

HOUSE No. 3388

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

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 improving public safety in excavation.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Antonio F. D. Cabral

13th Bristol

Michelle M. DuBois

10th Plymouth

HOUSE No. 3388

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 3388) of Antonio F. D. Cabral and Michelle M. DuBois relative to enforcement of the "dig safe" training program by the Department of Public Utilities and excavation public safety. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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

An Act relative to improving 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 amended by—

3 (a) inserting after the fifth sentence the following sentences:-

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

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

10 (b) inserting after the word “cable television company, and”, in lines 4-5, the
11 following words:- “municipal departments responsible for street lights or traffic signals.”.

12 SECTION 2. Section 40B of said chapter, as so appearing, is amended by adding the
13 following sentences:-

14 “At a minimum, all markings shall indicate, where practicable, the width if it is greater
15 than 2 inches, the material of the underground facility, the existence of multiple ducts, as well as
16 any change in direction and any terminus points of the facility. In circumstances where the total
17 number of lines buried in the same trench may not be readily known, a corridor marker may be
18 used.

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

21 SECTION 3. Section 40E of said chapter, as so appearing, is amended by adding the
22 following sentences:-

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