



**TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
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**Steven L. Beshear**  
Governor

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Secretary

**DESIGN MEMORANDUM NO. 02-13**  
**CONSTRUCTION MEMORANDUM NO. 04-13**  
**MAINTENANCE MEMORANDUM NO. 02-13**

**TO:** Chief District Engineers  
Design Engineers  
Design Consultants  
District Utility Supervisors

**FROM:** Jeff D. Jasper, P.E.  
Director, Division of Highway Design

Ryan Griffith, P.E. *RCG*  
Director, Division of Construction

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Director, Division of Maintenance

**DATE:** May 7, 2013

**SUBJECT:** Notice of Amendments to KRS 367 – Consumer Protection Act  
Underground Safety Damage Prevention  
Legislative Declaration for Before U Dig (BUD) ~ Kentucky 811

The objective of KRS 367.4901 to KRS 367.4917 is an underground prevention procedure that benefits the public with protection of consumer services. Effective July 12, 2012, changes were made to the statutes. The changes pertinent to our business are relative to requests in obtaining a variety of descriptive locations of existing underground facilities. Facility location data can now be acquired formally to supplement locating utilities for KYTC and other entities both private and public.

Prior to this effective date, only one (1) request could be made for “Normal Excavation Locate.” Utility companies (Operator) were required to locate before digging takes place at the construction location. With this updated legislation, the Kentucky 811 Protection Notification Center can now administer three (3) types of request responses as follows:

- 1) **Normal Excavation Locate Request** – a notification made to a protection notification center where a request for locating utility facilities and is processed within two (2) business days after receiving notification from an excavator;
- 2) **Emergency Locate Request** – a notification made to a protection notification center by an excavator to alert facility owners or operators of the need to begin immediate excavation in response to an emergency within three (3) hours after receiving notification from an excavator; and



- 3) **Design Locate Request** – a notification made to a protection notification center in preparation for bidding, preconstruction engineering, or other advance planning efforts that has a response time of 10 business days after receiving notification. A design locate request may not be used for excavation purposes. This request will be viable one (1) year from effective date of amendment, or **effective July 12, 2013**.

Locate requests are valid for 21 calendar days from the day the initial request was made.

Design locate requests may be submitted anytime after **July 12, 2013**. When applying for a Design Locate Request, site location or locations shall not exceed 2,000 feet in length unless there is an agreement with the operator for a larger area. With that said, it will be imperative for Project Managers to identify specific locations along the project corridor. In order NOT to overwhelm the One-call Centers, prioritization of projects will need to take place within each District when obtaining location information for highway designs.

Operators from the call centers shall provide to the person submitting the Design Locate Request the best available description of all utility facilities within the area of the proposed excavation. This shall include, but not be limited to the inspection of or copies of prints, maps, drawings and other facility records of existing and proposed utility facilities. All three (3) types of request tickets may be submitted by phone or by creating a web ticket. Web ticket submission requires the requestor to be properly trained by KY 811. We are researching opportunities to offer group training, and will release those opportunities as they arise. If in need of training at this time, please utilize the KY 811 link below:

<http://kentucky811.org/training/ticket-entry-training>

The Amended Underground Facility Damage Prevention Statutes hold much more detail on the usage of these locates, define when each locate request is viable, and explain penalties for making false requests. To review the amended language in detail, please utilize the following link and review KRS 367.4901 to KRS 367.4917:

<http://www.lrc.ky.gov/KRS/367-00/CHAPTER.HTM>