

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 22, 2018

Date

Committee on Transportation.

After consideration on the merits, the Committee recommends the following:

SB18-167 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 3, line 3, strike "(6.2)".
- 2 Page 3, line 17, strike "DENTING, PENETRATION," and substitute
3 "PENETRATION".
- 4 Page 4, line 16, strike "CLEARING;" and substitute "CLEARING IF THE
5 ACTIVITY DOES NOT INVOLVE DEEP RIPPING OR ROOT REMOVAL;".
- 6 Page 4, line 17, strike "IRRIGATION FACILITIES" and substitute "AN
7 EXISTING IRRIGATION FACILITY IF THE FACILITY HAS BEEN SUBJECTED TO
8 MAINTENANCE IN THE PREVIOUS TWENTY-FOUR MONTHS".
- 9 Page 4, strike lines 26 and 27.
- 10 Page 5, strike line 1.
- 11 Page 5, after line 11 insert:
12 "(b) THE PROJECT INVOLVES PRIMARILY HORIZONTAL
13 CONSTRUCTION;".
- 14 Reletter succeeding paragraphs accordingly.
- 15 Page 5, strike lines 12 through 14 and substitute:

1 (c) (I) THE PROJECT:
2 (A) HAS AN ANTICIPATED EXCAVATION FOOTPRINT THAT EXCEEDS
3 TWO FEET IN DEPTH AND THAT IS A CONTIGUOUS ONE THOUSAND SQUARE
4 FEET; OR
5 (B) INVOLVES UTILITY BORING.
6 (II) FOR PURPOSES OF THIS SUBSECTION (6.8)(c), THE TERM "TWO
7 FEET IN DEPTH" DOES NOT".

8 Page 6, line 2, strike "EXCAVATION".

9 Page 7, line 1, strike "BEST".

10 Page 7, line 7, strike "BEST".

11 Page 7, line 11, after "employee" insert "OR AN EMPLOYER'S
12 CONTRACTOR".

13 Page 7, line 21, after "EMPLOYEE" insert "OR AN EMPLOYER'S
14 CONTRACTOR".

15 Page 14, line 14, strike "PHMSA-REGULATED".

16 Page 14, line 15, after "TO" insert "THE OWNER AND OPERATOR AND THE".

17 Page 14, line 22, strike "JANUARY 1, 2020," and substitute "THE
18 EFFECTIVE DATE OF THIS SUBSECTION (10)".

19 Page 15, line 23, strike "WORKER AND".

20 Page 16, line 11, strike "CIVIL".

21 Page 16, line 12, strike "CORRECTIVE" and substitute "REMEDIAL".

22 Page 16, line 26, strike "A" and substitute "ITS OWN".

23 Page 17, strike lines 1 through 3 and substitute:

24 "(II) A WAIVER THAT DELEGATES ITS DAMAGE PREVENTION
25 SAFETY PROGRAM TO THE SAFETY COMMISSION."

26 Page 17, line 4, strike "THIRTEEN" and substitute "FIFTEEN".

1 Page 17, strike lines 8 through 23 and substitute:

2 "(I) ONE INDIVIDUAL NOMINATED BY COLORADO COUNTIES, INC.,
3 TO REPRESENT COUNTIES;

4 (II) ONE INDIVIDUAL NOMINATED BY THE COLORADO MUNICIPAL
5 LEAGUE TO REPRESENT MUNICIPALITIES;

6 (III) ONE INDIVIDUAL NOMINATED BY THE SPECIAL DISTRICT
7 ASSOCIATION OF COLORADO TO REPRESENT SPECIAL DISTRICTS;

8 (IV) ONE INDIVIDUAL NOMINATED BY COLORADO'S ENERGY
9 INDUSTRY TO REPRESENT ENERGY PRODUCERS;

10 (V) ONE INDIVIDUAL NOMINATED BY THE COLORADO
11 CONTRACTORS ASSOCIATION TO REPRESENT CONTRACTORS;

12 (VI) TWO INDIVIDUALS NOMINATED BY THE EXCAVATOR MEMBERS
13 OF THE NOTIFICATION ASSOCIATION TO REPRESENT EXCAVATORS;

14 (VII) ONE INDIVIDUAL NOMINATED BY THE AMERICAN COUNCIL
15 OF ENGINEERING COMPANIES OF COLORADO TO REPRESENT ENGINEERS;

16 (VIII) ONE INDIVIDUAL NOMINATED BY INVESTOR-OWNER
17 UTILITIES TO REPRESENT INVESTOR-OWNER UTILITIES;

18 (IX) ONE INDIVIDUAL NOMINATED BY THE COLORADO RURAL
19 ELECTRIC ASSOCIATION TO REPRESENT RURAL ELECTRIC COOPERATIVES;

20 (X) ONE INDIVIDUAL NOMINATED BY THE COLORADO PIPELINE
21 ASSOCIATION TO REPRESENT PIPELINE COMPANIES;

22 (XI) ONE INDIVIDUAL NOMINATED BY THE COLORADO
23 TELECOMMUNICATIONS ASSOCIATION TO REPRESENT
24 TELECOMMUNICATIONS COMPANIES;

25 (XII) ONE INDIVIDUAL NOMINATED BY THE COLORADO WATER
26 UTILITY COUNCIL TO REPRESENT WATER UTILITIES;

27 (XIII) ONE INDIVIDUAL NOMINATED BY THE DEPARTMENT OF
28 TRANSPORTATION TO REPRESENT TRANSPORTATION; AND

29 (XIV) ONE INDIVIDUAL NOMINATED BY THE CHIEF EXECUTIVE
30 OFFICER OF THE NOTIFICATION ASSOCIATION."

31 Page 18, strike lines 1 through 4 and substitute:

32 "(I) SUBSECTIONS (2)(a)(I) TO (2)(a)(V) OF THIS SECTION IS ONE
33 YEAR; AND

34 (II) SUBSECTIONS (2)(a)(VI) TO (2)(a)(X) OF THIS SECTION IS TWO
35 YEARS."

36 Page 20, line 13, after the period add "THE DECISION OF THE SAFETY
37 COMMISSION IS FINAL AGENCY ACTION SUBJECT TO REVIEW BY THE

1 DISTRICT COURT PURSUANT TO SECTION 24-4-106."

2 Page 21, strike lines 7 through 22.

3 Page 22, line 11, strike "AND".

4 Page 22, line 14, strike "MONTHS." and substitute "MONTHS; AND".

5 Page 22, after line 14 insert:

6 "(c) IN CONSIDERING THE APPROPRIATE REMEDIAL ACTION, THE
7 SAFETY COMMISSION MAY CONSIDER THE NUMBER OF VIOLATIONS
8 RELATIVE TO THE NUMBER OF NOTIFICATIONS RECEIVED."

9 Page 26, line 24, after "PROVIDE" insert "GENERAL INFORMATION
10 REGARDING".

11 Page 26, line 25, strike "OPERATES" and substitute "OPERATES, FOR
12 EXCAVATION NOTIFICATION PURPOSES ONLY,".

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