

367.4909 Operator to provide protection notification center access to excavators -- 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 one-call center shall satisfy the requirement of subsection (1) of this section.
- (3) Each operator member of the one-call center shall provide and update as needed to the one-call 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) business days after receiving notification from an excavator.(b) To an emergency locate request as quickly as possible but not to exceed forty-eight (48) hours after receiving notification from an excavator; and
 - (c) Beginning one (1) year from July 12, 2012, to a design locate request within ten (10) business days after receiving notification from an excavator.
- (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 locate request, an operator shall provide to the person making the request the best available description of all utility facilities within the area of the proposed excavation. This includes but is not limited to prints, maps, drawings, and other facility records of existing and proposed utility facilities.
- (7) 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
- (8) 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.
- (9) 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: July 12, 2012

History: 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.