



Date: April 9, 2020

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

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		

* Indicates arrival after roll call

** Left at 1:50pm

Note: The meeting was recorded and started at 12:02 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 March 12, 2020, meeting: motion carried and discussion was entered. There was no further discussion, a vote was taken to approve the minutes. It was approved by a unanimous vote.

A Motion was made to approve the minutes from the March 25, 2020, meeting: motion carried and discussion was entered. There was no further discussion, a vote was taken to approve the minutes. It was approved by a unanimous vote.

CO 811 UPDATE:

JD, Juan, Carla & Whitney presented:

- Industry update: COVID-19 impacted everyone greatly. At present CO 811 is 100% telecommuting. Some CGA conference content may be offered virtually. Working with member organizations to promote social distancing in the field with essential workers.
- Operations update: Center statistics shared; some data is also available on their website to understand trends.
- Technology update: File attachments and documentation - significant progress made since November 2019 until present. Goal is to have this available to all stakeholders by May 1, 2020. Currently some systems are ready, WebTMS html is still being worked on.
- Member relations: automatic positive response renotifications - shared data for the first quarter of 2020. Conversions: 31% of Tier 2 members have converted to Tier 1 (4 companies in March specifically). Tier 2

members make up about 9% of total transmissions year-to-date. Majority of Tier 2 members are water, sewer and irrigation owner/operators. Continuing on several levels to support and perform outreach to help members comply with the law. Regarding member partial closures: only 3 of the 13 members that at some point advised CO 811 of partial closures are still in that status; all have advised that they should be fully reopened by the end of April. Communication with these entities continues.

- Public Awareness & Marketing: virtual trainings are available, including: 101, 201, best practices and customized trainings (available additionally via liaisons). April = National Safe Dig Month; proclamation received. Communication includes the importance of using CO 811 during this pandemic to protect infrastructure.

SC Members acknowledged the work CO 811 is doing to continue protecting infrastructure. SC asked where advertising efforts are currently (data). SC asked what the volume of tickets that are being sent to members that are 'partially closed' - CO 811 staff provide some example data as well as data on renotifications. Clarified that it is only Tier 1 members that are communicating closures; no data on Tier 2 members. Clarified that in-person training is available remotely.

Tier 2 to Tier 1 Conversion:

Members reviewed draft language to be sent by the Safety Commission in support of the CO 811 Conversion letter. Discussion regarding the timing of the letter, considering the current Stay at Home order, feedback on previous correspondence, etc. CO 811 advised that letters would be sent via 2 means: email & printed/mailed letters. Plan to have the SC letter sent about 2 weeks after CO 811's letter is sent.

COMPLAINT HEARINGS:

- The Review Committee's Findings of Fact forms from the April 7, 2020 hearing was reviewed with the Safety Commission.
 - Complaint # 2020-005: **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. No further discussion was had. A vote was taken. The motion was approved.
 - Complaint # 2020-055: The Review Committee advised the Commission that the hearing began and during the process, the complaint was withdrawn. Information shared was documented for the portion of the hearing that occurred, including the changes made by the Respondent in processes to prevent further incidents.
 - Complaint # 2020-054: **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.
- Upcoming hearings:
 - Next hearings will occur in June; currently only 1 open complaint.
- 2019-026 Update: Letter was sent by the AG's office to the Respondent. AG staff has also spoken with the Respondent. Still awaiting payment.

BEST PRACTICES:

- SUE Best Practice draft document discussed and final changes made based on AG comments. **A Motion was made to adopt the SUE Best Practice:** Motion carried & discussion was entered. No further discussion was had. A vote was taken. The motion was approved.

ADMINISTRATIVE ITEMS/OPS UPDATE:

- Confirmation hearing date: still postponed
- PHMSA SDP Grant Submitted; awaiting decision
- Database status: Phase 1 to be completed by 5/1/20. Testing to begin next week, with those interested in participating.

- Julie Mileham resignation: Transportation nominee to be determined. And in the meantime there is a desire to thank Julie formally once able and also she is willing to attend meetings until the new nominee is determined.

OTHER BUSINESS:

- The Best Practice group will potentially meet in May to discuss processes for Fund disbursement and Training Entity approval.
- Statistics regarding complaints: Members discussed tools to have available for Review Committee hearings.
- PHMSA Letter
 - PUC: Understands where PHMSA is coming from, and suggests that Colorado work towards a solution. Potentially reach out to Home Rule entities for resolution and education. Consider specifically looking at complaints related to pipelines and if they can be deferred to the Commission. In discussions with PHMSA, any home rule entity can have its own damage prevention program and it would have to be evaluated to determine it meets the law.
 - Discussion opened to include Commission members and stakeholders. Current process is to reach out to entities once complaints are filed. Discussed if there are other options. CO 811 stated that they want to work proactively to assist in working towards a changed status, to no longer be inadequate. CCI advised that they have done some outreach, under the current pandemic it may take additional time. They are willing to help where they can. Commission members noted that the federally regulated pipelines are those that PHMSA is concerned with. CML joined the discussion and advised that they are willing to help with outreach for those entities that have not made decisions. Suggested sending a letter to entities and advising them of the PHMSA letter; attempted to have legal counsel for CML join [technical difficulties prevented that from occurring; will follow up via written correspondence later with additional information] - consider the letter include damage prevention generally as well as pipeline specific. CML suggested sending the letter to city managers and public works directors; CML is willing to help with points of contact. AG's office joined the conversation. The Safety Commission asked if a letter could come from both CML and the SC [co branded]; potentially after further discussion. CML offered to start a draft.
 - The discussion wrapped up with acknowledgement for all parties involved in the process and the participation thus far.

The next meeting is scheduled for May 14, 2020.

Meeting adjourned at 3:30 pm.

Addendum: *As the meeting was adjourning, CML shared with the Commission Chair still on the webinar that some of their municipal members may have challenges with performing locates. The Chair advised that the Commission published a letter (on website for reference), and that communication is key in any event that does not meet the locate timelines. The law is still in place, and COVID-19 circumstances are also impacting every industry. No decisions were made and the Chair noted that he was not speaking on behalf of the Commission.*