

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

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

Introduced By: Representatives Casey, Solomon, Kennedy, Craven, and Edwards

Date Introduced: March 03, 2022

Referred To: House Corporations

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 "Excavation  
2 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.

8 (b) Prior to notifying the association, any excavator must premark the area of proposed  
9 excavation in a manner that will enable the owner of the public utility facilities to identify the  
10 boundaries of the proposed excavation activities, except that premarking shall not be required if  
11 the proposed excavation will be continuous and exceed five hundred feet (500') in length, or if such  
12 marks may reasonably interfere with traffic or pedestrian control or are misleading to the general  
13 public.

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

16 (d) For the purposes of this chapter, the approximate location of underground utility  
17 facilities shall be marked with stakes, paint, or other physical means as may be necessary to ensure  
18 a distinctive mark. The public utility shall follow the color coding prescribed in this section.

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

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

13 (f) In the event of an incorrect marking, the public utility or its contractor shall reimburse  
14 the excavator for the lost time expense incurred, inclusive of manpower and equipment, resulting  
15 from the incorrect marking.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would require any public utility or its contractor to reimburse an excavator for lost  
2 time expense incurred, including manpower and equipment from the utility's incorrect marking of  
3 underground utilities.

4           This act would take effect upon passage.

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