

## Rhode Island Law Changes – Effective November 1, 2009



### 39-1.2-1 - Definitions

(10) Added “cable television” to the definition of “Public utility”

(11) Added “cable television” to the definition of “Public utility facilities”

(Cable Television providers must now be participating members of Dig Safe)

(12) The definition of “Utility Facilities” shall now include active, newly installed and inactive or abandoned facilities:

Added definition for “abandoned utility facilities”

“Abandoned utility facilities” means any known underground or submerged utility line or facility that has been permanently taken out of service. For excavation purposes the abandoned underground utility facilities should always be considered to be active utility service.”

(13) Added definition for “Inactive utility facilities”

“Inactive utility facilities” means any underground or submerged utility facilities line or facility that has been temporarily taken out of service with the expectation of becoming unusable in the future.

(Member utility companies must now mark abandoned, newly installed and inactive facilities)

### 39-1.2-5 – Notice of Excavation

- Advance notice requirement changed from forty eight (48) hours to seventy two (72) hours (excluding Saturdays, Sundays and holidays)
- Actual excavation must commence within thirty (30) days
- Ticket expiration date changed from thirty (30) days to sixty (60) days
- Public utility response time changed from forty eight (48) hours to seventy-two (72) hours
- Re-mark notice changed from twenty four (24) hours to forty eight (48) hours
- If an excavator determines that a public utility facility has been mismarked, the operator must respond to re-mark no later than three (3) hours after receipt of notification

### 39-1.2-7 – Marking of underground utilities and excavations

- Added premarking requirements for excavators and public utilities:

(b) Prior to notifying the association, any excavator must premark the area of proposed excavation in a manner that will enable the owner of the public utility facilities to identify the boundaries of the proposed excavation activities, except that premarking shall not be required if the proposed excavation will be continuous and exceed five hundred (500’) feet in length, or if

such marks may reasonably interfere with traffic or pedestrian control or are misleading to the general public.

(c) A public utility shall mark any of their underground utility facilities that are located within fifteen (15') feet of the exterior limits of the premarked excavation area.

(d) The approximate location of underground utility facilities shall be marked with stakes, paint or other physical means as may be necessary to ensure a distinctive mark.

- New Color Coding prescribed:
  - Cable Antenna Television                      Safety Alert Orange
  - Premark    White

### **39-1.2-8 – Notice in emergency**

- New emergency response requirements:

(b) In the event of an emergency, public utilities shall notify the excavator, at the telephone number provided to the association by the excavator, within two (2) hours upon receipt of notice as to whether the public utility has any facilities in the vicinity of the proposed excavation. If the public utility has any facilities in the vicinity of the proposed excavation, the public utility shall mark out their facilities no later than three (3) hours after receipt of notice from the association.

### **39-1.2-12 – Maintenance of utility markings**

- Public utility response time for remarks changed from twenty four (24) hours to forty eight (48) hours

### **39-1.2-13 Penalties**

- Penalties have increased for any person or utility who violates any provision of this chapter
  - from two hundred (\$200) dollars to no more than three hundred fifty (\$350) dollars for the first offense
  - from one thousand (\$1000) dollars to two thousand five hundred (\$2500) dollars for any subsequent offense within a twelve (12) month period