performing excavations."

The City has two primary points it wishes to make. First, that the proposed standards be the minimum requirements for public utility operators to meet when restoring streets. Keeping the proposed requirements as a minimum standard will ensure a good quality of street repair statewide, while allowing local officials the discretion they need to go beyond those requirements to better address particular circumstances existing in their municipalities. The maintenance of municipal streets is a local responsibility. Local officials should not be stripped of authority with regard to them by the DTE making the proposed regulations the only acceptable restoration method.

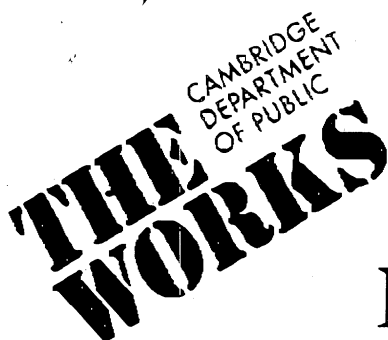
Second, municipalities should be able to hire their own contractors to do the repair and paving after excavations. This has worked well in the past for some municipalities, including Boston and Cambridge. The regulations as currently proposed do not specifically authorize this practice.

Otherwise, Cambridge is aware that various issues regarding the technical requirements in the proposed regulations are being raised by the Massachusetts Highway Association. Generally, Cambridge supports those efforts to make the technical requirements more suitable to local needs.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy", written over a horizontal line.

Robert W. Healy



Memorandum

Superintendent of
Streets & Sidewalks

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4851

To: Arthur Goldberg
CC: Steve White, Deputy Commissioner
From: Bill Dwyer, Superintendent of Street
Date: 05/18/99
Re: DTE Report of Hearing

On May 11, 1999 I attended the public hearing of the Department of Telecommunications and Energy upon its own motion pursuant to G.L. chapters 164, 165 and 166A commencing a review of standards employed by public utility operators when restoring municipal street surfaces performing excavations. The opinion of the attendants broke down to two groups. On one side were the utility companies; on the other were the municipalities. A few representatives of each group spoke for a short period presenting their side of issue. The major points are mentioned below.

- Boston Gas representative favored that Section 03 Minimum Permit Requirements should supersede all municipality permit requirements.
- Colonial Gas representative feels that these standards should be the maximum. That Cities and towns should be very limited on what they can insist upon and require utility companies to perform.
- Commonwealth Gas representative is willing to take on responsibility set forth in these standards, and carry them out. This document should be the master document for all the municipalities and utility companies to follow.
- City of Boston, City Engineer. Feels strongly that language should include municipalities should have the option to include these standards or supersede with city standards, conditions or procedures. He did not feel that these standards addressed that issue. City of Boston is in favor of keeping their standards and procedures they now have in place. Boston's has implemented their own practice of repairing and paving excavations for several years now and have witness tremendous results.
- City of Medford, City Engineer and Permit Administrator, Ditto City of Boston's comments, has followed Boston's lead and practices the same procedure for excavation and permitting and has discovered dramatic improved results in street conditions and control of street openings.



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CAMBRIDGE
DEPARTMENT
OF PUBLIC
**THE
WORKS**

May 18, 1999

Superintendent of
Streets & Sidewalks

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4851

- City of Somerville, Director of Operations, Stated he stands by these specification. They should not be the maximum document. Favors the City of Boston approach and procedures.
- Mass. Municipal Association, Representative feels flexible language so it works for all separate communities. Does not want to have this be the end all spec.
- Swansea, Commissioner of Public Works. Had a number of changes and addendum he feels need to be included. One point The Commissioner feels very strong that municipalities should have the last say when it comes to any contractor or utility excavating in the public way.
- Bardon Trimount Construction Products, Robert Bardon discuss the many the many benefits of using Controlled Density Fill. Two major points are that "CDF" is used on the Big Dig for all types of back filling and compaction is critical. Also Mass Highway Department specifies "CDF" for all backfilling operations within their roadway system.

I feel as the municipal agency responsible for the maintenance and safety of the public ways in Cambridge, it is the obligation of the Public Works Department to protect the interests of the public we serve. We, therefore, should set forth the rules and regulations as mandatory requirements for the issuance of a Public Works Department permit, inspect and supervise street excavations, backfill and paving a public way.



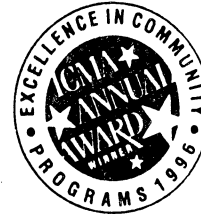
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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

May 24, 1999

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 99-94, regarding a report on DTE proposed rules on utilities restoring street excavations, received from City Solicitor Russell B. Higley.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

Consent Agenda #11

39/5

Relative to AW Rpt. #99-94
regarding a report on DTE
proposed rules on utilities
restoring street
excavations.

In City Council May 24, 1999

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