

**HOUSE . . . . . No. 1813**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Claire D. Cronin*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to public safety in excavation.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Claire D. Cronin*

*11th Plymouth*

*Marjorie C. Decker*

*25th Middlesex*

**HOUSE . . . . . No. 1813**

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By Ms. Cronin of Easton, a petition (accompanied by bill, House, No. 1813) of Claire D. Cronin and Marjorie C. Decker relative to certain excavations of public ways. Transportation.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act relative to public safety in excavation.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 40 of Chapter 82 of the general laws, as appearing in the 2014  
2 Official Edition, is hereby amended by inserting the following terms therein:-

3 “Marking standards”, the methods by which a company designates its facilities in  
4 accordance with standards established by the Common Ground Alliance (CGA) and the  
5 American Public Works Association.

6 “Non-mechanical means”, shall mean excavation using any device or tool manipulated by  
7 human power, including air vacuum, air blowing or similar methods of excavation designed to  
8 minimize direct contact with utilities.

9 SECTION 2. Section 40 of Chapter 82 of the general laws, as appearing in the 2014  
10 Official Edition, is hereby amended by inserting in line 5, after the words “cable television  
11 company, and”, the following words:- municipal traffic signal departments

12 SECTION 3. Section 40 of Chapter 82 of the general laws, as appearing in the 2014  
13 Official Edition, is hereby amended by inserting the following terms therein:-

14 “Professional Land Surveyor”, shall have the same definition as set forth in M.G.L.  
15 c.112, §81D.

16 SECTION 4. Section 40A of Chapter 82 of the general laws, as appearing in the 2014  
17 Official Edition, is hereby amended by inserting after the first paragraph the following  
18 paragraph:-:

19 Any Professional Land Surveyor working on a preliminary design for a new facility or  
20 renovation where excavation shall be necessary shall premark the proposed excavation and give  
21 initial notice to the system.

22 SECTION 5. Section 40B of Chapter 82 of the general laws, as appearing in the 2014  
23 Official Edition, is hereby amended by inserting after the words “the excavator” the following  
24 words:- or Professional Land Surveyor

25 SECTION 6. Section 40B of Chapter 82 of the general laws, as appearing in the 2014  
26 Official Edition, is hereby amended by inserting the following sentences at the end thereof:-

27 At a minimum, all markings shall indicate, where practicable, the width if it is greater  
28 than two inches, the material of the underground facility, the existence of multiple ducts, as well  
29 as any change in direction and any terminus points of the facility. In circumstances where the  
30 total number of lines buried in the same trench may not be readily known, a corridor marker may  
31 be used.

32           A company shall conduct periodic audits to ensure the accuracy of the locating and  
33 marking of facilities as well as its adherence to marking standards.

34           SECTION 7. Section 40E of Chapter 82 of the general laws, as appearing in the 2014  
35 Official Edition, is amended by inserting the following sentences at the end thereof:-

36           The department of public utilities may require any person or company who does not  
37 comply with the provisions of sections 40A to 40E to complete a “Dig Safe” training program in  
38 lieu of a fine for a first offense. The penalties provided for in this section shall not apply to an  
39 excavator who damages an underground facility due to the failure of the company to comply  
40 with the provisions of section 40A to 40E.