



Date: May 13, 2021

Location: Remote via Google Meet

Present:

✓	Chris Kampmann	✓	Jim Moody	✓	Patricia McKinney-Clark	✓	Ted Jensen
	Dale Kishbaugh	✓	Lori Warner	✓	Patrick Fitzgerald		
✓	Dana Bijold	✓*	Mark Frasier	✓	Ray Swedfeger		
✓	Jeannette Jones	✓	Mark Williams		Rob Ellis		

* Indicates arrival after roll call . - indicates technical difficulties during roll call

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 April 8 2021 meeting: motion carried and discussion was entered. There was no further discussion, a vote was taken to approve the minutes. It was unanimously approved.

CO811 UPDATE:

J.D Maniscalco, Jose Espino, Melissa Craven, Carla Sanchez, Whitney Nichols, Marty Mead

- CEO update: complaint filed against CO 811 - CO 811 is no longer listed as a respondent Financial and Operational audit underway. 2022 Budget also underway. CGA conference in October & CO 811 will be in attendance. Gold Shovel Standard (GSS): CO 811 is working through an agreement to share data from Xcel Energy as they work to achieve GSS. CO 811 has become aware of a locator paint shortage, started with orange paint and now it's a larger issue that could impact the APWA color code being followed. HB21-1095 Bill revision - have received feedback as it moves to the Governor.
- Operations Update: 2021 Center Stats shared. In general on par with expectations, although volume is increased. Through March hold time average was 1:28. Now it is 5:03 (goal is 4:00); due to a rapid increase in volume. Staffing: experiencing recruiting challenges that mirror the current employer market conditions. Have referral incentives and other strategies to solve this. COVID 19 impact: in 2020 had 1 positive case, until Q4 and have had 8 more cases. Impact estimated is approximately 8.5 production weeks, due to vaccine scheduling or illnesses.
- Business Analytics: Current volume is 11% above 2021 forecast
- Member Relations Update: positive response notifications - 8% of all transmissions in April, this is an improvement from 20% from 2020. Excavator renotifications - consistently 2% of volume from 2020 and 2021. Ongoing outreach to members continues. With a new ticket platform being put into place, CO 811 is

conducting trainings to allow for a smooth transition. 13 new members in April of 2021: irrigation/ditch, fiber, HOA's, metro district, county road and bridge. Of the 10 companies that terminated in April of 2021, 6 were absorbed or otherwise still have facilities managed within CO 811. 4 companies have asked to be removed or were removed due to lack of payment.

- Marketing and Communications: English iLearn811 Excavator course updates completed (and in use in training). Translation process started; expect 8 weeks to complete. Having fluent Spanish speakers review is encouraged and planned.
- Damage Prevention: Subtitles and voice over in spanish of the Mock-Line-Strike is now available. NE territory liaison has resigned and position is now open. On Co 811's website - "News/Calendar" lists events. Virtual platforms are stil primary use for engaging stakeholders.

Commissioner requested a link to the El Paso County DPC event to potentially participate; CO 811 to share with OPS. Attendance at the CGA Conference, and ability for SC members to attend was touched upon - OPS will follow up on funding options. Tracking terminated members was touched on as a follow up from last meeting; CO 811 offered options to not lose track of said former members, if wanted by the Commission. A Commissioner asked to have CO 811 share ticket volume over the last year for said terminated members. CO 811 cautioned holding members accountable based on volume, via the chat feature Commissioners agreed with that assessment. Abandoned facilities were briefly touched upon - no action items resulting.

COMPLAINT HEARINGS:

The Review Committee's Findings of Fact form from the April 29, 2021, hearing was reviewed with the Safety Commission.

- Complaint # 2021-006: **A Motion was made to approve the Review Committee's recommended remedial action as noted in the Findings of Fact form:** Motion carried and discussion was entered. There was no further discussion. A vote was taken to approve the motion. It was approved.

Upcoming hearings: Began selected Review Committee members for June 2021 hearing; final decisions made next month

BEST PRACTICES:

Marking Best Practice draft still in process. Lots of good discussion. Separate meetings will start being held to meet an internal 6 month goal to produce a draft. The reference in the law to the 'marking standard' may mean this best practice will be used differently. Working with CO 811 to poll which practice (APWA or CGA) used in Colorado most.

OPS STAFF UPDATE:

- 2021 Statistics dashboard shared: 18 complaints & 2 moderate violations
- OPS & CO 811 are working on a contract agreement to parallel the work they are doing as a pass through entity for funds (to not hurt their non-profit status)
- Regarding Commission membership: email that was developed and approved for seats without nominating entities was used and sent out over the last month. Commission had wanted to draft a different email for seats with nominating entity - a draft is available for review.
- Regarding the pending legislation, HB21-1095: an email was received from PHMSA as well as other feedback.
- Colorado Springs: Home Rule - own Damage Prevention in place.

Commissioners discussed some of these items in 'Other Business.'

Update: Safety Commission Diversity Plan and Membership:

This was covered during 'other business,' but is noted here in the minutes to match the Agenda.

- Further guidance has been provided by Boards & Commissions - prefer at least 3 applicants per seat.
- The draft bill (on Diversity) has added "disability" as an identifier; OPS staff has added that to the website and draft emails as well.
- Currently the 2 vacant seats each have 1 applicant (that OPS knows of).

- There was general concern about having seats stay vacant due to a lack of volunteers, or applicants being selected. There was also a question about the fact that identifiers are voluntary to be completed on the application & may not be completed by applicants. While there was a brief conversation regarding concerns, no action was taken.
- The Commission did work on a template email to be sent to nominating entities as they recruit applicants. In addition to completing this task, OPS staff asked when this process should start. Typically this starts in August, and it can shift per Commission's suggestions. It was suggested that this email be sent in early June. It was noted that the Telecommunication /Broadband seat is vacant currently due to resignation & also is set to have the term expire in 2021 - discussed whether a specific email should be sent to those stakeholders to inform them of both of those factors & determine what applicants if any are interested in the seat. Staff empowered to craft that type of communication.
- Commissioners plan to reach out to their nominating entity to share the content of the emails prior to them being sent, so that the entities are aware of this emphasis on multiple applicants and how that might change their process.

OTHER BUSINESS:

- **Home Rule:** CO Springs: reviewed their website and the ordinance language their program is using. A question was asked about boundaries - and for CO Springs it is the city boundaries. Shelly Dornick, the Program Manager, was in attendance and joined the discussion. OPS staff noted that now that a Home Rule entity is in place it might behoove the Commission to determine what the relationship between the entities looks like - including annual PHMSA review. Draft Email to HREs setting up their own programs was reviewed and edited & approved to be sent. Staff will also send a template of a PHMSA questions to CO Springs. Meeting suggested for the future, once program has had time to get going.
- **HB21-1095:** Tangentially, during Commissioners' confirmations in April 2021 - some Commissioners were asked their individual opinion was asked about the draft legislation. In follow up with the AG's office, being asked one's opinion is ok to respond to. PHMSA representative, Annmarie, emailed about the potential for the new language to change the eligibility for grants. The bill is in the Governor's office currently. CO Petroleum Association sent feedback to the several parties including OPS with concerns about the updated (draft) language. This bill would not impact State rating, it would impact certain grant funding. Information from PUC was shared by OPS staff confirming the impacts from their perspective. With Commissioners representing different entities, the impact of this new language was discussed - for locators, owner/operators, safety, and those doing the road work. The Commission does not hold on an opinion on the Bill, and it was noted that it is important to read the bill and understand the language. It was also noted that if the bill passed, it would take effect on June 1, 2022 and is 'subject to petition.' At this time it would not impact best practices or current Regulations.
- SUE: trying to gain clarity on 'when a PE is required' - more information to be provided by a Commissioner and forwarded to staff for the Commission at a later date.
- Agenda items for the next meeting were discussed.

The next meeting is scheduled for June 10, 2021.

Meeting adjourned at 2:52pm.