

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Steven S. Howitt

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 excavation restoration on public ways.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/14/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to excavation restoration on public ways.

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. Chapter 82 of the General Laws as appearing in the 2022 Official Edition is
2 hereby amended by inserting after Section 40E, the following new section:-

3 Section 40F. Notwithstanding any general or special law to the contrary, any public way,
4 including a public road, sidewalk or curb, that has been excavated by a person, corporation or
5 other entity authorized by a permit issued under this chapter or by local government, the person,
6 corporation or entity shall, at its own expense, replace and restore the surface of the public way
7 to its original condition, or better with the same or like materials upon completion of the work.
8 The replacement with the same or like materials shall be done in accordance with the appropriate
9 rules or regulations issued by the Department of Public Utilities. The replacement with the same
10 or like materials shall include the same, if any, surface markings including but not limited to
11 crosswalks, lane lines, bike lanes, and symbols. The person, corporation or other entity shall be
12 responsible for any damages to the replaced surface of the way caused by the excavation for a
13 one-year period after the work has been completed.

SECTION 2. The act shall go into effect one year after its passage.