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Notice of New Regulation

Excavation & Trench Safety Regulation
520 CMR 14.00

- This new PUBLIC SAFETY regulation is required by statute and is designed to prevent the general public from falling into an unattended trench and suffering an injury or fatality.
- Under the new regulation, a **trench** is defined as a subsurface excavation greater than 3' in depth, and is 15 feet or less between soil walls as measured from the bottom.
- All regulated trenches must be **attended, covered, barricaded, or backfilled**. Covers must be road plates at least ¾" thick or equivalent, barricades must be fences at least 6' high with no openings greater than 4" between vertical supports and all horizontal supports required to be located on the trench-side of the fencing.
- This applies to all construction-related trenches on public ways, public property, or private property.
- To ensure that all excavators are aware of and follow these new public safety regulations, a **permit** will be required prior to excavation of all regulated trenches.
- **All excavators** must obtain a trench permit for each trench site. The new trench permit will require information such as the name of excavator, the location of trench, a certificate of insurance, and the Dig Safe number.
- Under the regulation, municipalities must designate a **permitting authority** to issue the required permits for trenches on public ways or private property within the municipality. For state property, the relevant state authority will issue the permits.
- Municipalities may collect a reasonable **fee** to cover administrative costs of issuing permits.
- Permitting authorities are not required to conduct **inspections** of trenches for which they have issued permits. However, a permitting authority notified of a potential violation is authorized to take action, including an immediate shutdown, if violations of the new regulation are identified. Excavators may also be subject to administrative fines issued by the Department of Public Safety for violations.
- Municipal or state departments conducting excavations, such as a municipal water department or state highway authority, will be required to obtain a new trench permit.
- This new regulation in no way modifies or supersedes existing trench **worker safety** regulations. Workers in trenches must comply with the existing OSHA Excavation Standard, 29 CFR 1926, Subpart P. This new public safety regulation is entirely separate from and has no relationship to the existing trench worker safety standard.
- This is only a summary of the regulation. Please read the full regulation and obtain further information at www.mass.gov/dps or www.mass.gov/dos.