

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 roadway excavation quality assurance.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------------|------------------------------------|------------------|
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>1/17/2025</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>1/27/2025</i> |
| <i>Steven Owens</i> | <i>29th Middlesex</i> | <i>1/27/2025</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>1/27/2025</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>1/27/2025</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>1/27/2025</i> |
| <i>Frank A. Moran</i> | <i>17th Essex</i> | <i>1/27/2025</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>1/29/2025</i> |
| <i>Susannah M. Whipps</i> | <i>2nd Franklin</i> | <i>1/29/2025</i> |
| <i>Patrick Joseph Kearney</i> | <i>4th Plymouth</i> | <i>1/29/2025</i> |
| <i>Tara T. Hong</i> | <i>18th Middlesex</i> | <i>1/29/2025</i> |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> | <i>1/29/2025</i> |
| <i>Erika Uyterhoeven</i> | <i>27th Middlesex</i> | <i>1/29/2025</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | <i>1/30/2025</i> |
| <i>Sean Reid</i> | <i>11th Essex</i> | <i>1/30/2025</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Norfolk</i> | <i>1/30/2025</i> |
| <i>Danillo A. Sena</i> | <i>37th Middlesex</i> | <i>1/31/2025</i> |

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act relative to roadway excavation quality assurance.

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 30 of the General Laws is hereby amended by inserting after
2 section 39T the following section:-

3 Section 39U. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:

5 “Covered excavation project”, construction work for which a permit may be issued to a
6 contractor or subcontractor to a utility company by the state, county, authority, municipality or
7 any other political subdivision of the commonwealth. A covered excavation project may use,
8 excavate or open a street. A covered excavation project shall exclude construction work for
9 which a permit may be issued for a service provided pursuant to section 39M of chapter 30.

10 “Department of jurisdiction”, the department on behalf of the state, municipality, county,
11 district, authority or any other officer in the state, municipality, authority or any another political
12 subdivision of the commonwealth appointed pursuant to law, whose duty it is to issue a permit to
13 a utility company or its contractors and subcontractors, for a covered excavation project.

14 “Fiscal officer”, the project manager appointed by the permit awarding authority of the
15 state, municipality, county, district, authority or any other political subdivision of the
16 commonwealth.

17 “Prevailing wage”, the minimum hourly rate set by the Massachusetts department of
18 labor standards pursuant to sections 26 to 27F, inclusive, of chapter 149.

19 “Utility company”, a natural gas pipeline company, petroleum or petroleum products
20 pipeline company, public utility company, cable television company, municipal traffic signal
21 department and municipal utility company or department that supplies gas, electricity, telephone,
22 communication or cable television services or private water companies within the city or town
23 where such excavation is to be made.

24 (b) Each contractor or subcontractor to a utility company shall pay not less than the
25 prevailing rate of wages and benefits in the same trade occupation in the locality within the state
26 where such covered excavation project is situated to each laborer, worker or mechanic in the
27 employ of the contractor or subcontractor to a utility company performing work on the project.
28 No permit shall be issued for a covered excavation project until an agreement confirming the
29 payment of wages and benefits, as required by this section, has been contractually mandated and
30 filed with the department of jurisdiction. All permits issued after the effective date of this section
31 shall include therein a copy of this section.

32 (c) The enforcement of any covered excavation project pursuant to this section shall be
33 subject to the requirements of section 39M of chapter 30; sections 26 to 27F, inclusive, section
34 29 and section 148 of chapter 149; and chapter 152 and within the jurisdiction of the fiscal

35 officer; provided, however, nothing contained in this section shall be deemed to construe any
36 covered excavation project as otherwise being considered for public work under this section.

37 (d) The fiscal officer may issue rules and regulations governing the provisions of this
38 section. Any violations of this section shall be grounds for determinations and orders pursuant to
39 section 39M of chapter 30 and sections 26 to 27F, inclusive, of chapter 149.

40 (e) Utility companies, under local law or ordinance, required, as a condition of issuance
41 of a permit to use or open a street, that competent workers, licensed pursuant to section 13 of
42 chapter 30a and chapter 112, to perform any and all trades in compliance with federal and state
43 law, shall be employed thereon and that the prevailing wages and benefits shall be the prevailing
44 wage for the similar titles as established by the fiscal officer pursuant to this section, paid to
45 those employed, shall be required to keep original payrolls and transcripts thereof, subscribed
46 and sworn to or affirmed by them as true under the penalties of perjury, setting forth the names
47 and addresses and showing for each worker, laborer or mechanic the: (i) hours and days worked;
48 (ii) occupations worked; (iii) hourly wage rates and benefits paid; and the (iv) supplements paid
49 or provided as, and in the manner required pursuant to sections 26 to 27F, inclusive, of chapter
50 149.

51 (f) A contractor or subcontractor to a utility company to whom a permit may be issued to
52 use or open a street shall be required to comply with section 39M of chapter 30 and sections 26
53 to 27F, inclusive, of chapter 149 as a condition of the issuance of a permit to use or open a street.

54 (g) A contractor or subcontractor to a utility company shall be required to agree, as a
55 condition of issuance of a permit to use or open a street, that competent workers, licensed
56 pursuant to section 13 of chapter 30a and chapter 112, to perform any and all trades in

57 compliance with federal and state law, shall be employed thereon and that prevailing wages and
58 benefits shall be the prevailing wage for the similar titles as established by the fiscal officer
59 pursuant to this section, paid to those so employed. A contractor or subcontractor to a utility
60 company shall be required to keep original payrolls and transcripts thereof, subscribed and sworn
61 to or affirmed by them as true under the penalties of perjury, setting forth the names and
62 addresses and showing for each worker, laborer or mechanic the: (i) hours and days worked; (ii)
63 occupations worked; (iii) hourly wage rates and benefits paid; and (iv) supplements paid or
64 provided as, and in the manner required by sections 26 to 27F, inclusive, of said chapter 149.