

Engineers & Land Surveyors Day Virtually @ the State House 2022

Information for
ADVANCE BRIEFING SESSIONS



Engineers & Land Surveyors Virtually @ the State House Overview

- Collaborative effort of:
 - ACEC/MA, BSCES & MALSCE, coordinated by TECET Staff with help from ACEC/MA's advocates at Risky Partners.
- Inform Massachusetts state legislators on issues important to the engineering & land surveying community
- *Promote or oppose* certain legislation
- *Create bridges* between individuals in engineering & land surveying community and your State Senators and State Representatives

Preparing for Virtual or In Person Meetings

- **Review Issue Briefing Fact Sheets –**
 - <https://bit.ly/EandLS2022>
- **Read online bios of:**
 - Your State Senator <http://www.malegislature.gov/People/Senate>
 - Your State Representative
<http://www.malegislature.gov/People/House>
- **If meeting in person - bring your business cards –**
write the town name: “Resident of Groton”

Issue Briefing Fact Sheets

- **Transportation Infrastructure**
- **Water Infrastructure**
- **Dig Safe**
- **Maximizing Private Sector Innovation**
- **Wipes Regulations can Save Ratepayers \$, Keep Waters Clean**

Massachusetts Transportation Infrastructure

INVESTING TODAY FOR CLIMATE RESILIENCY, CONGESTION REDUCTION AND OUR FUTURE

We support bills that help to provide:

- Accessible, frequent, and fast public transit gets people to their destinations without contributing to traffic.
- Connected, well-maintained, and extensive roads, trails, bike lanes, and sidewalks encourage active transportation, health, and recreation.
- Making our entire transportation system safe, comfortable, and accessible for users of all ages, abilities, income, and travel modes leads to healthier and stronger communities.

Massachusetts Transportation Infrastructure

Infrastructure Bond Bill

H.4561, An Act relative to Massachusetts's transportation resources and climate

- Additional authorization for existing appropriations for the federal aid and non-federal aid programs to allow MassDOT and the MBTA to continue and accelerate work, taking advantage of the historic increase in annual federal apportionments over the next five years
- Private Development Mitigation/Transit Oriented Development authorization to allow MassDOT and the MBTA to enter into development agreements that include transportation and other public benefits without having to separately bid for those elements.

Massachusetts Transportation Infrastructure

Infrastructure Bond Bill

H.4561, An Act relative to Massachusetts's transportation resources and climate

Bill also would:

- Provide authorization needed to pursue new federal competitive and discretionary grants and support new investments in clean transportation and the environment.
- Provides additional authorization to support investments in cities and towns
 - Promote bicycle and pedestrian safety,
 - Improve municipal transportation asset conditions, and
 - Invigorate downtown community public spaces through several successful grant programs, including Complete Streets Funding Program, Municipal Small Bridge, Municipal Pavement, and Shared Streets and Spaces Program.

Massachusetts Transportation Infrastructure

Infrastructure Bond Bill

H.4561, An Act relative to Massachusetts's transportation resources and climate

AND: We are asking the Joint Committee on Transportation to Include language updating the Dig-Safe law in H.4561

- The addition of this language, which would strengthen and clarify the Dig-Safe statute and will further protect workers engaged in the projects undertaken through this bond bill.
- Dig-Safe laws and regulations, Mass. Gen. Laws ch. 42, §40A – §40E and 220 CMR 99.00 *et. seq.* govern the marking of underground utilities for purposes of protecting against unintended strikes or breaks to utility equipment. Instituted to protect the general public, utility company assets and the lives of contractors, the Dig-Safe laws and regulations are enforced by the Massachusetts Department of Public Utilities (“DPU”). Through its oversight, the DPU is charged with determining whether Dig-Safe laws have been violated, the party responsible and the assessment of penalties, if any.

Massachusetts Transportation Infrastructure

H.4638 An Act financing improvements to municipal roads and bridges

- Municipal “Chapter 90” bill: *As of 5/6/2022: In Senate Ways & Means*

H. 4638 includes

- \$200 million for Chapter 90 allocation (Request \$300M)
- Authorizes \$30 million for the municipal small bridge repair program, \$30 million for the Complete Streets grant program, \$25 million for municipal grants for bus-related projects and \$25 million for grants supporting efforts to increase access to mass transit and commuter rail stations.
- Also includes \$40 million for non-federal maintenance state numbered routes and municipal roadways of state numbered routes, many of which are major roads and are municipally owned for which cities and towns are responsible for maintenance.

Massachusetts Transportation Infrastructure

■ ACTIONS REQUESTED

- Support speedy passage of **H.4561, An Act relative to Massachusetts's transportation resources and climate** with Dig Safe Language
- Support speedy passage of **H.4638 An Act financing improvements to municipal roads and bridges**
- Support a multiyear commitment of \$300 M/year for Chapter 90 funding, enabling municipalities to do longer term planning for capital needs.

Water Infrastructure Investing in Our Future

- Link to WIFC Report: <https://files.engineers.org/file/WIFC-Report-F5D7.pdf>
- Link to State Auditor Division of Local Mandates Report: http://bit.ly/Auditor_Water2017
- The Commonwealth and its municipalities face an impending water crisis created by antiquated infrastructure and a failure to properly invest in maintaining existing water and sewer infrastructure. In addition, funding is needed for remediation of water supplies contaminated with PFAS (per- and polyfluoroalkyl substances) chemicals linked to a range of health issues, stormwater management, and other critically needed projects.

Water Infrastructure Investing in Our Future

Ask your legislators to:

- 💧 **In the FY23 Budget: Support Increased funding to the Clean Water Trust Contract Assistance Line Item 1599-0093 (FY 23 Budget proposes \$63,383,680)**
 - This Line Item supports more favorable loan rates and incentives
 - The Legislature authorized this Line Item to increase to \$138 million, but funding to that level has not been appropriated (Chapter 259 of the Acts of 2014)
- 💧 **Urge the Executive Office of Energy and Environmental Affairs to reconvene the **Water Infrastructure Advisory Committee** and have them meet regularly to:**
 - Monitor progress on closing the Funding Gap
 - Evaluate Water Systems' Financial Capability (what can utilities afford to do)
 - Evaluate Possible State Revolving Fund improvements
 - Address customer affordability concerns

Background

The Massachusetts Clean Water Trust (CWT) manages the Commonwealth's Drinking Water and Clean Water State Revolving Loan Funds. The State Revolving Loan Funds are a joint federal-state financing program that provides subsidized loans to municipalities and utilities to improve their water infrastructure.

Water Infrastructure Investing in Our Future

- 💧 Under ARPA (American Rescue Plan Act) the Commonwealth received \$5.3 Billion
 - In FY2021 –the MA Legislature authorized \$100 million for water/sewer infrastructure from the State's ARPA funds (emphasis on addressing PFAS and CSOs)
 - \$12 million earmarked to specific projects
 - \$67 million distributed to projects already funded on 2021 Intended Use Plan (IUP)
 - \$20 million held for CSO projects 2022 on IUP
 - **The Commonwealth still has approximately \$2.4 Billion at its disposal for future disbursement**
- 💧 **H 4720**, An Act investing in future opportunities for resiliency, workforce, and revitalized downtowns (FORWARD Act) proposed approx. \$100 million in water/wastewater projects and \$104 million for the Clean Water Trust
- 💧 **Under IIJA**
 - Drinking Water, General Projects, Lead Service Line, Emerging Contaminants, Clean Water Bucket = Total of \$1,183,481,397 for Massachusetts distributed over 5 years
 - Emphasis on loan forgiveness for “Disadvantaged Communities”
 - Build America Buy America (BABA) Provision is a concern
 - Supply Chain issues are a concern.

Water Infrastructure Investing in Our Future

We respectfully ask the legislature:

- ◆ **In the FY2023 Budget: Support Increased funding to the Clean Water Trust Contract Assistance Line Item 1599-0093** (FY 23 House Budget proposes \$63,383,680)
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 - The Legislature authorized this Line Item to increase **to \$138 million**, but funding to that level has not been appropriated (Chapter 259 of the Acts of 2014)
- ◆ Urge the Executive Office of Energy and Environmental Affairs to reconvene the Water Infrastructure Advisory Committee and have them meet regularly to:
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Note:

- We support other water infrastructure related bills this session, but we are focusing attention on these issues.
- We were also major proponents for the creation of the dam and seawall fund. Most of the dam funding has already been lent to projects – give any local examples.

Dig Safe: For Public Safety and Efficiency

Support

- **Passed 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.
- H3297/S2293 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.

Dig Safe: For Public Safety and Efficiency

- 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. Current Dig Safe law 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 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 PE with actual utility siting during the planning phase of the project, only once construction is about to begin. Planning and design may occur months before construction.

Dig Safe: For Public Safety and Efficiency

KEY POINTS

- H3297/S2293 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 general public.
- H3297/S2293 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.
- H3297/S2293 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.

Maximizing Private Sector Innovation - we OPPOSE 3 bills

- **Oppose: H 3127, S 2087 An Act to promote safety, efficiency and accountability in transportation projects through public inspections,**
 - House Sponsor: Rep. Daniel Donahue, D-Worcester & co-sponsors,
 - Senate Sponsor: Senator Michael O. Moore, D-Millbury & co-sponsors
- **Oppose: S 2097 An Act relative to protecting the taxpayers of the Commonwealth**
 - Sponsor: Senator Marc Pacheco

All 3 Bills Currently in Senate Ways and Means

Maximizing Private Sector Innovation - we OPPOSE 2 bills

- Engineering and Land Surveying community is essential in helping public agencies deliver services to taxpayers
- Represents more than 7,000 professionals in Massachusetts
- State and Municipal agencies need unique expertise, technical innovation provided by engineering firms
- Value to taxpayers since public agencies do not need to staff up for peak labor requirements; taxpayers only pay for the time on the project

Maximizing Private Sector Innovation

ISSUE

- The engineering industry has an essential role in helping state agencies and municipalities deliver services to taxpayers. From designing solutions to address congestion on roadways, ensuring continued access to safe drinking water, to putting green technologies to work to make industry and government more sustainable, engineering firms in Massachusetts are working to solve public policy challenges and improve the quality of life for residents.
- Eliminating private sector design engineer from performing construction inspections increases overall cost of project since it's the design engineer that's most familiar with the project
- Private firms still accountable to agencies and taxpayers – state oversees contracts, approves billings, perform audits, etc.

ACTION REQUESTED

- We urge legislators to oppose any bills that would prevent state agencies and municipalities from contracting out for professional engineering, land surveying or related design services, construction phase engineering, inspections or testing services. Public agencies need the flexibility to determine how they will get this work done.

Wipes Regulations can Save Ratepayers \$

Keep Waters Clean

- ***S.529, An Act protecting water systems through the labeling of flushable wipes***
 - Sponsor: Senator James B. Eldridge, Referred to Joint Committee on Environment, Natural Resources and Agriculture (*attached to H.897 and sent to House Ways and Means*)
- ***H.897, An Act protecting water systems through the labeling of flushable wipes***
 - Sponsor: (former) Representative Carolyn Dykema
 - In House Ways and Means
 - **Ask House members to ask them to contact House Ways and Means to give this a favorable report and bring to House floor for a vote**

Wipes Regulations can Save Ratepayers \$

Keep Waters Clean

ISSUE

- Massachusetts sewers face avoidable costs for clogs, fouled pumps and resulting sanitary sewer overflows. As the popularity of various wipes increases and users flush them, these costs will increase. During the COVID-19 pandemic, the use of wipes increased greatly, causing dangerous clogs and public health issues for sewer systems
- Since the early 2000s, wipes have been aggressively marketed as a replacement for toilet paper, mops, cleaning brushes and rags. This multi-billion-dollar industry[1] has had disastrous impacts on local sewer systems as clogs and fouled pumps increase.

Wipes Regulations can Save Ratepayers \$

Keep Waters Clean

KEY POINTS

- This legislation targets only wipes and other products that are not flushable according to industry.
 - Unlike toilet paper, wipes are not “dispersible” in normal sewer conditions
 - Many such products are labeled “flushable”
 - Clogs and fouling from flushed wipes costs sewer operations in Massachusetts nearly \$10M annually.
 - NACWA (the National Association of Clean Water Agencies) promotes using science-based standards for dispersibility
 - Wipes should be properly and clearly labeled

■ ACTION REQUESTED

- **Ask House members to contact House Ways and Means to release this bill favorably**
- We respectfully ask that the Legislature pass these bills to classify wipes, using wipes-industry standards as “non-flushable.”
- We ask that those wipes that do not meet industry dispersible standards have prominent, mandatory “Do Not Flush” labelling, following NACWA labeling guidelines.

Wipes Regulations can Save Ratepayers \$

Keep Waters Clean

In addition to our associations, these associations and organizations support these bills:

- MAWEA, Massachusetts Water Environment Association
- MMA, Massachusetts Municipal Association
- MWRA
- MWRA Advisory Board
- WAC, Wastewater Advisory Committee to the MWRA
- WSCAC, Water Supply Citizens Advisory Committee to the MWRA
- NEWEA, New England Water Environment Association
- Yankee Onsite Wastewater Association

Scheduling Local Meetings or Virtual Meetings

I will email you by Senate District and by House districts so that you can work with other engineers and land surveyors to schedule either a virtual meeting or an in person meeting at a local park, coffee shop or someone's backyard with the legislator

Contact information:

<https://malegislature.gov/Search/FindMyLegislator>

Scheduling Local Meetings or Virtual Meetings

Suggested Steps:

- Group email including anyone else in your district to legislator requesting a 30 minute virtual meeting or offering to meet in person in the district.
- Send Outlook appointment to everyone in the group confirming logistics. Copy agoodman@engineers.org
- Try to determine who will talk about which issue before the meeting

Tell Your Story

- Legislators remember your specific examples
 - Based on your work experience or
 - Based on your experience as a resident of your community.

After your meetings:

- Report Back: Tell us about any issues that came up in your meetings needing follow-up
 - Will send Survey Monkey Evaluation link:
<https://www.surveymonkey.com/r/ELS-2022>
- Send a **thank you** email to staffers and legislators with whom you met

A few other notes

- **Fact Sheets will be posted on www.engineers.org – will send updated links.**
- **Legislative Staff: Aides are important.**
Treat aides just as you would your legislator, both as a matter of courtesy and because the aide truly is in a position to help.
- **Be brief; be clear; be accurate; be persuasive; be timely; be persistent; be grateful**

QUESTIONS?