

## **Guidance for Broadband Service Providers**

### **Purpose**

The purpose of this document is to share best practices related to broadband construction projects with respect to:

- Standard insurance requirements;
- Measures to ensure that adequate coverage is in force for the duration of construction projects;
- Recommendations for mitigating liability risk through safe cleanup practices at worksites and proper disposal of solid waste as established in 24 V.S.A. § 2201.

**The information provided in this guidance does not, and is not intended to, constitute legal or insurance advice; instead, it is for general informational purposes only. Additionally, this guidance may not constitute the most up-to-date legal or insurance information. Neither the Department of Financial Regulation, the Agency of Natural Resources, nor any of their employees, make any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information.**

### **Standard Insurance Requirements**

Broadband providers should always consult with their legal counsel and insurance agents who are knowledgeable in this area to ensure that policy forms and coverage limits are appropriate for each project. Generally, at least the following insurance coverages are recommended:

- Workers Compensation Insurance
- Employers Liability Insurance
- Commercial General Liability Insurance
  - Including but not limited to project operations, products/completed operations, contractual liability, independent contractors, personal and advertising injury
  - Additional insured status on the sub-contractors Commercial General Liability policy with notice of cancellation provided
- Commercial Automobile Liability Insurance



Providers should require contractors and subcontractors to maintain the same insurance coverage and minimums as recommended by their legal counsel and insurance agents. Also, providers should require contractors and subcontractors to furnish them with copies of their Certificates of Insurance (COI). If available, the COI's should include a clause stating that the provider will be notified in writing at least ten (10) days prior to cancellation or nonrenewal of the subcontractor's policy.

Broadband providers and contractors should also refer to other agencies including but not necessarily limited to the Vermont Agency of Natural Resources (ANR), the Vermont Community Broadband Board (VCBB), the Vermont Agency of Transportation (AOT), and the Vermont Department of Labor (DOL) for the required insurance coverages and minimum limits of insurance. When available, these agencies should be named as additional insureds.

### **Measures To Ensure Adequate Coverage For the Duration Of The Project**

Providers should be certain that the contractors and subcontractors have insurance policies that cover the duration of the construction project. Providers should require proof of insurance (copies of the COI's) when contracts are renewed and if the contract extends beyond the expiration date of the current policy. When available, the providers and contractors should be named as additional insureds.

### **Considerations for Communicating with Landowners and State Agencies**

Prior to beginning any project, please contact local landowners and refer to the Agency of Transportation's (AOT) for Right-Of-Way guidance. Special attention should be given to nearby crops and animals. Providers should contact the appropriate agencies to ensure that all permits have been obtained.

### **Mitigating Liability Risk Through Safe Cleanup Practices At Worksites and the Proper Disposal of Solid Waste Established in 24 V.S.A. § 2201**

Please see the attached Vermont Agency of Natural Resources' Recommendations for Mitigating Liability Risk Through Safe Cleanup Practices and Proper Disposal of Solid Waste.



## Vermont Agency of Natural Resources' Recommendations for Mitigating Liability Risk Through Safe Cleanup Practices and Proper Disposal of Solid Waste

Per Vermont Statute [24 V.S.A. § 2201](#) "A person shall not throw, dump, deposit or cause or permit to be thrown, dumped or deposited any solid waste as defined in [10 V.S.A. § 6602](#), refuse of whatever nature, or any noxious thing in or on lands or waters of the State outside a solid waste management facility certified by the Agency of Natural Resources."

Broadband Contractors, like any other person or business must remove all waste materials from a work/installation site and dispose of properly and/or recycle them as required by law. Waste materials may include but are not limited to, wood treatment chemicals, pesticides, herbicides, wire, leftover construction materials/supplies, and associated packaging.

For example: Any chemicals, pesticides, herbicides or other hazardous waste or materials from a regulated generator must adhere to the [Vermont Hazardous Waste Regulations](#) for proper management and disposal; and any solid wastes like construction materials or packaging must adhere to the management and disposal standards of the [Vermont Solid Waste Management Rules](#).

Leftover wire must be disposed of at a regulated [solid waste facility](#) or recycled through appropriate metal recyclers like [salvage yards](#).

Cardboard is a mandated recyclable and is banned from disposal by [state law](#). It must be recycled through appropriate facilities.

Other packaging materials may also be considered [mandated recyclables](#).

