

Senate Bill 18-167

On May 25, 2018, Governor Hickenlooper signed this bill into law with the intent of addressing and requiring more information about underground facilities.

What does the law do now?

- Since August 8, 2018, all **new** underground facilities, including laterals to a building, must be electronically locatable when installed. “Underground facilities” broadly includes any underground structure to convey water, stormwater, sewer, gas, electricity, communications, or any other underground conveyance structure.
- Licensed professional engineers, at the project owner’s expense, must meet or exceed ASCE 38 standards for defining the underground facility location in the stamped plans for all underground facilities within the proposed excavation area, or document reasons why the stamped plans do not meet or exceed ASCE 38 standards.
- The licensed professional engineer designing for a subsurface utility engineering-required project must notify UNCC of the project.
- An underground facility owner that receives a subsurface utility engineering notification or other request for information from a designer shall respond to the request within ten business days after the request to provide underground facility records that give the available information on the location or approximate location within the project limits or mark the ground to give the approximate location within the project limits.
- When excavating within 18 inches of a marked underground facility, the person shall use nondestructive means of excavation to identify underground facilities and must use reasonable care in the excavation area. When using trenchless excavation methods, the excavator shall expose underground facilities and visually observe the safe crossing of marked underground facilities when requested to do so by the underground facility owner or operator or the government agency that issued a permit for the excavation.
- The excavator must maintain adequate and accurate documentation, including photographs and videos and information obtained from UNCC, at the excavation site on the location and shall maintain adequate markings of any underground facility throughout the excavation period.
- If damage results in the escape of any natural gas, other gas, or hazardous liquid, the excavator that caused the damage shall promptly report to the owner and operation and call 911.
- Creates a Safety Commission to advise on best practices, to develop policies, and review complaints of alleged violations involving practices related to underground facilities and order remedial action or penalties.

What does it do at later dates?

- By Jan. 1, 2021 a facility owner MUST provide the Utility Notification Call Center (UNCC) with the general location of underground facilities for excavation notification purposes, including laterals in the public right of way.
- Within 2 business days, Owners must locate and mark facilities, including depth if known, and provide to UNCC: facility owner name, size, type, location of facilities, and document the location with a digital sketch, hand-drawn sketch, or photograph if practicable. Or, a response that no facilities exist.
- The markings must meet the standards to be established by the Safety Commission.
- Tier 2 UNCC membership eliminated as of 1/1/2021
- The Safety Commission may review complaints of alleged violations through a review committee. The Safety Commission will make a final determination regarding any required remedial action or penalty, which could include a fine of not more than five thousand dollars for an initial violation and not more than seventy-five thousand dollars (4 major violations) within a twelve month period.