



May 19, 2021

Dear Members of the Senate Judiciary Committee:

The Colorado Petroleum Association (CPA) just became aware of SB 21-271 “Misdemeanor Reforms.” At this time, we have a specific concern with Section 100, which reduces the penalty for removing an underground facility marker. (Section 100 is located on page 44 of the introduced bill.)

Current state law requires everyone to contact 811 before digging, to avoid hitting any underground utilities, such as cables, wires or pipes. The utility companies are required to mark the lines. These markers are critical to knowing where underground cables, wires and utilities are located before beginning any excavation work so that you are safe and do not destroy important underground facilities. Without the marker, it is much more likely that someone may be injured or service will be disrupted. These markers help ensure everyone’s safety.

Why is it important to have lines located and marked? Because underground utilities can shift as the ground moves – with weather, road grading, soil erosion, and other excavation activities.

In 2018 Colorado further strengthened the Call Before You Dig system after more than a year of stakeholder meetings with the passage of SB 18-167.

Further, the Underground Damage Prevention Safety Commission was established by SB 18-167 to assist in preventing damage to underground facilities. Their 2019 and 2020 reports show that “hits” to underground facilities do occur. In fact, nationally damages are trending upward for the 5<sup>th</sup> consecutive year. And in Colorado, since 2005, pipeline operators have reported 33 incidents, with third-party excavators causing 91% of the damage and every 9 minutes an underground utility line is damaged because someone decided to dig without first contacting 811.

In a March 16, 2021 letter to the State, PHMSA – the Pipelines and Hazardous Materials Safety Administration states that “excavation damage continues to be a leading cause of pipeline failures, some of which have resulted in fatalities, serious injuries and environmental damage.”

Governor Polis declared April to be DIG SAFELY MONTH, proclaiming damage to Colorado’s underground utilities by excavation and digging projects directly effects the safety and economic welfare of our people and communities.

CPA believes it is important to keep a strong penalty in statute to ensure compliance with the current law for the safety of those working near underground facilities.

Colorado Petroleum Association requests that the penalty for removing an underground facility marker remain as a Misdemeanor 2.

Thank you for your consideration.

Angie Binder  
Executive Director, Colorado Petroleum Association