



Date: August 11, 2022

Location: Hybrid via Google Meet and at 633 17th Street, Suite 500, Denver

Present:

R	Chris Kampmann	R*	Jeannette Jones		Mark Williams	R	Rob Martindale
	Dale Kishbaugh	R	Jim Moody	R	Patrick Fitzgerald		Ted Jensen
R	Dana Bijold	R	Julie McCaleb	R	Raymond Swerdfeger		Terri King
R	Esther Williams	R	Lori Warner	R	Rob Ellis		

I indicates in-person attendance R indicates remote attendance
 * Indicates arrival after roll call - indicates technical difficulties during roll call

Note: The meeting was recorded and started at 1:04 pm. 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 July 14, 2022, meeting: motion carried. No further discussion. A vote was taken to approve the minutes. It was approved.

CURRENT BUSINESS

CO 811 Update:

Jose Espino presented.

- Positive Response Codes Update: Not on the July Board meeting for CO 811; goal is to add that to the September meeting agenda. Update to follow that meeting.
- Member Termination Update: CO 811’s attorney has asked to have a sub-committee formed in conjunction with the Safety Commission's (SC) Best Practice group to determine what a resolution might look like when members are terminated. No resolution internally within CO 811 on this issue at present.

During discussion, looking at the termination process as compared to what other states do would be useful. It is also important to understand what if any infrastructure/assets are still underground. Suggest perhaps keeping this discussion in the main SC meeting. Center statistics are always available on the CO 811 website & the link to review that might be helpful to share with Commissioners in the prep email.

COMPLAINT HEARINGS:

The Review Committee’s Findings of Fact form from the August 2, 2022, hearing was reviewed with the Safety Commission.

- Complaint #2022-017: **A Motion was made to approve the Review Committee's recommended remedial action as noted in the Findings of Fact form:** Motion carried. A vote was taken to approve the motion. It was approved.
 - There was general discussion to clarify that only potholing companies can be added to someone's ticket (not a second excavator - all excavators need their own ticket)
- Review Committee members were selected for August 23rd and September 1st hearings.
- CORA request was received for the 8/2/22 hearing.
- Hybrid hearings are cumbersome vs full in person or fully remote. Commissioners determined that if there is a need or accommodation request to hold a hearing in person that will be done, otherwise hearings moving forward will be conducted fully remotely.

BEST PRACTICES:

- Third-party locators were present and shared their perspective.
- Next month all notes will be reviewed top start outlining the Best Practice; parameters vs a definition might be used to determine what a large/complex project is.
- Will also look at other states (Georgia) and how their process works for them in this same area.

Something for the Best Practice group to maybe consider in the future: Commissioner Chris Kampmann was contacted about an underground utility that was damaged under a basement - and calling locates for in-home work is not typical. Work being performed inside a building does not have a CO 811 process - however publicly owned utilities do run under buildings, albeit rare.

ADMINISTRATIVE ITEMS/OPS UPDATE:

- PHMSA report was submitted on June 9th and have now received a request from PHMSA to have a virtual meeting (on September 9th); Colorado Springs will be represented as well.
- SC Member transition: have started receiving responses from nominating entities, and some applications.
- CO Emergency Report: CO 811 notified OPS of the report; shared a link in the meeting chat and summarized the report in the meeting. CO was well ranked and it is only the "no exemptions" aspect that CO does not meet.

OTHER BUSINESS:

- Consider moving up in the Agenda the opportunity to hear from the public (stakeholders).
- Annual Report Update: continuing to use the groupings of 100K and up, and 10K-100K. Sharing all 4 years worth of data with owner/operators; in the future will share 3-5 years of data (as fits on the page and allows for readability). Per the request to track time, staff noted that in this second year of producing this document it will take about 8 hours of staff time total to complete it. In addition to sending this year's emails (by November 1st), next steps were briefly discussed - staff were asked to look at all owner/operators in the 10K+ group and determine the following: how the "worst performing" companies are doing as compared to their peers (averages) and similarly look at the top 5 performers. Specifically look at % (not volume). Want mean and median for those groups. Goal is not to shame companies and rather to understand if there are reasons companies are underperforming - therefore no company names will be disclosed. Discussed some sort of survey - no decision made.
- Commissioner Jeannette Jones shared a summary of an email from PHMSA they received regarding a railroad that has a hazard pipeline nearby. Asked if railroads were exempt. The only place the word 'railroad' shows up is in the definitions section of the Statue. In addition to an exemption in the CO Excavation Act, federal rules may exempt them.
- Ongoing Spending Authority: Any resources that can be translated/available in Spanish as well as English would be beneficial. While other ideas were discussed, ultimately using a grant system is what staff will look into (the process for). Some templates were developed for applications should this be the route the SC goes.
- Safety Commission Communication Tools: Business cards - staff will draft a template that is generic for all Commissioners to use.

- Discussed future meeting agenda items
 - Topic of Emergency Response (and timeline) - future topic and looking to CO 811 to explain their process should they be contacted about an emergency. May not occur in September.

The next meeting is scheduled for September 8, 2022.

Meeting adjourned at 3:55 pm.