



March 20, 2020

Statement from the Underground Damage Prevention Safety Commission  
regarding the Excavation Requirements Law (Title 9, Article 1.5, CRS)  
in light of the COVID-19 Pandemic

The Safety Commission is aware that some facility owners/operators, during the COVID-19 Pandemic, have decided to either stop fulfilling locate requests or limit their responses to only locating damages and emergencies. The Safety Commission reminds facility owners/operators that the Colorado Excavation Requirements Law has not changed, and all member facility owners/operators are required to mark all underground facilities. Not responding to excavation notices is a violation of the Colorado Excavation Requirements Law and may put people at risk of injury or may damage property.

Section 9-1.5-103(4)(a)(I) of the Colorado Excavation Requirements Law states the following:

*Any owner or operator receiving notice pursuant to subsection (3) of this section shall, at no cost to the excavator and within two business days, not including the day of actual notice, use reasonable care to advise the excavator of the location, number, and size of any underground facilities in the proposed excavation area, including laterals in the public right-of-way, by marking the location of the facilities with clearly identifiable markings within eighteen inches horizontally from the exterior sides of the facilities.*

We also remind both facility owners/operators and excavators that Section 9-1.5-103(6) of the Colorado Excavation Requirements Law gives excavators the opportunity to proceed with excavation when the requested locates are not fulfilled:

*If documentation or markings requested and needed by an excavator pursuant to subsection (4) of this section are not provided by the owner or operator 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 or markings provided fail to identify the location of the underground facilities, the excavator shall immediately give notice through the notification association to the owner or operator, may proceed with the excavation, and is not liable for such damage except upon proof of the excavator's lack of reasonable care.*

