

Effective 5/1/2024

54-8a-2 Definitions.

As used in this chapter:

- (1) "Association" means two or more operators organized to receive notification of excavation activities in the state, as provided by Section 54-8a-9.
- (2) "Backfill" means soil or material that is approved for the soil or material's intended use and meets a project's plans and specifications.
- (3) "Business hours" means the hours between 8:00 a.m. and 4:00 p.m. Monday through Friday, excluding holidays.
- (4) "Board" means the Underground Facilities Damage Dispute Board created in Section 54-8a-13.
- (5) "Electronic positive response system" means an automated information system, operated by the association, that allows excavators, locators, operators, and others to communicate the status of an excavation notice.
- (6) "Emergency" means an occurrence or suspected natural gas leak necessitating immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.
- (7) "Excavate" or "excavation" means an operation in which earth, rock, or other material on or below the ground is moved or displaced by tools, equipment, explosives, or demolition.
- (8) "Excavation notice" means a communication that:
 - (a) has a location request assignment;
 - (b) provides notice of a person's intent to excavate in a specified location in the state; and
 - (c) meets the requirements of Section 54-8a-4.
- (9) "Excavator" means any person that excavates or conducts excavation activities.
- (10) "48 hours" means a 48-hour period, occurring during business days that includes any day except Saturday, Sunday, or a holiday, that begins at 8:00 a.m. on the first business day after notice has been submitted.
- (11) "Hand tool" means an implement:
 - (a) powered by hand; or
 - (b) designed to avoid damaging an underground facility, including a vacuum excavation tool and air knife.
- (12) "Holiday" means all legal holidays as defined in Section 63G-1-301, the Friday after Thanksgiving Day, December 24th, and any other association observed holiday as posted in the association's excavator's guide.
- (13) "Location" means the site of a proposed area of excavation described:
 - (a)
 - (i) by street address, if available;
 - (ii) by the area at that street address to be excavated; and
 - (iii) as specified in Subsection 54-8a-4(3) or 54-8a-5(2)(b)(ii); or
 - (b) if there is no street address available, by the area of excavation using any available designations, including a nearby street or road, an intersection, GPS coordinates, or other generally accepted methods.
- (14) "Location request assignment" means a number assigned to a proposed excavation by the association upon receiving an excavation notice.
- (15) "Mark" means to locate and indicate the existence of a line or facility according to the guidelines published by the association in the association's current version of the excavator's guide.
- (16) "Municipality" means the same as that term is defined in Section 10-1-104.
- (17) "No response notice" means notice given by an excavator to the association that:

- (a) describes indications of specific facilities or facility types;
 - (b) indicates that the facilities or facility types were not marked by the operator at the site of the proposed excavation; and
 - (c) is submitted after the excavator previously submitted an excavation notice regarding the site.
- (18)
- (a) "Operator" means a person that owns, operates, or maintains an underground facility.
 - (b) "Operator" does not include an owner of real property where underground facilities are:
 - (i) located within:
 - (A) the owner's property; or
 - (B) a public street adjacent to the owner's property, a right-of-way adjacent to the owner's property, or a public utility easement adjacent to the owner's property;
 - (ii) used exclusively to furnish services to the owner's property; and
 - (iii) maintained under the operation and control of that owner.
- (19) "Person" includes:
- (a) an individual, government entity, corporation, partnership, association, or company; and
 - (b) the trustee, receiver, assignee, and personal representative of a person listed in Subsection (19)(a).
- (20) "Sewer lateral cleanout" means a point of access where a sewer lateral can be serviced.
- (21) "Tolerance zone" means the area surrounding a facility that:
- (a) for an underground facility that has the diameter of the facility marked, is the distance of one half of the marked diameter plus 24 inches on either side of the designated center;
 - (b) for an underground facility that does not have the diameter of the facility marked, is 24 inches on either side of the outside edge of the mark indicating a facility; or
 - (c) for an above ground facility, is 24 inches in each direction of the outside edge of the physically present facility.
- (22) "24 hours" means a 24-hour period, excluding hours occurring during a Saturday, Sunday, or a holiday.
- (23) "Underground facility" means personal property that is buried or placed below ground level for use in the storage or conveyance of any of the following:
- (a) water;
 - (b) sewage, including sewer laterals;
 - (c) communications, including electronic, photonic, telephonic, or telegraphic communications;
 - (d) television, cable television, or other telecommunication signals, including transmission to subscribers of video or other programming;
 - (e) electric power;
 - (f) oil, gas, or other fluid and gaseous substances;
 - (g) steam;
 - (h) slurry; or
 - (i) dangerous materials or products.

Amended by Chapter 369, 2024 General Session