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November 2, 2021

Chair Michael J. Barrett  
Chair Jeffrey N. Roy  
Joint Committee on Telecommunications, Utilities and Energy

Sent by email to: Magda Garncarz at [magdalena.garncarz@mahouse.gov](mailto:magdalena.garncarz@mahouse.gov) and Dina Nathanson at [dina.nathanson@masenate.gov](mailto:dina.nathanson@masenate.gov)

Re: HB 3297, **An Act supporting safe excavation practices**

Dear Chairman Barrett and Chairman Roy,

I am writing on behalf of the American Council of Engineering Companies of Massachusetts, the business association of engineering and land surveying firms in the Commonwealth. We support **House Bill 3297, An Act supporting safe excavation practices.**

Under the current law, Professional Land Surveyors do not have access to the Dig Safe System when they need information at the beginning of the design phase. This important bill will amend current DIG SAFE law [MGL c. 82, §§40, 40A- 40B] to add the term Professional Land Surveyor and its definition, allowing surveyors to gain access to utility location information at the preliminary design phase for a project.

HB 3297 will help reduce the number of construction change orders for public and private sector projects and improve construction site safety. It will protect and safeguard vital underground utilities such as gas lines, fiber optic conduit, and other public and private systems.

As you know, many public utility systems run underground through pipes and conduits. Identifying the location of these systems and abandoned pipes and conduits is a critically important step in the design and construction of infrastructure improvements. The current Massachusetts 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.

Currently, the Massachusetts 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, design professionals do not have all the necessary information about where there will be digging during a critical part of the process, which can ultimately cause problems during construction. Having the markings from Dig Safe is becoming more important than ever before, as Dig Safe and the utilities have maps that may include existing, abandoned, and out-of-service facilities that are critical in the design phase.

#### **In Summary:**

- HB 3297 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.

- HB 3297 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 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.
- HB 3297 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.

ACEC/MA is the business association of engineering and land surveying firms in Massachusetts. Our firms design the public and private infrastructure that contributes to the economic vitality and quality of life here in the Commonwealth. We have 120 member firms employing about 7000 people in the Commonwealth, including engineers, land surveyors, planners and other professionals focused on public and private infrastructure.

I respectfully request this Committee to give a favorable report on HB 3297. For more information, please contact me, Abbie Goodman at [agoodman@engineers.org](mailto:agoodman@engineers.org) or 617-305-4112.

Sincerely yours,  
American Council of Engineering Companies of Massachusetts

A handwritten signature in black ink that reads "Abbie R. Goodman". The signature is written in a cursive, flowing style.

Abbie R. Goodman  
Executive Director