

## 2023 Kansas Statutes

**66-1804. Notice of intent of excavation; requirements.** (a) Except in the case of an emergency, an excavator shall serve notice of intent of excavation at least two full working days but not more than 20 calendar days before the scheduled excavation start date, on each operator having underground tier 1 facilities located in the proposed area of excavation.

(b) An excavator may serve notice of intent of excavation at least two full working days but not more than 20 calendar days before the scheduled excavation start date, on each operator of tier 2 facilities located in the proposed area of excavation.

(c) The notice of intent to excavate or any subsequent updates shall be valid for 20 calendar days after the excavation start date and such notice shall only describe an area in which the proposed excavation reasonably can be completed within the 20 calendar days.

(d) Notwithstanding the provisions of subsections (a) through (c), the state corporation commission may adjust the extent of time that a notice of intent to excavate is valid in accordance with rules and regulation adopted by the commission pursuant to K.S.A. 66-1815, and amendments thereto.

(e) No person shall make repeated requests for remarking unless the request is due to circumstances not reasonably within the control of such person.

(f) The notice of intent of excavation shall contain the name, address and telephone number of the person filing the notice of intent, the name of the excavator, the date the excavation activity is to commence and the type of excavation being planned. The notice shall also contain the specific location of the excavation.

(g) The person filing the notice of intent to excavate shall, at the request of the operator, whitenline the proposed excavation site.

(h) The provisions of this section shall not apply to a preengineered project or a permitted project, except that the excavators shall be required to give notification in accordance with this section prior to starting such project.

**History:** L. 1993, ch. 217, § 4; L. 2002, ch. 41, § 2; L. 2008, ch. 122, § 6; L. 2023, ch. 12, § 2; July 1.