

HOUSE No. 2850

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:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/15/2015</i>

HOUSE No. 2850

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 2850) of Antonio F. D. Cabral relative to improving public safety in excavation and enhancing the “Dig Safe” Program, so-called. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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 2012
2 Official Edition, is amended by striking the term “emergency” and inserting the new following
3 term in place thereof:-

4 “Emergency”, sudden or unforeseen occurrence involving a clear and imminent danger to
5 life, health, or property; the interruption of essential public utility services; or the blockage of
6 transportation facilities that requires immediate action.

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

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

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

15 SECTION 3. Section 40B of Chapter 82 of the general laws, as appearing in the 2014
16 Official Edition, is amended by inserting the following sentences at the end thereof:-

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

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

24 SECTION 4. Section 40E of Chapter 82 of the general laws, as appearing in the 2014
25 Official Edition, is amended by inserting the following sentences at the end thereof:-

26 The department of telecommunications and energy may require any person or company
27 who does not comply with the provisions of sections 40A to 40E to complete a “Dig Safe”
28 training program in lieu of a fine for a first offense. The penalties provided for in this section
29 shall not apply to an excavator who damages an underground facility due to the failure of the
30 company to comply with any of the provisions of section 40A to 40E.