

**HOUSE . . . . . No. 3265**

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**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 increasing public safety during excavations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/12/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/19/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/26/2021</i>

**HOUSE . . . . . No. 3265**

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By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 3265) of Antonio F. D. Cabral, Christopher Hendricks and Diana DiZoglio relative to improving public safety in excavation and "dig safe" training. Telecommunications, Utilities and Energy.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act relative to increasing public safety during excavations.

*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 2018  
2 Official Edition, is hereby amended by inserting the following terms therein:-

3           "Marking standards", means 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 said chapter, as so appearing, is hereby amended by  
10 inserting in lines 5 and 6, after the words "cable television company, and", the following words:-  
11 "municipal traffic signal departments."

12 SECTION 3. Section 40B of Chapter 82 of the General Laws, as appearing in the 2018  
13 Official Edition, is hereby amended by adding the following sentence:-

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

16 SECTION 4. Section 40E of Chapter 82 of the General Laws, as appearing in the 2018  
17 Official Edition, is amended by adding the following sentence:

18 “The department of public utilities may require any person or company who does not  
19 comply with the provisions of sections 40A to 40E to complete a "Dig Safe" training program in  
20 lieu of a fine for a first offense.”