

State Damage Prevention Law Summary
State: Colorado
(Link to State law provided in Law & Regulation section below)
Summary Date: 8/7/2017

Excavator Requirments	
Excavation: Definition	Colorado Revised Statute § 9-1.5-102. (3) "Excavation" means any operation in which earth is moved or removed by means of any tools, equipment, or explosives and includes augering, backfilling, boring, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching, and tunneling. "Excavation" shall not include routine maintenance on existing planted landscapes.
Excavator: Definition	Colorado Revised Statute § 9-1.5-102. (6) "Person" means any individual acting on his or her own behalf, sole proprietor, partnership, association, corporation, or joint venture; the state, any political subdivision of the state, or any instrumentality or agency of either; or the legal representative of any of them.
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	Colorado Revised Statutes § 9-1.5-103 (3)(a) Except in emergency situations and except as to an employee with respect to the employer's underground facilities or as otherwise provided in an agreement with an owner or operator, no person shall make or begin excavation without first notifying the notification association and, if necessary, the tier two members having underground facilities in the area of such excavation. Notice may be given in person, by telephone, or in writing if delivered. (b) Notice of the commencement, extent, and duration of the excavation work shall be given at least two business days prior thereto not including the day of actual notice.
Ticket Life (# of days)	30 (Colorado Revised Statutes § 9-1.5-103 (4)(b))
White-Line Required (Yes / No)	No
Tolerance Zone	18" (Colorado Revised Statutes § 9-1.5-103 (4)(c)(I))
Special Digging Requirements Within Tolerance Zone (Specific Language)	Colorado Revised Statutes § 9-1.5-103 (4)(c)(I) When a person excavates within eighteen inches horizontally from the exterior sides of any underground facility, such person shall exercise such reasonable care as necessary to protect any underground facility in or near the excavation area. It shall be the responsibility of the excavator to maintain adequate and accurate documentation, including but not limited to photographs, video, or sketches, at the excavation site on the location and identification of any underground facility throughout the excavation period.
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	No
Preserve / Maintain Marks Required (Yes / No)	No
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes (Colorado Revised Statutes § 9-1.5-103 (6))
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes (Colorado Revised Statutes § 9-1.5-103 (4)(c)(II)(A))
Special Language Regarding Trenchless Technology (Yes / No)	No
Separate Locate Request Required for Each Excavator (Yes / No)	Yes
Notify Operator of Damage (Yes / No)	Yes
Notify One Call Center of Damage (Yes / No)	Yes

Call 911 if Hazardous Materials Released (Yes / No)	No
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	<p>Colorado Revised Statutes § 9-1.5-102 (3) ...Excavation shall not include routine maintenance on existing planted landscapes....(6.5) Routine maintenance means a regular activity that happens at least once per year on an existing planted landscape if earth is not disturbed at a depth of more than twelve inches by nonmechanical means or four inches by mechanical means and if the activities are not intended to permanently lessen the ground cover or lower the existing ground contours. Mechanical equipment used for routine maintenance tasks shall be defined as aerators, hand-held rototillers, soil injection needles, lawn edgers, overseeders, and hand tools.</p> <p>§ 9-1.5-103 (3)(a) Except in emergency situations and except as to an employee with respect to the employer's underground facilities or as otherwise provided in an agreement with an owner or operator, no person shall make or begin excavation without first notifying the notification association and, if necessary, the tier two members having underground facilities in the area of such excavation. Notice may be given in person, by telephone, or in writing if delivered.</p> <p>§ 9-1.5-104.5 (2)(a) Any person who intends to excavate shall notify the notification association pursuant to section 9-1.5-103 prior to commencing any excavation activity. For purposes of this paragraph (a), excavation shall not include an excavation by a rancher or a farmer, as defined in section 42-20-108.5, C.R.S., occurring on a ranch or farm unless such excavation is for a nonagricultural purpose. (b) Any person, other than a homeowner, rancher, or farmer, as defined in section 42-20-108.5, C.R.S., working on such homeowner's, rancher's, or farmer's property, who fails to notify the notification association or the affected owner or operator pursuant to paragraph (a) of this subsection (2) shall be liable for a civil penalty in the amount of two hundred dollars.</p>
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2
Operator Requirements to Respond to Locate Notification (Specific Language)	<p>Colorado Revised Statutes § 9-1.5-103 (4)(a) Any owner or operator receiving notice pursuant to subsection (3) of this section shall, at no cost to the excavator, use reasonable care to advise the excavator of the location and size of any underground facilities in the proposed excavation area by marking the location of the facilities with clearly identifiable markings within eighteen inches horizontally from the exterior sides of any such facilities. Such markings shall include the depth, if known, and shall be made pursuant to the uniform color code as approved by the utility location and coordinating council of the American public works association. In the event any person is involved in excavating across a preexisting underground facility, the owner of such facility shall, upon a predetermined agreement at the request of the excavator or the owner, provide on-site assistance. Any owner or operator receiving notice concerning an excavator's intent to excavate shall use reasonable care to advise the excavator of the absence of any underground facilities in the proposed excavation area by communicating directly with the excavator and providing documentation thereof, if requested, or by clearly marking that no underground facilities exist in the proposed excavation area. Owners and operators shall, within the time limits specified in subsection (6) of this section, provide to the excavator evidence, if any, of facilities abandoned after January 1, 2001, known to the owner or operator to be in the proposed excavation area.... (6) If documentation requested and needed by an excavator pursuant to subsection (4) of this section is not provided by the owner or operator pursuant thereto within two business days, not including the day of actual notice, or such later time as agreed upon by the excavator and the owner or operator or if the documentation provided fails to identify the location of the underground facilities, the excavator shall immediately give notice to the notification association of the owner or operator and may proceed and shall not be liable for such damage except upon proof of such excavator's lack of reasonable care.</p>
Minimum Standards for Locator Qualifications (Yes / No)	No
Minimum Standards for Locator Qualifications (Specific Language)	Not addressed.
Law Specifies Marking Standards Other Than Color (Yes / No)	Yes
Law Specifies Marking Standards Other Than Color (Specific Language)	<p>Colorado Revised Statutes § 9-1.5-103 (4)(a) Any owner or operator receiving notice pursuant to subsection (3) of this section shall, at no cost to the excavator, use reasonable care to advise the excavator of the location and size of any underground facilities in the proposed excavation area by marking the location of the facilities with clearly identifiable markings within eighteen inches horizontally from the exterior sides of any such facilities.... Such markings shall include the depth, if known, and shall be made pursuant to the uniform color code as approved by the utility location and coordinating council of the American public works association....</p>

Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	No
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	Yes
Operator Must Locate Abandoned Facilities (Specific Language)	<p>Colorado Revised Statutes § 9-1.5-103 (4)(a) ... Owners and operators shall, within the time limits specified in subsection (6) of this section, provide to the excavator evidence, if any, of facilities abandoned after January 1, 2001, known to the owner or operator to be in the proposed excavation area.</p> <p>§ 9-1.5-107. Notice of removal of underground facilities. At least ten days before beginning an excavation to remove an underground facility that is a gastransmission pipeline that has been abandoned or is unused and is not located in a public road, street, alley, or right-of-way dedicated to public use, the excavator shall notify each owner of record and occupant of the real property where such underground facility is located. ... For purposes of this section, an underground facility is not considered abandoned or unused if it is in operation for its intended purpose or is being actively maintained with reasonable anticipation of a future use</p>
Positive Response Required - Operator Contact Excavator (Yes / No)	Yes
Positive Response Required - Operator Contact Excavator (Specific Language)	<p>Colorado Revised Statutes § 9-1.5-103 (4)(a) ... Any owner or operator receiving notice concerning an excavator's intent to excavate shall use reasonable care to advise the excavator of the absence of any underground facilities in the proposed excavation area by communicating directly with the excavator and providing documentation thereof, if requested, or by clearly marking that no underground facilities exist in the proposed excavation area. Owners and operators shall, within the time limits specified in subsection (6) of this section, provide to the excavator evidence, if any, of facilities abandoned after January 1, 2001, known to the owner or operator to be in the proposed excavation area.</p>
Positive Response Required - Operator Contact One Call Center (Yes / No)	No
Positive Response Required - Operator Contact One Call Center (Specific Language)	Not addressed
Positive Response - One-Call Automated (Yes / No)	No
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)	Yes
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)	<p>Colorado Revised Statutes § 9-1.5-105 (1) ... (2) All underground facility owners and operators except the Colorado department of transportation shall be members of the notification association (3) Except as provided in subsection (2) of this section, each member of the notification association shall provide all of the locations of any underground facilities which such member owns or operates to the notification association, and the association shall maintain such information on file for use by excavators.</p>
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	Yes
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	<p>Addressed not in the Colorado law but in the Revised ByLaws of the Utility Notification Center of Colorado, Article II, Section 10.g, Tier One and Tier Two members, at their cost, shall periodically update the information they provide to the Utility Notification Center regarding the location of the Member's underground facilities. The updated information shall be provided in such format as is compatible with the equipment and data base maintained by the Corporation.</p>
New Facilities Must Be Locatable Electronically (Yes / No)	No

New Facilities Must Be Locatable Electronically (Specific Language)	Not addressed.
Design Request (Yes / No)	Yes (Colorado Revised Statutes § 9-1.5-103 (2))
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes
One Call Membership Exemptions (Yes / No)	Yes
One Call Membership Exemptions (Specific Language)	Colorado Revised Statutes § 9-1.5-105 (2) All underground facility owners and operators except the Colorado department of transportation shall be members of the notification association... (6) This section shall not apply to any owner or occupant of real property under which underground facilities are buried if such facilities are used solely to furnish service or commodities to such real property and no part of such facilities is located in a public street, county road, alley, or right-of-way dedicated to public use.
One-Call Law Addresses Board Make-Up (Yes / No)	Yes
One-Call Law Addresses Board Make-Up (Specific Language)	Colorado Revised Statutes § 9-1.5-105 (4) The notification association shall be governed by a board of directors which is representative of the membership of the association and shall have at least one director that is a tier two member. The board of directors shall be elected by the membership of the association pursuant to the bylaws of the association.
Separate Body Designated to Advise Enforcement Authority (Yes / No)	No
Separate Body Designated to Advise Enforcement Authority (Specific Language)	Not addressed.
Penalties / Fines Excavators (Yes / No)	Yes
Penalties / Fines Excavators (Specific Language)	Colorado Revised Statutes § 9-1.5-104.5 (2)(a) Any person who intends to excavate shall notify the notification association pursuant to section 9-1.5-103 prior to commencing any excavation activity. ... (b) Any person, other than a homeowner, rancher, or farmer, as defined in section 42-20-108.5, C.R.S., working on such homeowner's, rancher's, or farmer's property, who fails to notify the notification association or the affected owner or operator pursuant to paragraph (a) of this subsection (2) shall be liable for a civil penalty in the amount of two hundred dollars. (c)(I) If any person, other than a homeowner, rancher, or farmer, as defined in section 42-20-108.5, C.R.S., working on such homeowner's, rancher's, or farmer's property, fails to comply with paragraph (a) of this subsection (2) and damages an underground facility during excavation, such person shall be liable for a civil penalty in the amount of five thousand dollars for the first offense and up to twenty-five thousand dollars for each subsequent offense within a twelve-month period after the first offense. Upon a first offense, such person shall be required to complete an excavation safety training program with the notification association. (II) If any person fails to comply with paragraph (a) of this subsection (2) on more than three separate occasions within a twelve-month period from the date of the first failure to comply with paragraph (a) of this subsection (2), then the civil penalty shall be up to seventy-five thousand dollars.
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	Colorado Revised Statutes § 9-1.5-104.5 (1)(a) Every owner or operator of an underground facility in this state shall join the notification association pursuant to section 9-1.5-105. (b) Any owner or operator of an underground facility who does not join the notification association in accordance with paragraph (a) of this subsection (1) shall be liable for a civil penalty of two hundred dollars. (c)(I) If any underground facility located in the service area of an owner or operator is damaged as a result of such owner or operator's failure to comply with paragraph (a) of this subsection (1), the court shall impose upon such owner or operator a civil penalty in the amount of five thousand dollars for the first offense and up to twenty-five thousand dollars for each subsequent offense within a twelve-month period after the first offense. Upon a first offense, the owner or operator shall be required by the court to complete an excavation safety training program with the notification association. (II) If any owner or operator fails to comply with paragraph (a) of this subsection (1) on more than three separate occasions within a twelve-month period from the date of the first failure to comply with paragraph (a) of this subsection (1), then the civil penalty shall be up to seventy-five thousand dollars.
Penalties / Fines Other (Yes / No)	No

Penalties / Fines Other (Specific Language)	Not addressed.
Enforcement Authority Identified	Colorado Revised Statutes § 9-1.5-104.5 (3)(a) An action to recover a civil penalty under this section may be brought by an owner or operator, excavator aggrieved party, district attorney, or the attorney general. Venue for such an action shall be proper in the district court for the county in which the owner or operator, excavator, or aggrieved party resides or maintains a principal place of business in this state or in the county in which the conduct giving rise to a civil penalty occurred.
Damage Investigation Required by Enforcement Authority (Yes / No)	No
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	Yes (Colorado Revised Statutes § § 9-1.5-103 (7) (b), "... the owner or operator of the damaged underground facility shall provide the information...to notification association within ninety days after service has been restored.")
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	No
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	
Statute / Law (Name & Link)	Colorado Revised Statute § 9-1.5-101 to -107 (http://codes.findlaw.com/co/title-9-safety-industrial-and-commercial/co-rev-st-sect-9-1-5-101.html) or (http://codes.findlaw.com/co/title-9-safety-industrial-and-commercial/co-rev-st-sect-9-1-5-101.html) Also see One-Call Center Website for Information on State Law.
Date of Last Revision to Statute / Law	March 20, 2009
Administrative Rules / Regulations (Yes / No)	No
Administrative Rules / Regulations (Name & Link)	None
State One Call Center(s) (Name & Link)	www.colorado811.org
Miscellaneous Notes	
Notes	0
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0