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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- EXCAVATION NEAR  
UNDERGROUND UTILITY FACILITIES

Introduced By: Senator Dennis L. Algiere

Date Introduced: January 18, 2017

Referred To: Senate Judiciary

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-1.2-7 of the General Laws in Chapter 39-1.2 entitled  
2 "Excavation Near Underground Utility Facilities" is hereby amended to read as follows:

3 **39-1.2-7. Marking of underground utilities and excavations.**

4 (a) A public utility served with the notice in accordance with § 39-1.2-5 shall, within  
5 seventy-two (72) hours, exclusive of Saturdays, Sundays, and legal holidays, of the receipt of the  
6 notice, unless otherwise agreed between the person or public agency performing the work and the  
7 public utility, mark the approximate location of the underground utility facilities. (b) Prior to  
8 notifying the association, any excavator must premark the area of proposed excavation in a  
9 manner that will enable the owner of the public utility facilities to identify the boundaries of the  
10 proposed excavation activities, except that premarking shall not be required if the proposed  
11 excavation will be continuous and exceed five hundred feet (500') in length, or if such marks may  
12 reasonably interfere with traffic or pedestrian control or are misleading to the general public. (c)  
13 A public utility shall mark any of their underground utility facilities that are located within fifteen  
14 feet (15') of the exterior limits of the premarked excavation area. (d) For the purposes of this  
15 chapter, the approximate location of underground utility facilities shall be marked with stakes,  
16 paint, or other physical means as may be necessary to ensure a distinctive mark. The public utility  
17 shall follow the color coding prescribed in this section.

18 UTILITY AND TYPE OF PRODUCTSPECIFIC GROUP

IDENTIFYING COLOR

1	Electric power distribution and transmission	Safety Red
2	State and municipal electric systems	Safety Red
3	Gas distribution and transmission	High Visibility Safety Yellow
4	Dangerous materials, product line	High Visibility Safety Yellow
5	Telephone and telegraph systems	Safety Alert Orange
6	Water systems	Safety Precaution Blue
7	Cable antenna television	Safety Alert Orange
8	Premark	White

9           (e) In the event the excavator shall damage the underground public utility facilities as the  
10 result of an incorrect marking by the public utility, the excavator shall not be responsible for the  
11 resulting damage.

12           (f) The provisions of this section shall apply to all underground utility facilities whether  
13 classified as "private service" or "public utility" when the underground utility is in or under a  
14 public right-of-way.

15           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- EXCAVATION NEAR  
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- 1           This act would require the marking of all underground utility facilities when the
- 2 underground utility is under a public right-of-way.
- 3           This act would take effect upon passage.

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