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 "PENETRATION".

3. Page 4, line 16, strike "CLEARING;" and substitute "CLEARING IF THE ACTIVITY DOES NOT INVOLVE DEEP RIPPING OR ROOT REMOVAL;".

4. Page 4, line 17, strike "IRRIGATION FACILITIES" and substitute "AN EXISTING IRRIGATION FACILITY IF THE FACILITY HAS BEEN SUBJECT TO MAINTENANCE IN THE PREVIOUS TWENTY-FOUR MONTHS".

5. Page 4, strike lines 26 and 27.


7. Page 5, after line 11 insert:

   "(b) THE PROJECT INVOLVES PRIMARILY HORIZONTAL CONSTRUCTION;".

8. Reletter succeeding paragraphs accordingly.

9. Page 5, strike lines 12 through 14 and substitute:
"(c) (I) THE PROJECT:
(A) HAS AN ANTICIPATED EXCAVATION FOOTPRINT THAT EXCEEDS
TWO FEET IN DEPTH AND THAT IS A CONTIGUOUS ONE THOUSAND SQUARE
FEET; OR
(B) INVOLVES UTILITY BORING.
(II) FOR PURPOSES OF THIS SUBSECTION (6.8)(c), THE TERM "TWO
FEET IN DEPTH" DOES NOT".

Page 6, line 2, strike "EXCAVATION".

Page 7, line 1, strike "BEST".

Page 7, line 7, strike "BEST".

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

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

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

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

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

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

Page 16, line 11, strike "CIVIL".

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

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

Page 17, strike lines 1 through 3 and substitute:

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

Page 17, line 4, strike "THIRTEEN" and substitute "FIFTEEN".
"(I) ONE INDIVIDUAL NOMINATED BY COLORADO COUNTIES, INC.,
TO REPRESENT COUNTIES;
(II) ONE INDIVIDUAL NOMINATED BY THE COLORADO MUNICIPAL
LEAGUE TO REPRESENT MUNICIPALITIES;
(III) ONE INDIVIDUAL NOMINATED BY THE SPECIAL DISTRICT
ASSOCIATION OF COLORADO TO REPRESENT SPECIAL DISTRICTS;
(IV) ONE INDIVIDUAL NOMINATED BY COLORADO'S ENERGY
INDUSTRY TO REPRESENT ENERGY PRODUCERS;
(V) ONE INDIVIDUAL NOMINATED BY THE COLORADO
CONTRACTORS ASSOCIATION TO REPRESENT CONTRACTORS;
(VI) TWO INDIVIDUALS NOMINATED BY THE EXCAVATOR MEMBERS
OF THE NOTIFICATION ASSOCIATION TO REPRESENT EXCAVATORS;
(VII) ONE INDIVIDUAL NOMINATED BY THE AMERICAN COUNCIL
OF ENGINEERING COMPANIES OF COLORADO TO REPRESENT ENGINEERS;
(VIII) ONE INDIVIDUAL NOMINATED BY INVESTOR-OWNER
UTILITIES TO REPRESENT INVESTOR-OWNER UTILITIES;
(IX) ONE INDIVIDUAL NOMINATED BY THE COLORADO RURAL
ELECTRIC ASSOCIATION TO REPRESENT RURAL ELECTRIC COOPERATIVES;
(X) ONE INDIVIDUAL NOMINATED BY THE COLORADO PIPELINE
ASSOCIATION TO REPRESENT PIPELINE COMPANIES;
(XI) ONE INDIVIDUAL NOMINATED BY THE COLORADO
TELECOMMUNICATIONS ASSOCIATION TO REPRESENT
TELECOMMUNICATIONS COMPANIES;
(XII) ONE INDIVIDUAL NOMINATED BY THE COLORADO WATER
UTILITY COUNCIL TO REPRESENT WATER UTILITIES;
(XIII) ONE INDIVIDUAL NOMINATED BY THE DEPARTMENT OF
TRANSPORTATION TO REPRESENT TRANSPORTATION; AND
(XIV) ONE INDIVIDUAL NOMINATED BY THE CHIEF EXECUTIVE
OFFICER OF THE NOTIFICATION ASSOCIATION.".

"(I) SUBSECTIONS (2)(a)(I) TO (2)(a)(V) OF THIS SECTION IS ONE
YEAR; AND
(II) SUBSECTIONS (2)(a)(VI) TO (2)(a)(X) OF THIS SECTION IS TWO
YEARS.".

THE DECISION OF THE SAFETY COMMISSION IS FINAL AGENCY ACTION SUBJECT TO REVIEW BY THE

*SB167_S_TRA.001*
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:

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

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

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