

HB-1092

Utility Locate Exemptions for Landscape Maintenance

Sponsored by Rep. Cherilyn Peniston

Sponsored by the Associated Landscape Contractors of Colorado and the Green Industries of Colorado, HB-1092 exempts routine landscape maintenance activities from the current utility notification law to promote enhanced safety in the utility locate process. In the bill, "routine maintenance" is defined as a regular activity that happens at least once per year on an existing landscape if earth is not disturbed at a depth more than 12" by hand or 4" by mechanized equipment, and if the activities do not permanently lessen the ground cover or lower the existing grade/contours. **This bill strictly limits the exemptions to maintenance tasks only.**

Task	Means & maximum depth	Category		Exempted under HB-1092?
		Maintenance	Construction	
Aerating a lawn*	mechanical, 4"	√		Yes
Weeding a garden or bed*	by hand or with hand tools, 3"	√		Yes
Planting flowers*	by hand or with hand tools, 6"	√		Yes
Edging*	mechanical, 2"	√		Yes
Sprinkler repair*	with hand tools, 10"	√		Yes
Tree fertilization*	with small needle, 4"	√		Yes
Rototilling a garden or bed*	mechanical, 4"	√		Yes
Installing a patio or deck	mechanical, 12-14"		√	No
Building a fence	hand or mechanical, 12-18"		√	No
Planting trees	hand or mechanical, 12-24"		√	No
Installing a sprinkler system	hand and mechanical, 12-24"		√	No
Installing a new landscape	hand and mechanical; vary		√	No
Renovating a landscape	hand and mechanical; vary		√	No

**All of these activities are performed on existing landscapes or yards and do not lessen the grade.*

Why HB-1092 is needed

The nature, scope and frequency of certain routine landscape maintenance activities render it impossible for landscape contractors to comply with current law under the definition of "disturbed ground." To comply with the current law, landscape contractors must request hundreds of thousands of locates per month in the spring and fall for the routine landscape activities listed above. More importantly, because of the volume created by these locates, a significant number of the requests are not being completed within three business days as stipulated in current law. Critical locate requests for excavation where safety is a concern could potentially be jeopardized by this unnecessary volume of maintenance locates. The current system imposes unnecessary burdens on landscape contractors and on facility owners/operators as applied to routine maintenance activities without ensuring a heightened level of protection for facilities or individuals, both public and private.

Why vote for HB- 1092

- Landscape maintenance activities do not pose a safety issue.** Shallow-dig maintenance tasks do not disturb the soil more than 12 inches and are above the standard for electric, gas, oil, water, and cable lines. This bill pertains exclusively to established landscapes and mechanical disturbance up to 4" or hand tools to 12". The utilities listed above are not present in areas where routine landscape maintenance activities are performed.
- Improves locate service for excavations.** By exempting routine maintenance items that can occur by the tens of thousands every month, the locate system can address the real excavation locates mandated by law and ensure that these locates are both done accurately and on time.
- Consensus.** Over the last 3 years there has been a more focused discussion (outside of legislative activities) among a broad base of interest groups regarding exceptions to the definition of excavation in Colorado law. There is clear understanding and support from all these groups that these changes will improve the existing law.

Please vote YES on HB-1092

ALCC and GreenCO Lobbyists: Hicks & Associates

RJ Hicks (303) 916-4414, rj@rjhicksinc.com or Jay Hicks, (720) 350-8226, jay@rjhicksinc.com

