

367.4915 Activities exempt from KRS 367.4905 to 367.4917.

Except as provided in KRS 367.4911(9), the requirements of KRS 367.4905 to 367.4917 shall not apply to the following:

- (1) Excavation by an operator on its own easement except where that easement is crossed by another operator's facilities;
- (2) Routine road maintenance or railroad maintenance or repairs;
- (3) Tilling of soil for agricultural purposes;
- (4) Excavators excavating on private property, using nonmechanized equipment, if there is no encroachment on any operator's right-of-way or easement;
- (5) The opening of a grave in a cemetery;
- (6) A solid waste disposal site which is properly permitted;
- (7) Coal mining operations which are currently regulated under KRS Chapter 350;
- (8) A utility operator or utility operator subcontractor performing emergency work as defined in KRS 367.4903;
- (9) Leak migration testing using metal probes inserted by hand by an authorized representative of the operator;
- (10) Any nonintrusive excavating performed by an operator or his or her subcontractor to locate the operator's underground facilities in response to a notice of excavation from the notification center, if all reasonable precautions have been taken to protect the underground facilities;
- (11) Nonintrusive excavating to inspect or perform maintenance for an existing utility pole; or
- (12) Connection or disconnection of communications lines within a private or public easement or right-of-way by means of nonintrusive excavating when the depth of the excavations is not greater than twelve (12) inches and is completed within twelve (12) inches of a communications service provider's own communications network.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 21, sec. 3, effective July 15, 2024. -- Amended 2021 Ky. Acts ch. 105, sec. 2, effective June 29, 2021. -- Amended 2012 Ky. Acts ch. 137, sec. 6, effective July 12, 2012. -- Amended 2008 Ky. Acts ch. 180, sec. 4, effective July 15, 2008. -- Amended 2000 Ky. Acts ch. 222, sec. 5, effective July 14, 2000. -- Created 1994 Ky. Acts ch. 425, sec. 8, effective January 1, 1995.