

Massachusetts Damage Prevention Regulations

NGA Fall Operations Conference
Hartford, CT

October 18, 2019

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MA Damage Prevention Orders

October 4, 2019

The Commonwealth of Massachusetts

ORDER ADOPTING FINAL REGULATIONS

On July 18, 2019, the Department of Public Utilities adopted emergency regulations (“Emergency Regulations”) to implement revisions to 220 CMR 99.00, “Procedures for the Determination and Enforcement of Violations. By this Order, the Department adopts final regulations.

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Many commenters raised concerns with the emergency nature of this rulemaking and the implementation of new provisions -- other than the 911 call requirement to comply with federal law -- for which they did not have a chance to provide comment or input

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In particular, many of the concerns focused on the following provisions as imposing significant burdens without providing significant public safety enhancements: premarking and marking excavations over 500 feet; marking out abandoned facilities; and having to notify excavators of privately owned facilities

Several commenters recommended that the Department conduct a technical session or stakeholders meeting to discuss these changes before implementing final regulations

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In response to these concerns, and upon further consideration, we have decided to remove the three provisions noted above and implement the final regulations with the changes noted below.

We plan to meet with the stakeholders as soon as practicable to begin exploring how best to implement these provisions and explore other damage prevention issues in the future.

WHAT IS HAPPENING IN YOUR STATE/COMPANY?

THANK YOU!

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