

SENATE No. 1392

The Commonwealth of Massachusetts

PRESENTED BY:

Brendan P. Crighton

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:	
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>1/31/2019</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>1/31/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/1/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>2/1/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>

SENATE No. 1392

By Mr. Crighton, a petition (accompanied by bill, Senate, No. 1392) of Brendan P. Crighton, Diana DiZoglio, Viriato M. deMacedo, Bruce E. Tarr and other members of the Senate for legislation relative to public safety in excavation. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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 sentence 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.