

**A.C.A. § 14-271-102**

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

*AR - Arkansas Code Annotated > Title 14 Local Government > Subtitle 16. Public Health And Welfare Generally > Chapter 271 Underground Facilities Damage Prevention*

**14-271-102. Definitions.**

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As used in this chapter:

- (1) “Approximate location of underground facilities” means a strip of land at least three feet (3') wide but not wider than the width of the facility plus one and one-half feet (1½') on either side of the facility;
- (2) “Contract locator” means a person contracted by an operator specifically to determine the approximate location of underground facilities that may exist within the area specified by a notification issued by the One Call Center;
- (3) “Damage” includes the substantial weakening of structural or lateral support of underground facilities, the penetration or destruction of any protective coating, housing, or other protective device of underground facilities, the partial or complete severance of an underground facility, and the rendering of any underground facility inaccessible;
- (4) “Demolish” or “demolition” means any operation by which a structure or mass of material is wrecked, razed, rendered, moved, or removed by means of any powered tools, powered equipment, exclusive of transportation equipment, or discharge explosives;
- (5) “Excavate” or “excavation” means to dig, compress, or remove earth, rock, or other materials in or on the ground by use of mechanized equipment, tools manipulated only by human or animal power, or blasting, including without limitation augering, boring, backfilling, drilling, grading, pile-driving, plowing in, pulling in, trenching, tunneling, dredging, and plowing;
- (6) “Excavator” means a person that engages in demolition or excavation;
- (7) “Extraordinary circumstances” means:
  - (A) Floods, snow, ice storms, tornadoes, earthquakes, or other natural disasters; or
  - (B) Cybersecurity events involving the One Call Center's system or the operator's system;
- (8) “Infrastructure project” means a telecommunications, fiber network, gas, water, sewer, or power and electric buildout that focuses on the development and placement of extensive underground facilities to support services provided by the facilities;
- (9)
  - (A) “Mechanized equipment” means equipment operated by means of mechanical power, including trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, cable and pipe plows, and other equipment used for plowing in or pulling in cable or pipe.

- (B) “Mechanized equipment” does not include specialized equipment that is specifically designed to excavate without damaging underground facilities, including without limitation equipment that excavates using pressurized water or air coupled with a vacuum system;
- (10) “Member operator” means any operator that is a member of the One Call Center;
- (11) “One Call Center” means a center operated by an organization which has as one of its purposes to receive notification of planned excavation and demolition in a specified area from excavators and to disseminate such notification of planned excavation or demolition to operators who are members of the One Call Center;
- (12) “Operator” means any person that owns or operates an underground facility;
- (13) “Person” means any individual, corporation, partnership, association, improvement district, property owners' association, property developer, public agency, or any other entity organized under the laws of any state or any subdivision or instrumentality of a state, and any employee, agent, or legal representative thereof;
- (14) “Preengineered project” means a public project wherein the public agency responsible for the project, as part of its engineering and contract procedures, holds a formal meeting before the commencement of any construction work on the project in which all persons determined by the public agency to have underground facilities located within the construction area of the project are invited to attend and given an opportunity to verify or inform the public agency of the location of their underground facilities, if any, within the construction area and wherein the location of all known underground facilities are located or noted on the engineering drawing and specifications for the project;
- (15) “Public agency” means the state or any board, commission, or agency of the state and any city, town, county, subdivision thereof, or other governmental entity;
- (16) “Right-of-way” means any area along which an underground facility is located;
- (17)
- (A) “Underground facility” means any line, system, and appurtenance or facility that is:
- (i) Located beneath the ground surface or beneath structures, streets, roads, alleys, sidewalks, or other public rights-of-way; and
  - (ii) Used for producing, storing, conveying, transmitting, or distributing communications, data, electricity, gas, heat, water, steam, chemicals, television or radio transmissions or signals, or sewage.
- (B) “Underground facility” does not include:
- (i) Privately owned service lines:
    - (a) Used solely for the purpose of transporting communications, data, electricity, gas, heat, water, steam, chemicals, television or radio transmissions or signals, or sewage for the operation of a residence or business; and
    - (b) Wholly located on or beneath private property; or
  - (ii) Residential or agricultural underground irrigation systems;
- (18)

(A) “Underground pipeline facilities” means any underground pipeline facility used to transport natural gas or hazardous liquids.

(B) “Underground pipeline facilities” does not apply to persons, including operator's master meters, whose primary activity does not include the production, transportation, or marketing of gas or hazardous liquids or to master-metered systems whose underground facilities do not cross property other than their own or are not located under public rights-of-way; and

(19) “Working day” means every day, except Saturday, Sunday, and national and legal state holidays.

## History

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Acts 1987, No. 600, § 2; 1989, No. 370, §§ 1, 5; 1991, No. 762, §§ 2, 3; 1995, No. 727, §§ 1, 6; 2007, No. 41, §§ 1-3; 2013, No. 1344, § 1; 2023, No. 309, § 1.

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