



**Date:** January 9, 2020

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

**Present:** Chris Kampmann, Eric Kirkpatrick, Tom Sturmer, Katherine Duitsman, Raymond Swedfeger, Jim Moody, Julie Mileham, Jeannette Jones, Patrick Fitzgerald, Mark Jurgemeyer, Lori Warner, Mark Williams, Rob Ellis, Ted Jensen

**Absent:** Mark Frasier

**Note:** The meeting was recorded and started at 12:05pm. 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](mailto:cdle_safetycommission@state.co.us).

#### **EXECUTIVE SESSION**

Item: Legal counsel on matters related to Annual Training, Hearing and Appeal Process & Contractor/Subcontractor discussion (provided by the AG's office).

The committee motioned for executive session; the motion carried and executive session was entered.

#### **MINUTES APPROVAL:**

**A Motion was made to approve the minutes from the December 12, 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.

#### **OFFICER ELECTION:**

Members acting in leadership positions were asked if they were willing to continue (if elected) and other members were invited to communicate to the Commission their interest or willingness to volunteer for elected positions.

**A Motion was made to elect Jim Moody as Review Committee Coordinator:** motion carried and discussion was entered. There was no further discussion; a vote was taken. It was approved by a unanimous vote.

**A Motion was made to elect Eric Kirkpatrick as Chair:** motion carried and discussion was entered. There was no further discussion; a vote was taken. It was approved by a vote of 13 yay, 0 nay & 1 abstention

**A Motion was made to elect Chris Kampmann as Vice Chair:** motion carried and discussion was entered. There was no further discussion; a vote was taken. It was approved by a vote of 13 yay, 0 nay & 1 abstention

#### **COMPLAINT HEARINGS:**

- The Review Committee's Findings of Fact form from the December 17, 2019 hearing was reviewed with the Safety Commission.
  - Complaint # 2019-048: **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. No further discussion was had. A vote was taken. The motion was approved unanimously.

- Complaint # 2019-065: **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. The motion was approved unanimously.
- February Review Committee Members were selected
  - OPS staff advised the Commission that the person that filed Complaint # 2019-076 had not responded regarding participation in the upcoming scheduled hearing. **A Motion was made to dismiss the complaint due to lack of communication:** Motion carried & discussion was entered. There was no further discussion. A vote was taken. The motion was approved unanimously.
- The Commission was updated regarding other complaint items:
  - OPS staff informed the Commission of the status of complaints awaiting Home Rule jurisdiction
  - An anonymous complaint was submitted. The Commission determined that a copy of the complaint should be sent (per the usual process) to the known parties, and should additional information be submitted it will be further processed. Otherwise no hearing will occur - the complaint would have to be dismissed.
  - Complaint # 2019-060: Commission received a December 18, 2019 letter submitted by the Complainant. The letter was discussed as well as the original Findings of Fact from the Review Committee (and the basis for their findings). **A Motion was made to not change the Finding of Fact:** Motion carried & discussion was entered. There was no further discussion. A vote was taken by roll call. The motion was approved unanimously. The Commission discussed the Remedial Action (\$250 fine) and whether or not to amend the original Final Determination. As part of the discussion the Statute was reviewed. **A Motion was made to change the recommended fine to \$0:** Motion carried & discussion was entered. There was no further discussion. A vote was taken. The motion was approved by a count of 13 (yay) to 1 (nay), with no abstentions.

#### CO 811 UPDATE:

Jose & Whitney presented:

- Industry update: Regarding Road grading, there is potential legislation forthcoming (from counties); CGA Conference upcoming
- Operations update: Working towards 4 minute hold times, moving forward, this update will include ticket #s & damage #s - will be statistics (no inferences)
- Tech update: goal of March 2020 for being able to upload attachments
- PHMSA grant: desire to discuss using funds for a risk assessment for tickets (to be developed)
- Member relations: automatic positive response renotification beginning; still have 418 Tier 2 members to convert
- Public Awareness: Several events upcoming - on website calendar. SUE video in development; iLearn getting new material
- Release of info for CO 811 membership contact: looking to share data with Safety Commission, will advise if possible

Discussed the possibility of adding columns to data as well as the challenges; CO 811 staff suggested letting them know what the goals are and that may allow them to help develop how to obtain that data (versus noting how you want the data, which may not actually get to the goal as effectively. Discussed continuing to develop an understanding of the data so that future year(s) data can be used and potentially disseminated.

#### DAMAGE PREVENTION FUND USE:

- National Excavator Initiative presentation (Lindsay Sander)

**OTHER BUSINESS:**

- 2020 UDP SC Meeting schedule determined
- Year in Review shared; determined that a copy should be posted online

**BEST PRACTICES:**

- A summary of the work completed by the Best Practices sub group was provided.
- Majority of time was spent on SUE; lots of stakeholder attendance and discussion.
- Also shared the Road Grading update.

**ADMINISTRATIVE ITEMS/OPS UPDATE:**

- Due to time constraints, this agenda item was not covered in the meeting

Agenda for the next meeting was discussed.

The next meeting is scheduled for February 13, 2020.

Meeting adjourned at 4:00 pm