

HOUSE No. 5088

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 24, 1970.

The committee on Government Regulations, to whom was referred the petition (accompanied by bill, House, No. 4406) of Thomas F. Farrell relative to notices required to be given to public utility companies before certain excavations are made, report the accompanying bill (House, No. 5088).

For the committee,

WILLIAM Q. MACLEAN, JR.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT RELATIVE TO NOTICES REQUIRED TO BE GIVEN TO PUBLIC UTILITY COMPANIES BEFORE CERTAIN EXCAVATIONS ARE MADE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 82 of the General Laws is hereby amended by insert-
2 ing after section 41 the following section: —

3 *Section 42.* No person, other than a direct employee of a
4 public utility company, as defined in section three of chapter
5 twenty-five shall, except in an emergency, make an excavation
6 or change grade, with power equipment, on any property ser-
7 viced by a public utility company or municipal utility depart-
8 ment that supplies gas, electricity, water or telephone service
9 with underground facilities located on said property unless he
10 shall first give notice to said utility company or companies in
11 the manner and as required by section forty of chapter eighty-
12 three. Copies of such notices together with a statement certi-
13 fying that they have been mailed or delivered to the public
14 utility companies or municipal utility department as required
15 by the preceding provisions of this section shall be filed with the
16 officer or board having charge of issuing permits before excavat-
17 ing on said property.

18 Nothing contained in this section shall be construed to affect
19 or impair local ordinances or by laws requiring permits to be
20 obtained before excavating on any property, except that, not-
21 withstanding any contrary provisions of local ordinances or by
22 laws, no permit to excavate on any property shall be approved
23 or issued by the officer or board having charge of such property,
24 except in an emergency, until such time as copies of such notices
25 to public utility companies or the municipal utility department
26 are filed by the applicant for a permit as required by this section.

27 Whoever violates any provisions of this section shall be pun-
28 ished by a fine of not more than fifty dollars for the first offense
29 and not less than fifty nor more than one hundred dollars for
30 any subsequent offense.

31 This section shall not apply to tilling of soil.