

## Dig Safe: For Public Safety and Efficiency

- **Enacted in the House in April 2022:** H3297, An Act supporting safe excavation practices, Sponsored by (former) Rep. Carolyn Dykema (D- Holliston) plus other sponsors
- S2293, An Act relative to public safety in excavation, Sponsored by Senator Brendan Crighton (D-Lynn) plus other sponsors [Bill in Joint Committee on Transportation] - Support action and urge adding to [H.4561, An Act relative to Massachusetts's transportation resources and climate](#)

**ISSUE:** Professional Land Surveyors need to be able to gather accurate information on the location of underground utilities early in the design of a project. Including accurate utility location information in the planning phase of a road, bridge, water or sewer or other project minimizes the hazards, cost, and work to produce the final project and helps to protect public safety. HB3297/SB2293 provides updates to the Dig Safe law [MGL c. 82, §§ 40, 40A-40E] that are endorsed by the Common Ground Alliance, a national organization committed to saving lives and preventing damage to underground infrastructure by promoting effective damage prevention practices.

**BACKGROUND:** Many public utility systems run underground through pipes and conduit. Identifying the location of these systems and abandoned pipes and conduit is an important step in the design and construction of infrastructure improvements. The current Dig Safe law in Massachusetts does not fully reflect the current recommendations of the Common Ground Alliance. The Dig Safe Law needs to be updated for public safety and to prevent inconvenience to the public during construction.

At the beginning of an infrastructure project, a Professional Land Surveyor (PLS) uses all reasonable means to obtain information about underground facilities in the area of the planned excavation. Unfortunately, the current Dig Safe law does not require Dig Safe to assist a PLS or Professional Engineer (PE) with actual utility siting during the planning phase of the project, only once construction is about to begin. As a result, a PLS does not have all the necessary information about where they will be digging during a critical part of the process, which can ultimately cause problems during construction. . Having the list of utilities in the project area along with the markings from Dig Safe are becoming more important than ever before, as Dig Safe and the utilities have maps that include existing, abandoned, and out-of-service facilities that are critical to a PLS in the design phase.

### KEY POINTS:

- HB3297/SB2293 would add the term “Professional Land Surveyor” and its definition to allow for the Dig-Safe law to be applicable for surveyors to obtain utility location information at the preliminary design phase for a facility, which would greatly assist the design and construction of the facility, including safety for workers as well as the public.
- HB3297/SB2293 will help land surveyors access Dig-Safe information earlier in a project, when the project is in preliminary design. Specific, accurate utility location information at the design phase of projects will promote more efficient design and construction of facilities and protect the general public, utility company assets and the lives of contractors. The proposed change to Section 40B makes this provision applicable to surveyors as well as excavators to ensure proper notice of the markings.
- HB3297/SB2293 will help to reduce the number of construction change orders for public and private sector projects, saving money during construction and improving construction site safety.

### ACTION REQUESTED:

- **We respectfully request that the legislature support passage of HB3297/SB2293 this session.**