



Village of Essex Junction  
2 Lincoln Street  
Essex Jct, VT 05452

Patrick C. Scheidel  
Municipal Manager

Town of Essex  
81 Main Street  
Essex Junction, VT 05452

February 11, 2015

Representative Bill Botzow  
Chair, House Committee on Commerce and Economic Development

Subject: House Bill 58 – An Act Relating to the Public Utility Underground Facility Damage Prevention System

I am writing to voice strong opposition from Essex and Essex Junction regarding House Bill H.58 known to my peers as the “Dig Safe” Bill. Municipalities have a firm interest in protecting underground utilities. The issue noted for address in the bill seems to be one of communication and follow-up by other utilities. Within 19 VSA, chapter 11, section 1111, Protection of Highways, anyone working within the Town road right of way, including excavation, is already required to obtain a permit for the excavation from the affected Town. Towns utilize this permit request to identify any municipal utilities within the area of the proposed excavation. There is no need to duplicate existing law.

Duplication of effort without significant benefit is a serious concern to all municipalities. The cumulative effect of this bill will be substantial costs mandated to municipalities that are not fully recognized in the analysis. Municipalities do not need another unfunded mandate nor do we want an increased layer of regulation for something that is already being effectively regulated and managed. This is especially important this year where the Legislature is addressing a budget shortfall, significant costs increases to municipalities to benefit water quality in the Lake Champlain Basin (H.29 and H.35) as well as ANR fee adjustment recently added to H.35.

A simple approach may be to require the underground utility to specifically identify the municipal contact information as part of the Dig Safe Ticket issued. This effort would provide for one database to be maintained with contact information provided with centralized and accurate information provided as part of each excavation authorization. Cost would be minimal and errors corrected as part of the normal edit and update processes used but the underground locating central office. This will also eliminate confusion claimed by contractors and simplify the entire notification process for all.

Thank you for your consideration.

James L. Jutras  
Water Quality Supt.  
Village of Essex Jct

Dennis Lutz  
Public Works Director  
Town of Essex

Rick Jones  
Public Works Supt.  
Village of Essex Jct.

cc: Town of Essex Select Board  
Village of Essex Junction Trustees  
Jim Fay, General Manager Champlain Water District