

**SENATE . . . . . No. 2293**

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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>2/26/2021</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>3/11/2021</i>

**SENATE . . . . . No. 2293**

By Mr. Crighton, a petition (accompanied by bill, Senate, No. 2293) of Brendan P. Crighton, Diana DiZoglio and Nick Collins for legislation relative to public safety in excavation. Transportation.

**The Commonwealth of Massachusetts**

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

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 2018  
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 2018  
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 40B of Chapter 82 of the general laws, as appearing in the 2018  
13 Official Edition, is hereby amended by inserting the following sentence at the end thereof:-

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 2018  
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 2018  
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 2018  
26 Official Edition, is hereby amended by inserting the following sentence at the end thereof:-

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

29 SECTION 7. Section 40E of Chapter 82 of the general laws, as appearing in the 2018  
30 Official Edition, is amended by inserting the following sentence at the end thereof:

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