



January 15, 2026

The Honorable Michael Vose
Chairman, Science, Technology and Energy
State House, Room 305
Concord, NH 03301

RE: House Bill 1029-FN, "Relative to the Definition of Excavation under Underground Utility Damage Prevention Laws"

Dear Chairman Vose and Members of the Committee:

Dig Safe System, Inc. ("Dig Safe") respectfully submits this testimony in opposition to HB 1029-FN, which seeks to change the definition of excavation. This new language that is proposed is misleading and could be interpreted as allowing excavators to use mechanized equipment to perform the planting of flowers, shrubs, and bushes up to three-gallon pots and shallow irrigation repairs on commercial property without notification to Dig Safe and without the underground utilities being located and marked out.

Furthermore, the definition of "Excavation" in RSA374:45 III already excludes tilling the soil for agricultural purposes, landscaping and maintenance of residential property (e.g. irrigation repairs) with non-mechanized equipment. Creating exemptions based on convenience rather than safety introduces unnecessary risk and weakens a law that has been effective because it is clear, consistent, and broadly applied. Dig Safe strongly believes this bill undermines the core purpose of the damage prevention system which is to protect public safety, critical infrastructure, and the workers and property owners who dig.

For these reasons, Dig Safe respectfully urges the Committee to reject HB 1029-FN in its entirety and to preserve the integrity, clarity, and safety-first intent of New Hampshire's underground utility damage prevention law.

Thank you for the opportunity to comment on HB 1029-FN. Should you have questions or need additional information please feel free to contact me directly at 781-721-1191 or robert.finelli@digsafe.com

Sincerely,

A handwritten signature in black ink that reads 'Robert S. Finelli'. The signature is written in a cursive style with a large, stylized 'R' and 'F'.

Robert S. Finelli
President