



COLORADO
Department of
Labor and Employment
Division of Oil and Public Safety

Underground Damage Prevention Safety Commission
633 17th Street, Suite 500
Denver, CO 80202-3610
303-318-8525 | www.colorado.gov/ops

Date: June 13, 2019

Location: Colorado Department of Labor and Employment
633 17th Street, Suite 500
Denver, CO 80202

Present: Jim Moody, Jeannette Jones, Patrick Fitzgerald, Katherine Duitsman, Eric Kirkpatrick, Mark Jurgemeyer, Raymond Swedfeger, Mark Frasier, Julie Mileham, Mike Mills, Tom Sturmer, Chris Kampmann, Lori Warner.

Absent: Jeff Rumer, Randy Wheelock.

Note: The meeting was recorded and started at 12:00pm. These minutes 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 May 9, 2019, meeting: motion carried and discussion was entered. There was no discussion; a vote was taken to approve the minutes. It was approved by a unanimous vote.

ASCE 38-02 TRAINING

Jim Anspach, Chair of the American Society of Civil Engineers (ASCE) and ASCE 38 standard Chairman, provided a training of the standard. Jim also discussed the Colorado Statute and how the ASCE 38 standard relates to it. He advised the Safety Commission of various resources, including new documents forthcoming from ASCE.

COMPLAINT HEARINGS:

- The Review Committee's Findings of Fact forms from the May 22 & May 23, 2019 hearings were reviewed with the Safety Commission.
 - Complaint # 2018-005: **A Motion was made to adopt the Review Committee's recommended remedial action as noted in the Findings of Fact form:** Motion carried & discussion was entered. There was no further discussion. A vote was taken. It was approved by a unanimous vote.
 - Complaint # 2019-010: **A Motion was made to adopt the Review Committee's recommended remedial action as noted in the Findings of Fact form:** Motion carried & discussion was entered. There was no further discussion. A vote was taken. It was approved by a unanimous vote.
 - Complaint # 2019-012: This complaint was heard during the May hearings, and was given a continuation on the request of the parties involved. The complaint was later withdrawn.

- Complaint # 2019-013: A Motion was made to adopt the Review Committee's recommended remedial action as noted in the Findings of Fact form: Motion carried & discussion was entered. There was no further discussion. A vote was taken. It was approved by a unanimous vote.
- June, July & August Hearing dates and Review Committee members were selected.
- A draft of the Final Determinations webpage was reviewed by the Safety Commission. Feedback was given to OPS; the suggestions will be incorporated and a revised draft will be shared at a future meeting.

ADMINISTRATIVE ITEMS/OPS UPDATE:

- FHWA Report (July 2018): sent to SC members via dropbox.
- Grants status: tracking number assigned.
- Thank you Jim Anspach for coming to Colorado and providing the ASCE 38 Training.
- OPS Outreach events: covered for Arvada, Loveland and Pueblo; CO811 will have a booth in Arvada, Loveland and Grand Junction.
- Regulations status: Effective tomorrow! Need to discuss how to track potential revisions to regulations.
- AG Services will wane over time; they will remain a resource.
- Want to get the Safety Commission's feedback on which date to track a violation from: is it from the date of the event, date complaint received, hearing date or Final determination/SC meeting date?

Discussion regarding the regulations resulted in adding a Working Copy discussion as a standing agenda item at the Safety Commission meetings. Discussion regarding when to track a violation from resulted in a determination that the violation shall be tracked from the date of the event.

CO 811 UPDATE:

JD Maniscalco, Jose Espino & Whitney Nichols were present.

- Progress continues from last month's update regarding software updates.
- CO 811 is now participating on a 911 Commission, with the topic of communications damage prevention discussed.
- iDig811 will be the new App & the older App will slowly fade out.
- Upcoming events: Damage Prevention Mixer in July, 811Run on August 10th in Arvada, and Mock Line strike in September. See CO 811 website for details.
- Ticket Reading Training coming shortly for Safety Commission members; will be online to allow it to be used for future members when new appointments are made.

BEST PRACTICES:

As a continuation from previous meetings, a process to handle the topic of Best Practices was discussed. A Motion was made to develop a Best Practices Sub-Committee: Motion carried & discussion was entered. There was no further discussion. A vote was taken. It was approved by a unanimous vote. It was determined that the Sub-Committee would plan to meet a few hours prior to the July (full) Safety Commission meeting. Interested members for the subcommittee volunteered their time to participate in the initial meeting.

SB-181

Discussion was started about this Senate Bill. OPS staff and the AG's office advised that a meeting is being planned between the AG's office, state offices and other affiliated attorneys to help determine jurisdiction and impact. The Safety Commission determined that the topic will be tabled until such meeting has occurred.

OTHER BUSINESS:

- Agenda for the next meeting was discussed.
- The audience attending the meeting was invited to bring forth comments and new business. One attendee shared their appreciation for the progress made as an industry. No new business was offered.

EXECUTIVE SESSION to discuss matters related to Home Rule Entities and specific legal jurisdiction questions.
Item: Discussion with attorney (AG's office), Katie Allison. The committee motioned for executive session, motion carried and executive session was entered.

The next meeting is scheduled for June 13, 2019.

Meeting adjourned at 3:48 pm