

The section below should be completed by Permitting Authority ONLY



Town of Hingham

Permit issued by:
Department of Public Works
 25 Bare Cove Park Drive, Hingham, MA 02043
 P: 781 741-1430 / F: 781 741-1432

Permit Number:	
Approval Date:	
Duration of Job/ Expiration Date:	
<i>Permitting Authority Signature</i>	

TRENCH PERMIT

Pursuant to G.L. c. 82A §1 and 520 CMR 7.00 et seq. (as amended)

THIS APPLICATION MUST BE FULLY COMPLETED PRIOR TO CONSIDERATION

Property Owner Information

Name:

Address:

Town, State, Zip:

Telephone: Cell: Email:

Initial here if Property Owner understands that the Excavator must have a Massachusetts Hoisting License when operating machinery

Excavation Location / Schedule

Dig Safe #:

Location of Work:

Start Date: Finish Date:

Excavator Information

If applicable, please attach a copy of Massachusetts Hoisting License

Excavator/ Company Name:

Address:

Town, State, Zip:

Telephone: Emergency (after hours) #: Cell:

License No: License Grade: Expiration Date:

Email:

IMPORANT NOTE: POST THIS PERMIT ON SITE

Insurance Information

MUST provide copy of Insurance Certificate, CHECK IF ATTACHED

NOTE: A certificate of insurance with general liability coverage of \$100,000 per person and \$300,000 per claim.

If there is additional insurance, such as home owner’s insurance, please use the section below:

Certificate No.: Expiration Date:

Insurance Co.:

Authorized Rep.:

Address:

Town, State, Zip:

Telephone:

Trench Description

CHECK IF YOU HAVE ATTACHED – Sketch or drawing showing proposed trench work

MUST INCLUDE
 Location of trench (s)
 Purpose
 (facility to be in trench)

(please use reverse side if additional space is needed)

And/Or, if you prefer you can use the Check Boxes below to identify trench LOCATION and PURPOSE

LOCATION of Trench(s)

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Front Center Property | <input type="checkbox"/> Both Sides property | <input type="checkbox"/> Back Center Property | <input type="checkbox"/> Within Town ROW |
| <input type="checkbox"/> Front Right Side Property | <input type="checkbox"/> Right Side Property | <input type="checkbox"/> Back Right Side Property | <input type="checkbox"/> Within Easement |
| <input type="checkbox"/> Front Left Side Property | <input type="checkbox"/> Left Side Property | <input type="checkbox"/> Back Left Side Property | <input type="checkbox"/> Within State Property |
| <input type="checkbox"/> Other (briefly describe) | | | |

Purpose (Facilities to Occupy) of Trench(s)

- | | | | |
|---|---------------------------------------|---|---|
| <input type="checkbox"/> Cables or Conduits | <input type="checkbox"/> Drain Lines | <input type="checkbox"/> Water Lines | <input type="checkbox"/> Tanks |
| <input type="checkbox"/> Electric Lines | <input type="checkbox"/> Septic Lines | <input type="checkbox"/> Foundation-Structure | <input type="checkbox"/> Storage Facilities |
| <input type="checkbox"/> Gas Lines | <input type="checkbox"/> Sewer Lines | <input type="checkbox"/> Pools or Pits | <input type="checkbox"/> Wells/Tunnels |
| <input type="checkbox"/> Other (briefly describe) | | | |

APPLICATION AND PERMIT ENTRANCE STIPULATIONS AND AGREEMENT CONDITIONS

BY SIGNING THIS FORM, THE EXCAVATOR AND PROPERTY OWNER ALL ACKNOWLEDGE AND CERTIFY THAT THEY ARE FAMILIAR WITH , OR, BEFORE COMMENCEMENT OF THE WORK, WILL BECOME FAMILIAR WITH, ALL LAWS AND REGULATIONS APPLICABLE TO WORK PROPOSED, INCLUDING OSHA REGULATIONS, GL. C. 82A, 520 CMR 7.00 et seq., AND ANY APPLICABLE MUNICIPAL ORDINANCES, BY-LAWS AND REGULATIONS AND THEY COVENANT AND AGREE THAT ALL WORK DONE UNDER THE PERMIT ISSUED FOR SUCH WORK WILL COMPLY THEREWITH IN ALL RESPECTS AND WITH THE CONDITIONS SET FORTH BELOW.

THE UNDERSIGNED OWNER AUTHORIZES THE EXCAVATOR TO APPLY FOR THE PERMIT AND THE EXCAVATOR TO UNDERTAKE SUCH WORK ON THE PROPERTY OF THE OWNER, AN ALSO, FOR THE DURATION OF CONSTRUCTION, AUTHORIZES PERSONS DULY APPOIINTED BY THE MUNICIPALITY TO ENTER UPON THE PROPERTY TO MONITOR AND INSPECT THE WORK FOR CONFORMITY WITH THE CONDITIONS ATTACHED HERETO AND THE LAWS AND REGULATIONS GOVERING SUCH WORK.

THE UNDERSIGNED EXCAVATOR AND PROPERTY OWNER AGREE JOINTLY AND SEVERALLY TO REIMBURSE THE MUNICIPALITY FOR ANY AND ALL COSTS AND EXPENSES INCURRED BY THE MUNICIPALITY IN CONNECTION WITH THIS PERMIT AND THE WORK CONDUCTED THEREUNDER, INCLUDING BUT NOT LIMITED TO ENFORCING THE REQUIREMENTS OF STATE LAW AND CONDITIONS OF THIS PERMIT, INSPECTIONS MADE TO ASSURE COMPLIANCE THEREWITH, AND MEASURES TAKEN BY THE MUNICIPALITY TO PROTECT THE PUBLIC WHERE THE EXCAVATOR AND PROPERTY OWNER HAS FAILED TO COMPLY THEREWITH INCLUDING POLICE DETAILS AND OTHER REMEDIAL MEASURES DEEMED NECESSARY BY THE MUNICIPALITY.

THE UNDERSIGNED EXCAVATOR AND PROPERTY OWNER AGREE JOINTLY AND SEVERALLY TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE MUNICIPALITY AND ALL OF ITS AGENTS AND EMPLOYEES FROM ANY AND ALL LIABILITY, CAUSES OR ACTION, COSTS, AND EXPENSES RESULTING FROM OR ARISING OUT OF ANY INJURY, DEATH, LOSS, OR DAMAGE TO ANY PERSON OR PROPERTY DURING THE WORK CONDUCTED UNDER THIS PERMIT.

Property Owner Signature: _____ **Date:** _____

The Excavator understands he/she must provide a copy of this permit to the property owner.

Excavator Signature (If different) _____ **Date:** _____

For the Town of Hingham’s Use – Do not write in this section

Permitting Authority Approval/Signature: _____ Date: _____

Comments: _____

<input type="checkbox"/> Application Fee of \$50.00 Received	Type of Payment: <i>(check or money order only)</i>	<input type="text"/>
<input type="checkbox"/> Insurance Certificate attached to application		

APPLICATION AND PERMIT ENTRANCE STIPULATIONS AND AGREEMENT CONDITIONS

CONDITIONS AND REQUIREMENTS PURSUANT TO G.L.C.82A AND 520 CMR 7.00 et seq. (as amended)

By signing the application, the applicant understands and agrees to comply with the following:

- i. No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of chapter 164 (DIG SAFE);
- ii. Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- iii. Persons engaging in any in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq., entitled Subpart P “Excavations”.
- iv. Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced;
- v. By applying for, accepting and signing this permit, the applicant hereby attests to the following: (1) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CMR 1926.650 et.seq., entitled Subpart P “Excavations” as well as any other excavation requirements established by this municipality; and (3) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application, complied with the requirements of sections 40-40D of chapter 82A.
- vi. This permit shall be posted in plain view on the site of the trench.

For additional information please visit the Department of Public Safety’s website at www.mass.gov/dps

Summary of Section 40-40D in Chapter 82

Summary of Section 40-40D

CHAPTER 82. THE LAYING OUT, ALTERATION, RELOCATION AND DISCONTINUANCE OF PUBLIC WAYS, AND SPECIFIC REPAIRS THEREON

FILING OF PETITIONS

Chapter 82: Section 40. Definitions

Section 40. The following words, as used in this section and sections 40A to 40E, inclusive, shall have the following meanings:—

“Company”, natural gas pipeline company, petroleum or petroleum products pipeline company, public utility company, cable television company, and municipal utility company or department that supply gas, electricity, telephone, communication or cable television services or private water companies within the city or town where such excavation is to be made.

“Description of excavation location”, such description shall include the name of the city or town, street, way, or route number where appropriate, the name of the streets at the nearest intersection to the excavation, the number of the buildings closest to the excavation or any other description, including landmarks, utility pole numbers or other information which will accurately define the location of the excavation.

“Emergency”, a condition in which the safety of the public is in imminent danger, such as a threat to life or health or where immediate correction is required to maintain or restore essential public utility service.

“Excavation”, 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, augering, 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.

“Excavator”, any entity including, but not limited to, a person, partnership, joint venture, trust, corporation, association, public utility, company or state or local government body which performs excavation operations.

“Premark”, to delineate the general scope of the excavation or boring on the paved surface of the ground using white paint, or stakes or other suitable white markings on nonpaved surfaces. No premarking shall be acceptable if such marks can reasonably interfere with traffic or pedestrian control or are misleading to the general public. Premarking shall not be required of any continuous excavation that is over 500 feet in length.

“Safety zone”, a zone designated on the surface by the use of standard color-coded markings which contains the width of the facilities plus not more than 18 inches on each side.

“Standard color-coded markings”, red - electric power lines, cables, conduit or light cables; yellow - gas, oil, street petroleum, or other gaseous materials; orange - communications cables or conduit, alarm or signal lines; blue - water, irrigation and slurry lines; green - sewer and drain lines; white - premark of proposed excavation.

“System”, the underground plant damage prevention system as defined in section 76D of chapter 164.

Chapter 82: Section 40A. Excavations; notice

Section 40A. No excavator installing a new facility or an addition to an existing facility or the relay or repair of an existing facility shall, except in an emergency, make an excavation, in any public or private way, any company right-of-way or easement or any public or privately owned land or way, unless at least 72 hours, exclusive of Saturdays, Sundays and legal holidays but not more than 30 days before the proposed excavation is to be made, such excavator has premarked not more than 500 feet of the proposed excavation and given an initial notice to the system. Such initial notice shall set forth a description of the excavation location in the manner as herein defined. In addition, such initial notice shall indicate whether any such excavation will involve blasting and, if so, the date and the location at which such blasting is to occur.

The notice requirements shall be waived in an emergency as defined herein; provided, however, that before such excavation begins or during a life-threatening emergency, notification shall be given to the system and the initial point of boring or excavation shall be premarked. The excavator shall ensure that the underground facilities of the utilities in the area of such excavation shall not be damaged or jeopardized.

In no event shall any excavation by blasting take place unless notice thereof, either in the initial notice or a subsequent notice accurately specifying the date and location of such blasting shall have been given and received at least 72 hours in advance, except in the case of an unanticipated obstruction requiring blasting when such notice shall be not less than four hours prior to such blasting. If any such notice cannot be given as aforesaid because of an emergency requiring blasting, it shall be given as soon as may be practicable but before any explosives are discharged.

Summary of Section 40-40D in Chapter 82 – Continued

Summary of Section 40-40D - Continued

Chapter 82: Section 40B. Designation of location of underground facilities

Section 40B. Within 72 hours, exclusive of Saturdays, Sundays and legal holidays, from the time the initial notice is received by the system or at such time as the company and the excavator agree, such company shall respond to the initial notice or subsequent notice by designating the location of the underground facilities within 15 feet in any direction of the premarking so that the existing facilities are to be found within a safety zone. Such safety zone shall be so designated by the use of standard color-coded markings. The providing of such designation by the company shall constitute prima facie evidence of an exercise of reasonable precaution by the company as required by this section; provided, however, that in the event that the excavator has given notice as aforesaid at a location at which because of the length of excavation the company cannot reasonably designate the entire location of its facilities within such 72 hour period, then such excavator shall identify for the company that portion of the excavation which is to be first made and the company shall designate the location of its facilities in such portion within 72 hours and shall designate the location of its facilities in the remaining portion of the location within a reasonable time thereafter. When an emergency notification has been given to the system, the company shall make every attempt to designate its facilities as promptly as possible.

Chapter 82: Section 40C. Excavator's responsibility to maintain designation markings; damage caused by excavator

Section 40C. After a company has designated the location of its facilities at the location in accordance with section 40B, the excavator shall be responsible for maintaining the designation markings at such locations, unless such excavator requests remarking at the location due to the obliteration, destruction or other removal of such markings. The company shall then remark such location within 24 hours following receipt of such request.

When excavating in close proximity to the underground facilities of any company when such facilities are to be exposed, non-mechanical means shall be employed, as necessary, to avoid damage in locating such facility and any further excavation shall be performed employing reasonable precautions to avoid damage to any underground facilities including, but not limited to, any substantial weakening of structural or lateral support of such facilities, penetration or destruction of any pipe, main, wire or conduit or the protective coating thereof, or damage to any pipe, main, wire or conduit.

If any damage to such pipe, main, wire or conduit or its protective coating occurs, the company shall be notified immediately by the excavator responsible for causing such damage.

The making of an excavation without providing the notice required by section 40A with respect to any proposed excavation which results in any damage to a pipe, main, wire or conduit, or its protective coating, shall be prima facie evidence in any legal or administrative proceeding that such damage was caused by the negligence of such person.

Chapter 82: Section 40D. Local laws requiring excavation permits; public ways

Section 40D. Nothing in this section shall affect or impair local ordinances or by-laws requiring a permit to be obtained before excavation in a public way or on private property; but notwithstanding any general or special law, ordinance or by-law to the contrary, to the extent that any permit issued under the provisions of the state building code or state fire code requires excavation by an excavator on a public way or on private property, the permit shall not be valid unless the excavator notifies the system as required pursuant to sections 40 and 40A, before the commencement of the excavation, and has complied with the permitting requirements of chapter 82A.

Summary of Excavation & Trench Safety Regulations (520 CMR 14.00 et seq.) & 1926 CFR OSHA Standards

Excavation and Trench Safety Regulation (520 CMR 14.00 et seq.)

This summary was prepared by the Massachusetts Department of Public Safety pursuant to G.L.c.82A and does not include all requirements of the 520 CMR 14.00. To view the full regulation and G.L.c.82A, go to www.mass.gov/dps

Pursuant to M.G.L. c. 82, § 1, the Department of Public Safety, jointly with the Division of Occupational Safety, drafted regulations relative to trench safety. The regulation is codified in section 14.00 of title 520 of the Code of Massachusetts Regulations. The regulation requires all excavators to obtain a permit prior to the excavation of a trench made for a construction-related purpose on public or private land or rights-of-way. All municipalities must establish a local permitting authority for the purpose of issuing permits for trenches within their municipality. Trenches on land owned or controlled by a public (state) agency requires a permit to be issued by that public agency unless otherwise designated.

In addition to the permitting requirements mandated by statute, the trench safety regulations require that all excavators, whether public or private, take specific precautions to protect the general public and prevent unauthorized access to unattended trenches. Accordingly, unattended trenches must be 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; backfilling must be sufficient to eliminate the trench. Alternatively, excavators may choose to attend trenches at all times, for instance by hiring a police detail, security guard or other attendant who will be present during times when the trench will be unattended by the excavator.

The regulations further provide that local permitting authorities, the Department of Public Safety, or the Division of Occupational Safety may order an immediate shutdown of a trench in the event of a death or serious injury; the failure to obtain a permit; or the failure to implement or effectively use adequate protections for the general public. The trench shall remain shutdown until re-inspected and authorized to re-open provided, however, that excavator shall have the right to appeal an immediate shutdown. Permitting authorities are further authorized to suspend or revoke a permit following a hearing. Excavators may also be subject to administrative fines issued by the Department of Public Safety for identified violations.

1926 CFR Subpart P -OSHA Excavation Standard

This is a worker protection standard, and is designed to protect employees who are working inside a trench. This summary was prepared by the Massachusetts Division of Occupational Safety and not OSHA for informational purposes only and does not constitute an official interpretation by OSHA of their regulations, and may not include all aspects of the standard.

For further information or a full copy of the standard go to www.osha.gov.

• **Trench Definition per the OSHA standard:**

- An excavation made below the surface of the ground, narrow in relation to its length.
- In general, the depth is greater than the width, but the width of the trench is not greater than fifteen feet.

• **Protective Systems** to prevent soil wall collapse are always required in trenches deeper than 5', and are also required in trenches less than 5' deep when the competent person determines that a hazard exists. Protection options include:

- Shoring. Shoring must be used in accordance with the OSHA Excavation standard appendices, the equipment manufacturer's tabulated data, or designed by a registered professional engineer.
- Shielding (Trench Boxes). Trench boxes must be used in accordance with the equipment manufacturer's tabulated data, or a registered professional engineer.
- Sloping or Benching. In Type C soils (what is most typically encountered) the excavation must extend horizontally 1 ½ feet for every foot of trench depth on both sides, 1 foot for Type B soils, and ¾ foot for Type A soils.
- A registered professional engineer must design protective systems for all excavations greater than 20' in depth.

• **Ladders** must be used in trenches deeper than 4'.

- Ladders must be inside the trench with workers at all times, and located within 25' of unobstructed lateral travel for every worker in the trench.
- Ladders must extend 3' above the top of the trench so workers can safely get onto and off of the ladder.

• **Inspections** of every trench worksite are required:

- Prior to the start of each shift, and again when there is a change in conditions such as a rainstorm.
- Inspections must be conducted by the competent person (see below).

• **Competent Person(s) is:**

- Capable (i.e., trained and knowledgeable) in identifying existing and predictable hazards in the trench, and other working conditions which may pose a hazard to workers, and
- Authorized by management to take necessary corrective action to eliminate the hazards. Employees must be removed from hazardous areas until the hazard has been corrected.

• **Underground Utilities** must be:

- Identified prior to opening the excavation (e.g., contact Dig Safe).
- Located by safe and acceptable means while excavating.
- Protected, supported, or removed once exposed.

Summary of Excavation and Trench Safety Regulations (520 CMR 14.00 et seq.) & 196 CFR OSHA Standards Continued ...

1926 CFR Subpart P -OSHA Excavation Standard – Continued:

- **Spoils** must be kept back a minimum of 2' from the edge of the trench.
- **Surface Encumbrances** creating a hazard must be removed or supported to safeguard employees. Keep heavy equipment and heavy material as far back from the edge of the trench as possible.
- **Stability of Adjacent Structures:**
 - Where the stability of adjacent structures is endangered by creation of the trench, they must be underpinned, braced, or otherwise supported.
 - Sidewalks, pavements, etc. shall not be undermined unless a support system or other method of protection is provided.
- **Protection from water accumulation hazards:**
 - It is not allowable for employees to work in trenches with accumulated water. If water control such as pumping is used to prevent water accumulation, this must be monitored by the competent person.
 - If the trench interrupts natural drainage of surface water, ditches, dikes or other means must be used to prevent this water from entering the excavation.
- **Additional Requirements:**
 - For mobile equipment operated near the edge of the trench, a warning system such as barricades or stop logs must be used.
 - Employees are not permitted to work underneath loads. Operators may not remain in vehicles being loaded unless vehicles are equipped with adequate protection as per 1926.601(b)(6).
 - Employees must wear high-visibility clothing in traffic work zones.
 - Air monitoring must be conducted in trenches deeper than 4' if the potential for a hazardous atmosphere exists. If a hazardous atmosphere is found to exist (e.g., $O_2 < 19.5\%$ or $> 23.5\%$, 20% LEL, specific chemical hazard), adequate protections shall be taken such as ventilation of the space.
 - Walkways are required where employees must cross over the trench. Walkways with guardrails must be provided for crossing over trenches > 6' deep.
 - Employees must be protected from loose rock or soil through protections such as scaling or protective barricades.

WHAT IS NEEDED TO OBTAIN A TRENCH OPENING PERMIT (TOP)

**CHECKLIST FOR
APPLICATION FOR PERMITTING AUTHORITY:**

- Application must be filled out completely
- 1st page, upper right-hand corner:
 - Assign a Permit Number (use next number under log found on S:Common Drive / DPW / Trench Permit Sheet)
 - Expiration Date (use same date as found on 1st page under 2nd section titled Excavation Location / Schedule “finish date”)
 - Sign and Approve in two places: Page 1 and Page 3
- Insurance Certificate Included with application
(a certificate of insurance with general liability coverage of \$100,000 per person and \$300,000 per claim) Town of Hingham named as additional insured.
- Photo Identification of Permit Holder and/or Photo Identification of Person Performing Excavation
- Dig Safe number provided
- After hours emergency number provided
- A Permitting Fee of \$50.00 has been collected and noted on application *(check or money order only – no cash)*
- Two Copies of Permit given to Applicant *(one to post at job site, one for property owner) – Keep original for our files*
- Log permit information into system (S:Common Drive / DPW / Trench Permits)