



# Senate Bill 17-290

## Official City Position

Approved by Westminster City Council on April 24, 2017

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**SB 17-290 (Sen. Scott and Donovan): Concerning a requirement that engineering plans involving excavation provide detailed information about the location of underground utilities.**

Official City Position: **OPPOSE**

Status: **Active** – This bill has been introduced in the Senate and assigned to the Senate Transportation Committee, with a hearing scheduled for Tuesday, April 25.

Description:

Current law requires engineering plans involving excavation to include only general information about the location of underground facilities, and the excavator is the party with the duty to seek specific information about these facilities' locations. The bill requires:

- Engineering plans involving excavation to include specific information about the location of underground facilities;
- Engineers to use their official stamps on the plans; and
- The stamped plans to be given to the person who will conduct the excavation.

City Comments:

When designing projects (e.g. new developments, capital improvement projects, etc.), the City's consulting engineers rely on utility location information provided by the City's utility locate program or utility locate companies, and City engineers are not required to certify the accuracy of the locate information performed included in the drawings. The accuracy of the locate information is dependent on the available as-built/as-constructed information, how quickly the construction starts after the design is complete as well as the type of excavation to be completed.

In limited and specific circumstances when a utility conflict comes into question, "potholing" is conducted during the design phase to verify the location of an underground utility, which involves physically digging into the ground to locate the utility and does not always provide absolute assurance about the location of utilities.

The City typically requires the contractor that wins the bid to conduct thorough potholing for the construction portion since they are the party that is excavating.

Implementation of this bill would effectively require potholing for all projects and double the locate activities for projects, as locates would need to occur during both the design phase and the

construction phase. This bill would also shift the liability from the contracting company, to the City's consulting engineers (and to the City), place additional responsibilities on the engineers not currently in place, and would lead to higher costs in the form of professional liability insurance for the City's consulting engineers, direct project costs, and the City's cost to meet the locate requirements for their utilities. Finally, liability protections currently exist for contractors in the event a utility locate for which they rely on is incorrect or contains an omission, and staff believes this legislation is unnecessary.

For the reasons cited above, the City of Westminster opposes this bill.