

**Kentucky Dig Law changes go into effect on January 3, 2022! Please pass this information to anyone who submits Kentucky Locate Requests.** Click [here](#) to read the entire law and see the changes from the previous version. Highlights of the upcoming law changes are listed below.

**How is the two (2) full working day notice calculated?**

As defined by law, “Working day” means every day, except Saturday, Sunday, and [holidays](#) established by federal or state statute and is a full twenty-four (24) hour period from 12:01 a.m. eastern time until 12 midnight eastern time, **excluding the day the locate request was made.**

Normal Notice Creation Day (before midnight):	Day 1	Day 2	Proper Notice <i>(IF positive response has been received from all utility operators with facilities in the area of the dig site.)</i>
Monday	Tuesday 12:01 a.m. - 12:00 a.m.	Wednesday 12:01 a.m. - 12:00 a.m.	Thursday at 12:01 a.m.
Wednesday	Thursday 12:01 a.m. - 12:00 a.m.	Friday 12:01 a.m. - 12:00 a.m.	Saturday at 12:01 a.m.

**How and when should the operator respond to facility locate requests?**

An operator shall respond to facility locate requests ***and provide a positive response*** within the timeframes outlined in the law. Some of the response times are highlighted below.

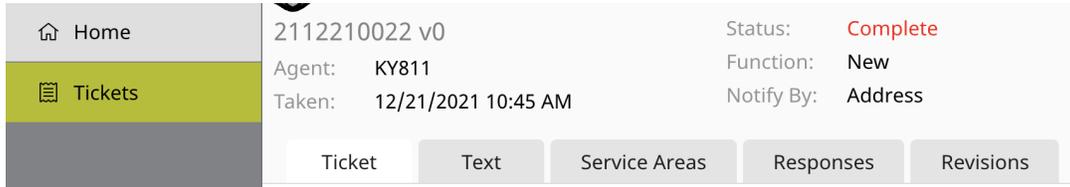
- **Normal notice** - within two (2) working days after receiving notification.
- **Emergency** - as quickly as possible but not to exceed forty-eight (48) hours after receiving notification.
- **Design information** - within ten (10) working days after receiving notification.
- **Large project** - within two (2) working days the operator shall notify the excavator that an excavation area has been determined to be a large project, which is an area of excavation measuring more than two thousand (2,000) feet in length. Multiple excavation notifications in an area may be considered together in determining if the excavations are part of a large project. The operator shall respond to the request within five (5) working days from the date of receiving notification.

**What is Positive Response?**

As defined by law, "Positive response" means an automated or written communication system for all locate requests that allows interested parties to determine the status of locating an underground facility and **requires response and verification by operators and excavators to comply with their respective requirements.**

- The law now states that the operator shall respond to the facility locate requests **and provide a positive response.**
- To check Kentucky 811’s Positive Response system:
  - If you have an Exactix Pro account, [log in](#) to see the status of your requests from the Responses tab from within the ticket (see screenshot below).

- If you do not have an Exactix Pro account but want to see the status of a request, enter the ticket number and phone number using this [tool](#) then click on the Responses tab from within the ticket (see screenshot below).



- If the member uses Kentucky 811's positive response system, an email will be sent to the address listed on the ticket using the rules below:
  - Send immediately when all members respond **OR**
  - Send at the response due date
  - If additional responses are entered after the original PR email has been sent, another email will be sent each time a response is entered
- Some Kentucky 811 members may contact you to offer updates on the marking status.
- Call Kentucky 811 at 811, or 800-752-6007, if you have any questions about utility response.

### What happens if the operator doesn't respond?

If an operator has failed to give a positive response within the timeframes provided above, the excavator shall submit a second notice to the protection notification center. Within one (1) working day after receiving a second notice request from an excavator, an operator shall locate its facility **and update the positive response system**.

### What is the maximum footage that can be requested on a locate request?

The excavation or demolition site location or locations, each of which shall not exceed five thousand (5,000) feet in length.

### What changes were made to digging within the tolerance zone?

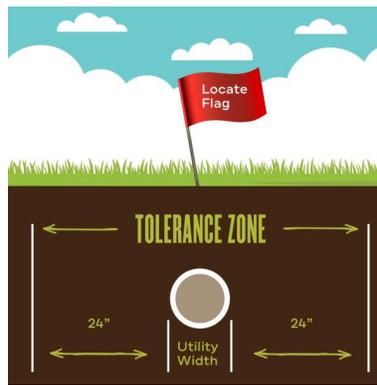
As defined by law, "Approximate location," when referring to an underground facility, means:

- 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 twenty-four (24) inches** measured from the outer edge of each side of the underground facility; or
- For unmapped or untonable facilities, the underground facility shall be located as accurately as possible from field location records and shall require notification from the operator of the inability to accurately locate the facility.

"Tolerance zone" means a strip of land at least four (4) feet wide but not wider than the width of the underground facility plus two (2) feet on either side of the outer limits of the facility. When excavation or demolition is necessary within the **tolerance zone**, the excavator shall hand-dig or use non-intrusive means to avoid damage to the underground facility, **except that mechanized equipment may be used:**

- To remove the pavement or other manmade hard surface if used during the initial penetration only to the depth necessary and if an individual other than the equipment operator visually monitors the excavation activity;

- To remove indigenous rock if used during the initial penetration only to the extent necessary, if an individual other than the equipment operator visually monitors the excavation activity, and if the excavation is planned to avoid damage to the underground facility. However, if the underground facility contains flammable, toxic, corrosive, or hazardous products, the excavator shall notify the facility owner of the excavator's intent prior to removing indigenous rock;
- To remove materials that are more than twelve (12) inches in any direction from the outer edge of the located facility if the excavator visually identifies the precise location of the underground facility or visually confirms that no facility is present within the depth of the excavation, if an individual other than the equipment operator visually monitors the excavation activity, and if the excavation is planned to avoid damage to the underground facility; and
- To place shores into an existing excavation or remove shores from an existing excavation.



**What reasons are acceptable for an operator to postpone the marking of their underground facilities?**

- If extraordinary circumstances exist, an operator shall notify the excavator of the operator's inability to comply with this section. Notification shall temporarily relieve the operator of complying until the operator can recover from the extraordinary circumstances. Extraordinary circumstances that make timely response difficult or impossible include:
  - Weather that makes it impossible for any combination of facility markers to be used
  - Extreme weather conditions
  - Force majeure
  - Disasters
  - Civil unrest
- The positive response codes defined by Kentucky 811 cover the circumstances above and more. There is a description for each code and the operator has the option to add comments to their responses.