SENATE DOCKET, NO. 530 FILED ON: 1/19/2011

SENATE . . . . . No. 1253

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to trench safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Timilty	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 530 FILED ON: 1/19/2011

SENATE . . . . . No. 1253

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1253) of James E. Timilty for legislation relative to trench safety. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

An Act relative to trench safety.

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

SECTION 1. Chapter 82A as so appearing in the 2008 Official Edition, is hereby amended by striking the words in the Title of the Chapter, "Excavation And."

SECTION 2. Section 1 of Chapter 82A as so appearing in the 2008 Official Edition, is hereby amended, in line 5, after the word, "labor", by striking out the words, "and workforce development."

SECTION 3. Section 1 of Chapter 82A as so appearing is hereby further amended, by striking the words in line 6, "excavations and" and replacing them with the words "trenches and."

SECTION 4. Section 1 of Chapter 82A as so appearing is hereby further amended, by deleting the words in lines 7-12, "but not be limited to, a description of recognized safety hazards that may exist as a result of leaving open trenches or excavations unattended, a description of the procedures required or recommended by the department to eliminate safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry," and replacing them with the following words:-"means for protecting the general public from the hazards inherent in unattended trenches,".

SECTION 5. Section 1 of Chapter 82A as so appearing is hereby further amended, by deleting the words, in line 18, "and workforce development."

SECTION 6. Section 1 of Chapter 82A as so appearing is hereby further amended, by deleting the words in lines 21-23, "licensed operators of hoisting equipment, police department officials, fire department officials and building officials" and replacing them with the following words:- "affected public and private sector employers and employees."

SECTION 7. Section 1 of Chapter 82A as so appearing is hereby further amended, by deleting the words in lines 28-29, “and workforce development.”

SECTION 8. Section 1 of Chapter 82A as so appearing is hereby further amended, by striking everything in Section 1, lines 32-42, after the words “not later than August 15 of each year.”

SECTION 9. Section 2 of Chapter 82A as so appearing is hereby amended, by striking the words in line 3, “for the excavation of” and by changing the word “public” to the word “public’s”.

SECTION 10. Section 2 of Chapter 82A as so appearing is hereby further amended, by striking the word in line 9, “person” and replacing it with the words “board or officer.”

SECTION 11. Subsection (2) of Section 3 of Chapter 82A as so appearing is hereby amended, by changing the number “82” in line 12 to “82A” and by inserting, in line 13, after the word “efforts”, the words “as defined in the promulgated regulations” deleting everything in subsection (2) in lines 15-20 after the words “as a result of leaving the open trench unattended.”

SECTION 12. Section 3 of Chapter 82A as so appearing is hereby amended, by deleting the words in line 2, “which is narrow in relation to its length.”