

Changes in Excavation Regulations—What You Need to Know

As of March 1, 2009, all excavators should be aware of new state regulations regarding trenches in the public way or on public or **private** property. This new regulation is called “Jackie’s Law” after a young girl who fell into a trench and died as a result, and is designed to protect the public from unattended excavations. This regulation applies to subsurface excavations greater than 3 feet in depth, and less than 15 feet wide at the bottom of the trench.

First, the excavator must obtain a trench permit before beginning any work. In Wellesley, the DPW’s Engineering Division is coordinating the permitting process. Permits are required even if the trench will never be unattended.

Second, all trenches must be either be attended, or must be backfilled, covered with metal road plates measuring at least $\frac{3}{4}$ ” thick, or barricaded with 6 foot fences **at all times**. If a trench is found to be in violation of these requirements, the municipality may order an immediate shutdown of the trench. Excavators in violation of these regulations may also be subject to Department of Public Safety fines.

If you have any questions, or need to obtain a permit for an excavation, please contact Engineering at (781) 235-7600 x3315.