

# MARBLEHEAD WATER AND SEWER COMMISSION



## THE FLOW N' GO

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### RECENT INCIDENT EMPHASIZES IMPORTANCE OF DIGSAFE

Whenever anyone—utility companies, contractors, landscapers, homeowners, *anyone*—does any digging anywhere—on public or private property—they are required by law to notify DigSafe before beginning the work.

DigSafe is a private, not-for-profit organization that serves as a call center to collect information from homeowners and contractors about upcoming excavation projects. DigSafe then notifies all utilities (water and sewer departments, electric utilities, telephone companies, cable companies, gas utilities, and the like) so that they can mark the location of their underground services. These markings alert the person doing the work to where they can't dig or need to use caution when digging.

There is no charge to the contractor or homeowner for requesting this service.

A contractor doing work in Marblehead this past September did not call in a DigSafe as required and as a result damaged a water main. This disrupted water service and inconvenienced



*(This is a photo of the actual water pipe that was damaged by the contractor when digging without a DigSafe.)*

Massachusetts General Laws Chapter 82, Section 20 defines excavation as “an operation for the purpose of movement or removal of earth, rock, or the materials in the ground including, but not limited to, digging, blasting, auguring, backfilling, test boring, drilling, pile driving, grading, plowing in, hammering, pulling in, jacking in, trenching, tunneling,

and demolition of structures, excluding excavation by tools manipulated only by human power for gardening purposes and use of blasting for quarrying purposes.”

The importance of a contractor calling in a DigSafe when working in the street is obvious but just what does this law mean for a homeowner? If you are using a trowel (a tool “manipulated only by human power”) to dig a hole in which to plant your tomato plant, there is no need to contact DigSafe. However, if you are installing a fence on your property that requires a gas-powered augur to dig the post holes (“auguring”), then you must call in a DigSafe so that any possible underground utilities can be marked before you start drilling the holes.

State law provides for stiff penalties for individuals who don't notify DigSafe and cause damage to utility lines. In Massachusetts, the fine is \$1,000 for the first offense and \$5,000 to \$10,000 for subsequent offenses or for gas-related violations. In addition, the homeowner may be liable for the cost to repair any damage caused to the utility lines and for any damage to surrounding properties or dwellings that is a result of the homeowners negligence of not calling DigSafe.

The need to call in a DigSafe is so important that a special phone number has been established to make it easy for a contractor or homeowner to report that they will be doing digging work. All one has to do is **dial 811** and they will be connected directly to DigSafe or they can call (888) DIG-SAFE. Requests for mark-outs can also be made at [digsafe.com](http://digsafe.com).

Much more information about DigSafe can be found on their website ([digsafe.com](http://digsafe.com)). A very helpful Frequently Asked Questions section is accessible through their website or directly at [digsafe.com/faqs.php](http://digsafe.com/faqs.php).

### Did you know ... ?

If you are going to be doing *any* digging on your property, you are required by law to notify DigSafe before you dig. DigSafe information appears elsewhere on this page.

If the work to be done involves the digging of a trench, in addition to calling DigSafe you must also obtain a trench/street opening permit from the highway department. Trench permit information can be found on the back of this newsletter or by calling the highway department at 781 631-1750.

### Contact Information

781 631-0102  
781 631-2694

Website  
[Marblehead.org/  
waterandsewer](http://Marblehead.org/waterandsewer)

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## ‘JACKIE’S LAW’ PROTECTS PUBLIC FROM DANGEROUS TRENCHES

It took the tragic death of a 4-year-old girl and ten years for Massachusetts to institute regulations designed to protect the public from construction trenches.

In August 1999, Jacqueline Moore, her 7-year-old brother, and another neighborhood child were playing in an open nine-foot-deep trench that had been dug to install a drainpipe in a Bridgewater, Massachusetts neighbor’s yard. The sides of the trench, which had not been shored up, collapsed on the children. The brother and other child were able to escape on their own. Rescue workers and neighbors dug frantically for more than 20 minutes to uncover Jackie from under more than two feet of dirt. She died shortly after arriving at the hospital.

Nearly ten years later, the Massachusetts Legislature passed new trench regulations to protect the public from the dangers of open trenches. This became known as “Jackie’s Law.”

The regulations, which became effective January 1, 2009, were designed to prevent unauthorized access by the public to unattended trenches and required municipalities to establish a permitting authority responsible for issuing a permit for all trenches being dug. Any trench greater than three feet in

depth with 15 feet or less between soil walls as measured from the bottom, is subject to the regulations of Jackie’s Law. In Marblehead, the Department of Public Works (highway department) is charged with issuing trench permits.

All regulated trenches must be attended, covered, barricaded, or backfilled. This applies to all construction-related trenches on public ways, public property, or private property. All excavators must obtain a trench permit for each trench site.

If you are having any work done on your property that requires the digging of a regulated trench, you should confirm that your contractor has obtained the necessary permit(s) and that they are conforming with all pertinent regulations. Failure of the contractor to comply could possibly open you to liability if anything tragic were to happen.

The complete regulations established under Jackie’s Law (Excavation & Trench Safety Regulation” 520 CMR 14.00), as well as additional information, can be obtained at [www.mass.gov/dps](http://www.mass.gov/dps) or at [www.mass.gov/dos](http://www.mass.gov/dos).

## SEVERAL CUSTOMER NOTIFICATION OPTIONS FOR EMERGENCIES AND NOTICES

While water breaks don’t happen often (thankfully), there are occasions when a water main does break and causes a disruption to service. (Such as the break noted in the article on the front of this newsletter that occurred this past September.) There are also times when work is scheduled to be performed on the water lines that would require a temporary shut down of water service.

The water department makes every effort to notify our customers whenever an emergency arises or when certain maintenance jobs are planned. You can receive these notifications in several ways.

**EMAIL NOTIFICATIONS** - To receive notifications from the water and sewer departments via email, visit the Town of Marblehead website at [www.marblehead.org](http://www.marblehead.org). On the left side of the homepage, click on the “Subscribe” box. There you will see a box where you enter your email address. You then click on the types of notifications you would like to receive—Urgent Alerts or News and Announcements, or both.

(You will also have the opportunity to choose to receive email blasts from several other town departments.)

**CODE RED** - Code Red is a ‘reverse 911’ Emergency Notification Program that allows for messages to be sent by town departments to residents’ phones and cell phones in an emergency. In the case of a water break, this allows the water department to alert residents of the situation and to let them

know that they may not have water when they return home from work.

Code Red is a sophisticated system that allows messages to be sent to the entire town or to a specific section or neighborhood in town.

To register to receive Code Red notifications, or to check that the current information in the system for you is accurate, click on the “Code Red” logo on the bottom left of the town’s website ([www.marblehead.org](http://www.marblehead.org)). You can then create an account or enroll as a guest.

**WEBSITE** - Information on water and sewer projects and project updates are posted on the [marblehead.org](http://marblehead.org) home page under the “News” tab.

**DOOR TAGS** - In emergencies, like a water break, Commission employees may hang a door tag on the front door of affected residences informing customers of the situation. This is done as soon as possible after the condition has been evaluated.

For planned water and sewer projects, residents will receive a door tag when their water service or sewer services may be interrupted by the construction.

All of these options are an effort to keep our water and sewer customers informed in the event of an emergency and to keep them updated on projects that are being done.