



## KENTUCKY CALL BEFORE YOU DIG LAW

KRS 367.4901 - 367.4917

REVISED 2008

## Uniform Color Code - ANSI standard Z53.1 Safety Colors



### **RED**

Electric Power Lines, Cables, Conduit and Lighting Cables



### **YELLOW**

Gas, Oil, Steam, Petroleum or Gaseous Materials



### **ORANGE**

Communication, Alarm or Signal Lines, Cables or Conduit



### **BLUE**

Potable Water



### **GREEN**

Sewers and Drain Lines



### **PURPLE**

Reclaimed Water, Irrigation and Slurry Lines



### **PINK**

Temporary Survey Marking



### **WHITE**

Proposed Excavation



## *Kentucky Legislature*

AN ACT relating to underground facility damage prevention.

Revised 2008

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

### **KRS 367.4901**

#### **Legislative declaration-Short title for KRS 367.4901 to 367.4917.**

The General Assembly finds that the objective of underground facility damage prevention and the resulting benefits of public and workplace safety and protection of consumer services require an effective underground damage prevention procedure. KRS 367.4901 to 367.4917, which may be cited as the "Underground Facility Damage Prevention Act of 1994," are created to provide for this procedure and accomplish this objective.

### **KRS 367.4903**

#### **Definitions as used in KRS 367.4903 to 367.4917:**

- (1) "Underground facility" means an underground line or system used for producing, storing, conveying, transmitting, or distributing telecommunications, electricity, gas, petroleum, petroleum products, cable television, hazardous liquids, water, steam, or sewerage, including storm drainage.
- (2) "Damage" means weakening of structural or lateral support or penetration of a facility coating, housing, or other protective device. It also means the partial or complete dislocation or severance of underground facilities.
- (3) "Demolition" means any operation by which a structure or mass of material is wrecked, razed, moved, or removed by means of mechanized equipment, or discharge of explosives.
- (4) "Excavator" means any entity or individual, other than those exempted by KRS 367.4915, engaged in excavation or demolition.

- (5) "Operator" means any entity or individual owning underground facilities to serve the public.
- (6) "Excavation" means any activity that results in the movement, placement, probing, boring, or removal of earth, rock, or other material in or on the ground by the use of any tools or equipment, or by the discharge of explosives. Forms of excavating include but are not limited to auguring, backfilling, digging, ditching, drilling, driving, grading, piling, pulling-in, ripping, scraping, trenching, and tunneling.
- (7) "Emergency" means there exists substantial likelihood that loss of life, property, or the inability to restore interrupted utility service will result before procedures required under KRS 367.4909 to 367.4913 can be completed.
- (8) "Protection notification center" means an operator-provided notification center through which an excavator can contact the operator to enable the operator to provide the excavator with the approximate location of underground facilities.
- (9) "One-call center" means a multimember protection notification center providing a single telephone contact number and designated by the Kentucky Public Service Commission to be the sole recipient of 811 dialed calls through which an excavator may contact all operator one-call center members and all affected operators may receive information to enable them to provide the excavator with the approximate location of underground facilities.
- (10) "Routine road maintenance" means preservation, including road repairs and resurfacing, but does not include road construction or penetration of existing grade.
- (11) "Approximate location," when referring to an underground facility, means:
  - (a) For underground metallic facilities and underground nonmetallic facilities with metallic tracer wire, a distance not to exceed the combined width of the underground facility plus eighteen (18) inches measured from the outer edge of each side of the underground facility; or
  - (b) For nonmetallic facilities without metallic tracer wire, the underground facility shall be located as accurately as possible from field location records.
- (12) "Business day" means from 8 a.m. to 5 p.m. every day except Saturday, Sunday, and holidays established by federal or state statute.

### **KRS 367.4905**

#### **Permit not relieving person from complying with provisions of KRS 367.4905 to 367.4917.**

A permit issued pursuant to law authorizing excavation or demolition work shall not relieve a person from the responsibility for complying with KRS 367.4905 to 367.4917.

### **KRS 367.4907**

#### **Responsibility of persons engaging in non-emergency and emergency work.**

Every person who engages in non-emergency excavation or demolition work shall conform to KRS 367.4905 to 367.4917. Compliance with excavator and operator notification requirements of KRS 367.4905 to 367.4917 shall not be required of authorized persons responding to emergency situations. However, these persons shall take every reasonable precaution to protect the public safety and underground facilities of others.

### **KRS 367.4909**

#### **Operator to provide protection notification center access to excavators - Color-coding for temporary underground facility markers.**

- (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 facilities, the operator identity and business address, and emergency notification telephone numbers.
- (4) An operator shall, within two (2) business days after receiving notification from an excavator:
  - (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.
- (5) 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                        |
- (6) 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, disasters, or civil unrest that makes timely response difficult or impossible.

**KRS 367.4911**

## **Responsibilities of excavator**

- (1) Each excavator planning excavation or demolition work shall, not less than two (2) business days nor more than ten (10) 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.
- (2) 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.
- (3) 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.
- (4) 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 the protection notification center.
- (5) The excavator shall protect and preserve temporary underground facility markers until the scheduled excavation or demolition is completed.
- (6) If, after the two (2) day period provided by KRS 367.4909(4), the excavator finds evidence of an unmarked underground facility at the site; he shall immediately notify the protection notification center.

- (7) The excavator shall contact the protection notification center to request remarking every twenty-one (21) days 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.
- (8) 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.
  - (a) 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.
  - (b) 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.
- (9) 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.
- (10) Upon request by an operator, an excavator shall mark the boundaries of the location to be excavated using the procedure set forth in KRS 367.4909(5). This marking shall not alter, or relieve the excavator from complying with, the requirements of KRS 367.4905 to 367.4917.

### **KRS 367.4913**

**Duties of protection notification center: Each protection notification center shall:**



- (1) Operate the protection notification center during all business days.
- (2) Provide a locate request identification number to the excavator for each excavation or demolition location request.
- (3) Promptly after receiving an excavation or demolition work notification from an excavator, provide to each of its affected operator members the excavator information required by KRS 367.4911(2).
- (4) Maintain a list of all its operator member's identities, business address and business and emergency telephone numbers and record this information in accordance with KRS 64.012 with the county clerk of each county where the operator member has underground facilities. The county clerk shall provide this information upon request for the actual cost of providing a copy, to be paid by the requesting party to the county clerk. The county clerk shall assume no liability associated with the receipt of this information from the protection notification center or for subsequent provision of this same information to the requesting party.
- (5) Make the operator members information list available to any person for inspection at its place of business without charge or provide a copy of the list to any person for any county upon request for a fee not to exceed the actual cost of providing a copy.

### **KRS 367.4915**

**Exemptions: The requirements of KRS 367.4905 to 367.4917 shall not apply to the following:**

- (1) Excavation by an operator on its own easement except where that easement is crossed by another operator's facilities.
- (2) Routine road maintenance or railroad maintenance or repairs.
- (3) Tilling of soil for agricultural purposes.
- (4) Excavators excavating on private property, using non-mechanized equipment, if there is no encroachment on any operator's right-of-way or easement.
- (5) The opening of a grave in a cemetery.
- (6) A solid waste disposal site which is properly permitted.

- (7) Coal mining operations which are currently regulated under KRS Chapter 350.
- (8) A utility operator or utility operator subcontractor performing emergency work as defined in Section 1 of this Act.

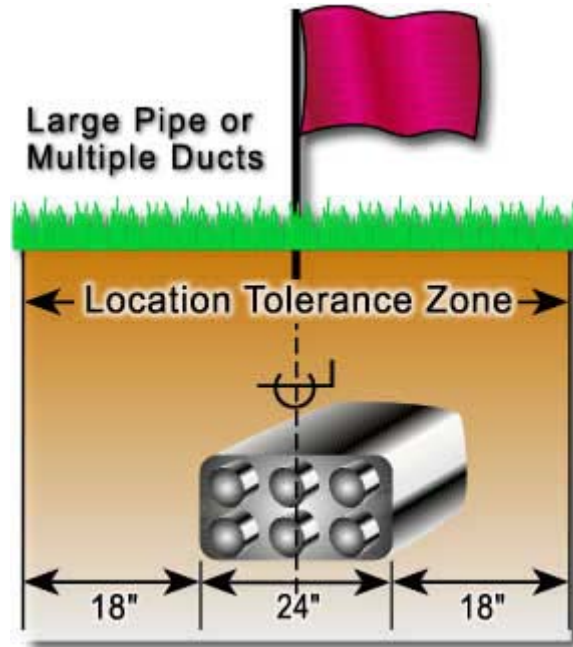
### **KRS 367.4917**

#### **Penalties and Enforcement**

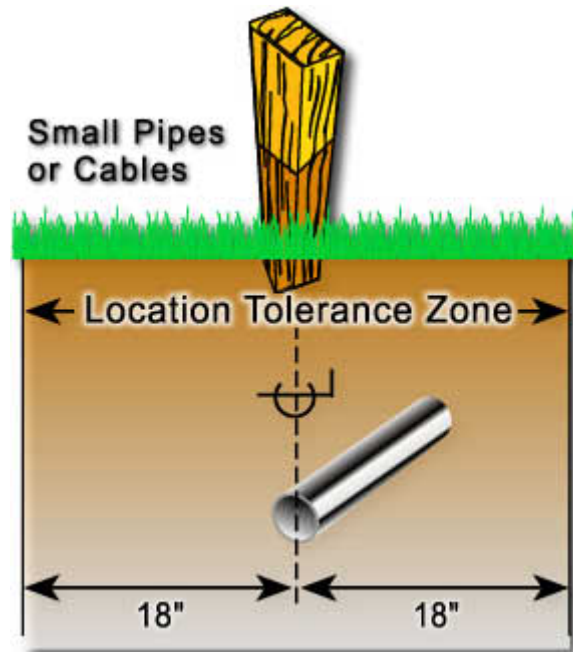
- (1) An excavator who fails to comply with any provision of KRS 367.4911, or an operator who fails to comply with any provision of KRS 367.4909, shall be guilty of endangering underground facilities and may be subject to a fine of two hundred and fifty dollars (\$250) for the first offense, no more than one thousand dollars (\$1,000) for the second offense within one (1) year, and no more than three thousand dollars (\$3,000) for the third and any subsequent offense.
- (2) A protection notification center that fails to comply with any provision of KRS 367.4913 shall be subject to a fine of one thousand dollars (\$1,000) for each offense.
- (3)
  - (a) All fines recovered for a violation of this section shall be paid to the General Fund of the state, county, or city which issued the citation.
  - (b) In the event that more than one (1) government agency was involved, the court shall direct an apportionment of the fines.

## Location Tolerance Zones

Any excavation within the tolerance zone should be performed with hand tools until the marked facility is exposed. Please see the following illustrations.



The width of the tolerance zone is specified in the law. The tolerance zone includes the width of the facility and 0.5 m (18") measured horizontally from each side of the facility.



## **INSTRUCTIONS FOR RECOMMENDED MARKINGS OF UNDERGROUND UTILITIES**

Approved by APWA Board of Directors - 9/12/2001

1. Utility lines will be indicated by markings using current APWA color codes. Markings should be 18"-24" in length and 2" in width.
2. The owner of a facility should be indicated by initials or by name in letters 6" high at the beginning and end of the locate. On long locates the facility owner should be indicated every 100'.
3. When known, the total number of lines within the ground will be indicated. The number of lines indicated should be based on the physical lines "that you could place your hands on." Multiple cables twisted together to form a single facility, as in the case of electric lines, would be considered one cable for locate purposes.
4. If a facility is known to be present but the total number of lines for a facility cannot be determined a corridor marker may be used. The corridor marker should indicate the approximate width of the facility. A marking resembling the letter "H" lying on its side will indicate the corridor marker.
5. When known, the size of the line being located will be indicated. Line size will indicate the outside diameter of the pipe or structure. The oversized utility marking should indicate the approximate size of pipe or structure. A mark resembling the letter "H" lying on its side, bisected by line extending along its length will indicate the oversized utility marking. The committee discussions centered on indicating sizes of single physical structures such as gas lines, sewer lines, water lines, and storm drains.
6. Duct structures, whether a single duct or multiple ducts, will be indicated by duct symbol indicating the approximate width of the duct structure. The duct marker will be indicated by a marking resembling a diamond bracketed by two parallel lines. The committee did not state whether indicating size should extend to indicating size of duct structures (telecommunications, electric) or indicating pair count for telephone lines.
7. When known, the pressure of a gas facility will be indicated. Gas pressure will be indicated as low pressure, intermediate high pressure or high pressure. The committee did not determine whether gas pressure would be indicated in instances of high pressure only or for all pressures. The committee did not determine whether the type of pipe should be indicated (plastic, steel, cast iron, etc.).
8. When known, termination points, dead ends and stub outs should be indicated. The committee reviewed the National Utility Locating Contractors Association (NULCA) recommendation, which resembles the letter "T" with drop downs.
9. When there is a strong likelihood that marks may be destroyed, offsets should be used. Offsets are indicated on a permanent surface and are placed parallel to the running line of the facility. The offset should indicate the distance from the offset to the facility and should identify the facility owner and if necessary size of the facility.