



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: July 11, 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, Tom Sturmer, Lori Warner, Chris Kampmann (remote attendance).

Absent: Jeff Rumer, Mike Mills, 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 June 13, 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.

REVIEW COMMITTEE COORDINATOR

Jim Moody has been the Interim Review Committee Coordinator. It was determined that there is still benefit in having this position filled. **A Motion was made to have Jim Moody act as the Review Committee Coordinator:** Motion carried & discussion was entered. There was no further discussion. A vote was taken. It was approved by a unanimous vote.

COMPLAINT HEARINGS:

- The Review Committee's Findings of Fact forms from the June 26, 2019 hearings were reviewed with the Safety Commission. It was discussed that deadlines to pay fines and/or complete remedial action shall be added to the Findings of Fact template form and Final Determination forms. Unless otherwise determined, the deadline will be 60 days after the Final Determination is made in a Safety Commission meeting.
 - Complaint # 2019-009: **A Motion was made to adopt the Review Committee's recommended remedial action as noted in the Findings of Fact form, with the addition of the deadline date added:** Motion carried & discussion was entered. There was no further discussion. A vote was taken. It was approved by a unanimous vote.
 - Complaint # 2019-011: **A Motion was made to adopt the Review Committee's recommended remedial action as noted in the Findings of Fact form, with the addition of the deadline**

date added: Motion carried & discussion was entered. There was no further discussion. A vote was taken. It was approved by a unanimous vote.

- Complaint # 2019-014: **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 # 2019-015: **A Motion was made to adopt the Review Committee's recommended remedial action as noted in the Findings of Fact form, with the addition of the deadline date added:** Motion carried & discussion was entered. There was no further discussion. A vote was taken. It was approved by a unanimous vote. There was a brief discussion about adding the ticket number to the Findings of Fact form. It was determined that the form would not be modified.
- Complaint # 2019-016: Discussion was had regarding the challenges of having maps show different addresses; no solutions were found and it was suggested that this may need to be a topic for Best Practices. **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.
- September Hearing dates and Review Committee members were selected.
- An updated draft of the Final Determinations webpage was reviewed by the Safety Commission. Feedback was given to OPS; the suggestions were incorporated and the webpage is now live on the OPS website.
- Draft Complaint Dismissed Notice: document reviewed and feedback given. The changes were made and the form will now be used as applicable in the future.
- 2019-001: remedial action completed and the status is resolved; policy submitted.
- Lessons Learned: Discussion was had about the complaint hearing process and items that can be improved upon. Members shared with each other their experiences. A Resource binder will be developed and available at hearings for members to use as a reference. The # of Violations Tracker sheet was shared with the members as another resource. Some forms will undergo minor edits.

ADMINISTRATIVE ITEMS/OPS UPDATE:

- PHMSA review of CO excavation enforcement letter sent to Mahesh in Nov. 2018.
- OPS Outreach events: thank you to the Safety Commission members that have attended and plan to attend.
- Regulations - working copy: Items to add for future consideration? *Elaborate on dismissal of complaints (define with & without prejudice) & add language on how incomplete complaints will or won't be processed.*

Question on how to approve training courses/providers because there are interested companies. It is part of future business. Discussion was held around Home Rule Entities; the feedback was for OPS staff to continue reaching out to the entities as complaints come in.

CO 811 UPDATE:

Jose Espino & Whitney Nichols were present.

- Progress continues from last month's update regarding software & phone updates.
- CO 811 is working to minimize caller hold times.
- 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 and more events.
- Ticket Reading Training coming shortly for Safety Commission members.
- Procedures Committee approved their SUE procedures.
- CO 811's Annual Report has been submitted. At the next Safety Commission meeting a Data Staff Person will be present to answer Commission's questions.

Questions were asked about the hold times and Tier 2 conversions. CO 811 advised that there are several reasons for both issues. To prepare for the Annual Report discussion, members will be able to send CO 811 questions ahead of time.

BEST PRACTICES:

A summary of the work completed by the Best Practices sub group was provided. Jeanette is developing a draft of the process the group will follow. Definitions were assessed and some new terms will be defined in the future. FAQs will be developed and posted on the website. Next month's agenda topics were advised of.

OTHER BUSINESS:

- Agenda for the next meeting was discussed.
- New videos from Micro Mike Rowe were shared that discuss safe digging & it was noted that it is a part of the National Excavator Initiative. There are a lot of resources and promotion of safety in this industry available.
- It was advised that Safety Commission members can only be nominated for a maximum of 2 terms per the Governor's office.

The next meeting is scheduled for August 8, 2019.

Meeting adjourned at 3:13 pm