367.4911 Excavator or person responsible for excavation to notify operator of work schedule -- Responsibilities of excavator.

(1) (a) Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full business days nor more than ten (10) full business days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

(b) An excavator may commence work before the two (2) full business days provided for in paragraph (a) of this subsection have elapsed if all affected operators have notified the person that the location of all the affected operators' facilities have been marked or that they have no facilities in the area of the proposed excavation, demolition, or timber harvesting.

(2) Locate requests are valid for twenty-one (21) calendar days from the day of the initial request.

(3) Each excavator shall provide each applicable protection notification center with adequate information regarding:

(a) The name of the individual making the notification;

(b) The excavator's name, address, and a telephone number;

(c) The excavation or demolition site location or locations, each of which shall not exceed two thousand (2,000) feet in length unless the excavator and operator agree to a larger area, the city or community, county and street address, including the nearest cross street;

(d) The type and extent of excavation or demolition to be performed;

(e) A contact name and telephone number of the person responsible for the work to be performed.

(4) If more than one (1) excavator will operate at the same site, each excavator shall notify the protection notification centers individually. Notification by an excavator will serve as notification for any of that excavator's employees. Failure by an excavator to notify the protection notification center does not relieve individual employees of responsibility.

(5) The excavator shall inform and provide to excavation or demolition site employees:

(a) The underground facility location provided by each operator;

(b) Any related safety information provided by each operator; and

(c) The locate request identification number assigned by each protection notification center.

(6) The excavator shall protect and preserve temporary underground facility markers until the scheduled excavation or demolition is completed.

(7) If, after the two (2) day period provided by KRS 367.4909(4)(a), the excavator finds evidence of an unmarked underground facility at the site, he shall immediately notify the protection notification center.

(8) The excavator shall contact the protection notification center to request remarking two (2) business days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues or if:

(a) The markings of any underground facility have been removed or are no longer visible; or

(b) The excavator has changed the work plan or location previously filed.

(9) (a) Each excavator who conducts or is responsible for any excavation or demolition that results in underground facility damage shall cease excavation or demolition activities and notify all affected operators of the location and nature of the underground facility damage.

(b) If the underground facility damage causes concern for public or workplace safety, the excavator shall notify appropriate public safety agencies of the location and nature of the safety concern.

(c) If the underground facility damage results in the escape of any flammable, toxic, or corrosive gas or liquid, the excavator shall cease excavation or demolition activities and immediately report to the appropriate authorities by calling the 911 emergency telephone number.

(10) When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

(11) Upon request by an operator or when the proposed excavation location cannot be accurately identified, an excavator shall mark the boundaries of the location to be excavated using the procedure set forth in KRS 367.4909(8)(k). After marking the boundaries, the excavator shall contact the protection notification center or centers. The requirements of KRS 367.4909(4) to (10) are reestablished upon the operator receiving notification of this marking from the protection notification center or centers. This marking shall not alter, or relieve the excavator from complying with, the requirements of KRS 367.4905 to 367.4917.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 100, sec. 3, effective July 15, 2014. -- Amended 2012 Ky. Acts ch. 137, sec. 4, effective July 12, 2012. -- Amended 2008 Ky. Acts ch. 180, sec. 3, effective July 15, 2008. -- Amended 2000 Ky. Acts ch. 222, sec. 3, effective July 14, 2000. -- Created 1994 Ky. Acts ch. 425, sec. 6, effective January 1, 1995.

Legislative Research Commission Note (7/12/2012). 2012 Ky. Acts ch. 137, sec. 1 (KRS 367.4903), contains definitions for KRS 367.4903 to 367.4917, including a definition of "business day." In amending this statute in that Act, the drafter used the term "working days" when it is clear from the context that "business days" should have been used. The Reviser of Statutes has corrected this manifest clerical or typographical error in codification under the authority of KRS 7.136(1).