

Selected Provisions in the Massachusetts DTE Regulations Governing Utility Excavation Work in Public Ways

- Municipalities have the authority to require street opening permits
- The permit may be modified or revoked with just cause at the municipality's discretion without rendering the municipality liable
- Utilities must notify municipalities at least two days prior to the start of work, and within fourteen days of its completion
- If directed by the municipality, photographs must be taken prior to the commencement of work
- Utilities must respond to all municipal trench restoration requests within 48 hours. Non-response gives the municipality the option of performing the work itself, with all expenses paid by the utility. Failure to respond may also result in the denial of future permit requests
- All patching work must be in compliance with Mass Highway standards, including:
 - The trench must be filled to the bottom of the existing pavement, and must not deviate more than 0.25" from the pavement surface
 - Approved backfill material (as defined) must be used
 - Soil excavated from a trench must be evaluated by trained personnel for suitability as backfill before being replaced in the trench
 - Trained personnel must also conduct a "soil ball" test of moisture content in the backfill material
 - Material must be compacted in 6" lifts, by making a minimum of four passes per lift. The permanent patch must be compacted (compressed) to within 95% of maximum dry density
 - Compaction verification of each lift must be performed using a Dynamic Cone Penetrometer (DCP), or equivalent approved by the municipality
 - The restoration of trenches up to five feet by seven feet in area must be performed by the infrared method, unless another method is agreed to by the municipality
- Regarding temporary and permanent patches:
 - A utility is responsible for any patch settlement and/or water ponding resulting from its work
 - All non-emergency excavations require a same-day permanent patch unless exempted in the street opening permit
 - Between December 1 and March 30, temporary patches must be removed and replaced with a permanent patch within five working days. Between April 1 and November 30, it is within two working days
- No less than 30 or more than 60 days after completion of a permanent patch, the utility must inspect the excavation for settlement, cracking or other defects, and fix same. Fixes must be re-inspected no less than 30 or more than 60 days from completion of the subsequent repair. Inspections must be documented and made available to the municipality upon request

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- On roads repaved within five years, the municipality has jurisdiction to determine the pavement repair method
- A disturbed sidewalk must be restored, full-width, to one foot beyond the disturbed area (asphalt) or to the next joint line (concrete)
- In the event that a Utility fails to comply with DTU standards, it must correct any failures at its own expense