

367.4909 Operator to provide protection notification center access to excavators -- Kentucky Contact Center -- Rejection of design information request -- Color coding for temporary underground facility markers -- Operator's inability to comply due to extraordinary circumstances -- Underground facilities installed after January 1, 2013.

- (1) Each operator shall provide protection notification center access to excavators.
- (2) Voluntary operator membership in the Kentucky Contact Center shall satisfy the requirement of subsection (1) of this section.
- (3) Each operator member of the Kentucky Contact Center shall provide and update as needed to the Kentucky Contact Center the general location of its underground facilities, the operator identity and business address, and emergency notification telephone numbers.
- (4) An operator shall respond to facility locate requests as follows:
 - (a) To a normal excavation locate request within two (2) working days after receiving notification from an excavator, excluding large projects.
 - (b) To an emergency locate request as quickly as possible but not to exceed forty-eight (48) hours after receiving notification from an excavator;
 - (c) To a design information request within ten (10) working days after receiving notification from the person making the request; and
 - (d) To a large project request within five (5) working days from the later of receiving notification from an excavator or the scheduled excavation start date for that location.
- (5) An operator shall, upon receiving an emergency locate request or a normal excavation locate request:
 - (a) Inform the excavator of the approximate location and description of any of the operator's facilities that may be damaged or pose a safety concern because of excavation or demolition;
 - (b) Inform the excavator of any other information that would assist in locating and avoiding contact with or damage to underground facilities;
 - (c) Unless permanent facility markers are provided, provide temporary markings to inform the excavator of the ownership and approximate location of the underground facility; and
 - (d) Notify the requesting party if underground facilities are not in conflict with the excavation or demolition.
- (6) Upon receiving a design information request, an operator shall contact the person making the request within the time period specified in subsection (4) of this section. The operator shall:
 - (a) Designate with temporary underground facility markers the location of all underground facilities owned by the operator within the area of the design information request as defined in KRS 367.4903;
 - (b) Provide to the person making the design information request a description of all underground facilities owned by the operator in the area of the design

information request and the location of the facilities, which may include drawings marked with a scale, dimensions, and reference points for underground utilities already built in the area or other facility records that are maintained by the operator; or

- (c) Allow the person making the design information request or an authorized person to inspect the drawings or other records for all underground facilities with the proposed area of excavation at a location that is acceptable to the operator.
- (7) An operator may reject a design information request based upon security considerations or if producing the information will place the operator at a competitive disadvantage, pending the operator obtaining additional information confirming the legitimacy of the notice. The operator shall notify the person making the design information request and may request additional information.
- (8) Temporary underground facility markers shall consist of paint, chalk, flags, stakes, or any combination thereof and shall conform to the following standards of the American Public Works Association uniform color code:
 - (a) Electric power distribution and transmission Safety Red
 - (b) Municipal electric systems Safety Red
 - (c) Gas distribution and transmission High visibility safety yellow
 - (d) Oil distribution and transmission High visibility safety yellow
 - (e) Dangerous materials, product lines High visibility safety yellow
 - (f) Telecommunication systems and cable television Safety alert orange
 - (g) Temporary survey markings Safety pink
 - (h) Police and fire communications Safety alert orange
 - (i) Water systems Safety precaution blue
 - (j) Sewer and storm drainage systems Safety green
 - (k) Proposed excavation or construction boundaries White
 - (l) Reclaimed water, slurry, and irrigation facilities Purple
- (9) If extraordinary circumstances exist, an operator shall notify the excavator of the operator's inability to comply with this section. Extraordinary circumstances include extreme weather conditions, force majeure, disasters, or civil unrest that make timely response difficult or impossible.
- (10) All underground facilities installed after January 1, 2013, shall include a means to accurately identify and locate the underground facilities from the surface. This subsection does not apply to the repair of existing facilities.

Effective: June 24, 2015

History: Amended 2015 Ky. Acts ch. 31, sec. 2, effective June 24, 2015. -- Amended 2014 Ky. Acts ch. 100, sec. 2, effective July 15, 2014. -- Amended 2012 Ky. Acts ch. 137, sec. 3, effective July 12, 2012. -- Amended 2008 Ky. Acts ch. 180, sec. 2, effective July 15, 2008. -- Amended 2000 Ky. Acts ch. 222, sec. 2, effective July 14, 2000. -- Created 1994 Ky. Acts ch. 425, sec. 5, effective January 1, 1995.