Year in Review: 2019

Overview

Safety Commission Timeline
Home Rule Entities Timeline
Accomplishments
Complaint Statistics
Statute
Regulations
Lessons Learned / Future Changes

Overview

800+ volunteer member hours

<table>
<thead>
<tr>
<th>11 Safety Commission Business Meetings</th>
<th>6 Best Practice Meetings</th>
<th>15 Review Committee Hearings</th>
</tr>
</thead>
</table>

91 complaints have been submitted

5 had event dates prior to August 8, 2018

1 has been forwarded to the City of Loveland (Home Rule)

46 have been withdrawn

39 complaints have been (or are being) processed by the Commission

- 7 major violations have been determined
- 9 moderate violations have been determined
- 4 minor violations have been determined
- 1 frivolous violation has been determined
- 13 complaints were dismissed or found to not involve any violations of the Excavation Act
- 5 alleged violations to be reviewed (hearing dates are in 2020)

$27,750 in fines assessed; $21,250 in fines collected
(difference because of fines deferred by alternative remedial action OR not yet due)
Alternative remedial action included attending trainings & submitting updated company policies
Safety Commission Timeline

- Revised Excavation Requirements Act in effect
- 2/14/19: Emergency Regulations effective
- 3/18/19: First Review Committee hearing
- 7/11/19: First Best Practice sub-committee meeting
- PHMSA informed OPS that letter is on hold pending further Home Rule information
- 8/8/2018
- 1/2019
- 3/2019
- 6/14/2019
- 7/2019
- 9/26/2019
- 11/6/2019

1/29/19: First SC business meeting
UDP SC 7 C.C.R. 1101-18 Regulations in effect
Annual meeting with PHMSA
12/2019: New Commissioners appointed

Home Rule Entities Timeline

- Revised Excavation Requirements Act in effect
- Notification deadline removed from form
- 1/1: Safety Commission formally established
- 1/29: first Safety Commission business meeting
- PHMSA informed OPS that letter is on hold pending further Home Rule information
- 8/8/2018
- 10/2018
- 11/6/2018
- 12/2018
- 1/2019
- 5/9/2019
- 11/6/2019

10/26: OPS staff sent email to Home Rule entities w/link to form
10/31: OPS staff received response from Colorado Municipal League
12/13: Met with CML & CAMU reps to discuss comm. strategy
12/18: Form updated to include option for Home Rule to provide contact info while still deciding
CML & CAMU reps discuss Home Rule issue at Safety Commission meeting; no resolution

As of 1/29/2020
Accomplishments

01 Safety Commission established
- Documents developed:
  - Regulations
  - Bylaws
  - Code of Conduct
  - Final Determinations

02 Hear complaints
- Established a Review Committee selection process
- Developed hearing process and documents
- Conducted hearings
- Provided Findings of Facts forms

03 Develop Best Practices
- Developed process to answer questions
- Established *Electronically Locatable* Best Practice
- Drafting Best Practices for SUE & Road Grading

Complaint Statistics

- More than 60% of complaints had an **event date between April and October**.
- **Reason for complaint**: Locator no show: 12; Damage: 8; Other: 7; No OneCall: 5; Digging without marks: 1; Marked incorrectly: 1

Statute

**Title 9, Article 1.5, C.R.S.** - Revisions effective August 8, 2018

<table>
<thead>
<tr>
<th>UDP Safety Commission</th>
<th>Creation of an enforcement agency, known as the Underground Damage Prevention (UDP) Safety Commission (housed under the Colorado Department of Labor and Employment’s Division of Oil and Public Safety) which has rulemaking and enforcement authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification Association (CO 811)</td>
<td>New ticket types: Subsurface Utility Engineering, Road Grading Mandatory Positive Response through Colorado 811 Adding a secondary excavator to locate tickets Elimination by January 1, 2021, of a tiered membership; all members will be directly notified by Colorado 811. When Tier 2 members convert, they receive ticket notifications for free during the transition period (until 1/1/2021)</td>
</tr>
<tr>
<td>New facilities</td>
<td>New facilities installed on or after August 8, 2018, must be electronically locatable</td>
</tr>
</tbody>
</table>

As of 1/29/2020
UNDERGROUND DAMAGE PREVENTION SAFETY COMMISSION REGULATIONS

COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF OIL AND PUBLIC SAFETY

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Lessons Learned / Future Changes

- Changes to Statute?
- Changes to Regulations?
- Changes to Bylaws & Code of Conduct?
- Changes to Complaint Review/Hearing Process?
- Best Practices to develop?
- Efficiencies for CO 811?

As of 1/29/2020