



January 15, 2026

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

RE: House Bill 1169, "Relative to notification waiting periods to the underground utility damage prevention laws"

Dear Chairman Vose and Members of the Committee:

Dig Safe System, Inc (Dig Safe) hereby provides the following comments relating to House Bill 1169. Our comments reflect our belief that the Dig Safe laws should be efficient and protective of public safety and that the law should only be changed where safety will be enhanced. We strongly believe that the following law changes to RSA 374 fail in these regards. Accordingly, Dig Safe opposes House Bill 1169 in its entirety, as the proposed changes would diminish existing safety protections for both the excavating community and the public.

Notification by Excavator RSA 374:51 Section II (Change from 72 Hours to 48 Hours)

Dig Safe strongly disagrees with the proposed change to reduce the excavation notice period from 72 hours to 48 hours. The current 72-hour notice requirement, which is consistent across all our New England states (Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont) has proven to be a safe and effective standard for damage prevention. Reducing the notice period would not enhance public safety and could increase the risk of utility damage. Notably, recent legislative trends in other states have moved in the opposite direction, favoring longer notification periods rather than shorter ones. States such as Vermont, North Carolina, Illinois, and Indiana have increased their required notice times, recognizing the need for adequate time to locate and mark underground facilities. These key factors are why the 72-hour notice should not be reduced:

1. **Improved Accuracy and Safety:** Provides locators with more time to meet their marking obligations reducing the pressure that can lead to "late locates" or inaccurate markings. The extra time is especially critical for complex utilities like fiber optics or older plastic pipes that are inherently difficult to trace.
2. **Managing Demand Spikes:** Utilities and contract locators frequently experience backlogs during peak digging seasons (spring/fall) or when contractors submit hundreds of tickets simultaneously. A 72-hour window provides a buffer to manage these surges without halting construction work.
3. **Verification of Positive Response:** The 72-hour notice allows excavators to verify that every notified utility has provided a physical or electronic response via email, fax telephone, or other electronic means. Starting work before all operators respond is a leading cause of utility damage.
4. **Emergency Resource Preservation:** Rushed or inaccurate locates can lead to major service disruption, injury, or loss of life. By ensuring marks are accurate the first time it can prevent this danger to the public.

Notification by Excavator RSA 374:51 Section II (Remove 6 State Holidays)

Dig Safe strongly disagrees with the removal of six state holidays. By reducing the number of New Hampshire State holidays recognized in the law – effectively making those days ‘business days’ to speed up construction timelines creates serious operational and safety issues. These Holidays DO NOT halt construction work but may influence staffing for operators and utility locators. The primary issues that will occur if holidays are reduced include:

1. Locator Workforce Strain – Removing holidays forces a specialized workforce that is already understaffed to work through traditional break periods which increases the risk of burnout and marking errors.
2. Safety Hazards from Rushed Marks: When holidays are converted to working days, locators may be pressured to meet notification deadlines with even higher ticket volumes. Rushed markings are another cause attributed to utility strikes.
3. Inaccurate Ticket Notification Calculations: The New Hampshire Dig Safe law currently excludes weekends and legal holidays. If the holidays are reduced but a utility company or contract locator still observes them internally, it creates a “ghost day” where the legal clock is ticking but no personnel are in the field to perform the locate.
4. Increased liability for Smaller Operators: Smaller Dig Safe utility members may not have the budget to pay “holiday premium rates.” If forced to locate on a holiday without staff these operators may face regulatory fines.
5. Scheduling Confusion for Multi-State Excavators: Many excavators work across multiple New England states. Removing six New Hampshire holidays- while those holidays remain recognized in Massachusetts, Maine, Rhode Island, and Vermont- creates inconsistency and confusion in scheduling. These holidays currently provide a predictable pause that helps excavators coordinate crews, subcontractors, and equipment across state lines.

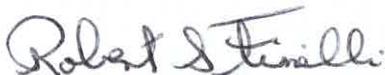
Notification by Excavator RSA 374:51 Section VI (Change expiration date from 30 days to 1 year)

Dig Safe strongly disagrees with changing the expiration date of a Dig Safe notice from 30 Days to one year. Increasing this expiration date would significantly increase the risk of utility damage, injuries, and service disruption. Utility line markings become less accurate or disappear over extended periods due to weather, construction activity or simple wear and tear. Relying on an excavator to maintain markings on a site for one year that they may or may not be working on will result in increased utility damage, serious injuries, or death. If a Dig Safe notice remains valid for one year the following safety and operational issues will arise:

1. Weather and Wear: Paint fades and flags are often displaced or removed for lawn maintenance, construction traffic, or children within weeks. Marks are not permanent and digging based on old or missing marks significantly increases the risk of a utility strike.
2. Loss of Accuracy Over Time: Soil movement, erosion, and site changes over months can make original markings inaccurate or misleading.
3. Ongoing Utility Changes: Utility companies frequently install new lines (e.g., fiber optics, broadband) or repair existing ones. A Dig Safe notification that is up to one year old would not reflect these new installations, leading to high-risk “blind” digging.
4. Excavator Increased Responsibility: While the operator remains responsible for the initial accuracy of the mark, failing to maintain or request a refresh of those marks shifts liability to the excavator for any resulting damage.

Thank you for the opportunity to comment on HB 1169. 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,



Robert S. Finelli

President