

Date: March 25, 2020

Location: Colorado Department of Labor and Employment
Remote via webinar

Present:

	Chris Kampmann	✓	Jim Moody	✓	Mark Williams	✓	Ted Jensen
✓	Eric Kirkpatrick	✓	Julie Mileham	✓	Mark Jurgemeyer	✓	Ray Swedfeger
✓	Jeannette Jones	✓	Kat Duitsman	✓	Mark Frasier	✓	Tom Sturmer
✓	Rob Ellis		Lori Warner	✓	Patrick Fitzgerald		

* Appeared on the webinar attendee list; unable to confirm during roll call

** Joined after roll call

Note: The meeting was recorded and started at 10:03 am. These notes represent a summary of this meeting and are not intended to be a verbatim document. Audio recordings of the meetings can be obtained by contacting cdle_safetycommission@state.co.us.

MINUTES APPROVAL:

A Motion was made to approve the minutes from the March 19, 2020, meeting: motion carried and a vote was taken to approve the minutes. It was approved by a unanimous vote.

PAST BUSINESS:

MARCH 20 STATEMENT

Letter has been published and also posted on the CO 811 website. Commission discussed if any known impact from the letter had occurred. It has been reported that Adams County has been available since at least Monday (3/23) and they are no longer on the no response list on the CO 811 website. It was also noted that excavators in rural areas, based on at least 1 facility owner, are able to get responses to locates.

CURRENT BUSINESS:

COVID-19: Impact on utility locates

- The Safety Commission reviewed a longer version of the guidance letter (draft), continued from previous meetings.
- Commission discussed the need for this letter at this time (versus waiting). Does the letter raise any new points or add value; does it offer additional clarification (especially if the shorter version caused issues) - otherwise there may be advantages to having only the shorter version out there. Also discussed whether this letter would be posted on the UDPSC website (under Best Practices), or would it be sent out. Determine it would be only posted on the site and used as a reference. Some Commissioners felt it would be helpful to have on the website.

- Suggestion to work through the sections that had comments. Request to first discuss whether or not this letter proceeds.

A Motion was made to vote on the Commission not offering further guidance at this time: Motion carried. Discussion entered. Discussion: If anything else is issued at this time it may increase confusion. The shorter letter addressed the immediate needs. Agreement that sending a letter may not be necessary, however posting something to Best Practices website may be helpful. Another option would be to wait and see if questions do come in to Best Practices and determine if they require a response. Additional agreement to wait - the previous notice was a reminder of the law; this longer letter is not necessary unless questions arise. Clarification of the vote (Yay = do not want to post additional guidance at this time) A vote was taken. Motion passed with majority Yay & 3 Nay.

- Of the list of facility owners on the CO 811 website, that may be closed or partially closed - are they responding at all? It was noted that excavators working with other owner/operators have not had a problem with locates being responded to.
 - CO 811 staff advised that some organizations are partially closed, which means they are responding to emergencies and damages only at this time.
 - CO 811 were asked if they would contact the entities on the list to advise them of the law and their responsibilities; CO 811 agreed to reach out and also create a spreadsheet of responses (with contact info). This will be shared with OPS/SC and followed up on at future meetings.
 - CO 811 staff attended some county town hall meetings, however did not have the opportunity to ask questions regarding responses to excavations.

OTHER BUSINESS:

- State of Michigan released information about the state of emergency and limiting excavation; good to be advised of other state's actions. In Colorado, specifically Denver & Boulder, all construction is still considered critical
- OPS Staff update:
 - PHMSA Stay of Enforcement notice (during COVID-19 pandemic) shared
 - PHMSA Response of Program Review (for Colorado) shared: still viewed as inadequate - due to Home Rule. At the April meeting, the plan is to invite other parties copied on this letter and involved in this issue
 - All meetings, including the April 7 hearings, will continue to be held remotely with information on how this will occur being sent to all involved parties
- Suggestion to consider inviting CML & CCI to the April meeting. Commission discussed the goals of PHMSA (what do Home Rule entities need to do) and the impact of this letter - based on lack of response by Home Rule entities.
- CO 811 staff shared their perspective on the impact of COVID-19 on the number of tickets: the numbers have not decreased as drastically as other states. There is daily communication amongst Notification centers to share data. CO 811 has a 20 year plan, and it accounts for emergencies and levelling fees out over time. CO 811 is working on a correspondence to assure members of this (ability to manage even during this situation).

The next meeting's date & time are April 9, 2020, at 12:00 pm.

Meeting adjourned at 11:00 am.