



Date: September 8, 2022

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

Present:

R	Chris Kampmann	R	Jeannette Jones	R	Mark Williams	R	Rob Martindale
R	Dale Kishbaugh	R	Jim Moody		Patrick Fitzgerald	R	Ted Jensen
R*	Dana Bijold		Julie McCaleb	R	Raymond Swerdfeger		Terri King
R	Esther Williams		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 1:01 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 meeting notes from the August 11, 2022, meeting: motion carried. During discussion, Commission member Jeannette Jones requested an update to the summary of PHMSA’s concerns about the railroad exemption in the Excavation Requirements Act.

A second motion was then made to approve the meeting notes from the August 11, 2022, meeting: motion carried. A vote was taken to approve the amended meeting notes. The vote for the meeting notes, with the noted amendment included, was approved. Commission member Ted Jensen abstained.

CURRENT BUSINESS

CO 811 Update:

- CEO Update (by J.D. Maniscalco):
 - Completed financial and operational audit and IRS filing
 - Annual meeting will occur on September 20 in Lakewood; main content = officer elections and board meeting (which includes setting the CO 811 annual budget)
 - 2023 board team building and planning event on November 2-4 in Vail; engaging with a couple of facilitators to help with the focus on the four pillars of marketing, human capital, damage prevention and financial
 - Membership complaint process: want to work with the Safety Commission to determine what to do when CO 811 members terminate without a plan for the facilities involved (regardless of facility type), especially if CO 811 has to file a complaint against them
 - Could potentially address with the Safety Commission’s Best Practice subcommittee
 - Norfield Software Update
 - “Start by” date and “Location not found” updates to be completed this year

- File attachment management and consistency (look and feel) update scheduled to be completed by 4Q23
 - Will select a new Web TMS by 10/1/2023
 - Excavation buffer reduction: looking at impacts if buffer is reduced from 150 feet to either 100 feet or 50 feet, pending board approval
 - The Norfield Locator LOGIX (web-based locate management system) overview video was shared
- Operations Update (by Jose Espino):
 - 2022 Center stats
 - Decrease in ticket volume; will traditionally see a spike at the end of dig season, which is occurring this year
 - Ticket types: most are still normal tickets; SUE is still the smallest group of tickets processed; same trend for renotifications is continuing
 - Tickets by source: most by Web Ticket entry, only 28% processed by voice/phone
 - Call volume: down a little bit but following the same trend from the last two years
 - Service levels have decreased significantly; now at 6:50 hold time, which is down from around 13:00 hold time in July
 - Thought that after hours and holiday calls being included in hold time might be negatively impacting the reported hold time, but the difference when (manually) separating those calls from business hours calls was negligible (10 second difference)
 - Decrease in hold time due to increased staffing; balancing onboarding with coaching and development (will focus more on coaching when time allows)
- Damage Prevention & Marketing Update (by Marty Mead and Jessica Bangs):
 - Several Damage Prevention events in September
 - Updated private locating section on CO 811 website; is now an interactive map instead of a list
 - Would like to streamline process for Safety Commission staff notifying CO 811 about people needing to complete training after a hearing
 - Jessica Bangs is the new Marketing & Communications Administrator, replacing Whitney Nichols
 - Annual meeting invitation has been distributed and promoted on social media; can still RSVP
 - Annual member and excavator surveys have been distributed; findings will be shared at the annual meeting
- Member Relations Update (by Carlie White):
 - Automatic positive response renotifications: increased in July and August (26%; 18 % higher than last year)
 - Onboarded seven new members, added a member code for an existing member and processed two name changes
 - Six member terminations in August, one of which was for non-communication/non-payment; assets are still covered by other members or plugged/abandoned for the rest of the terminations

During discussion:

- Commission member Ted Jensen asked whether there was an increase in excavator renotifications over the last two months; there was an increase from 2% to 3%, primarily because of member non-responses and an increase in overall transmissions in August.
- Commission member Jim Moody asked where things stand with regard to implementing the new positive response codes; they are scheduled to be discussed/potentially approved at the November board meeting pending discussion of when to publish them (will likely be January 2023).
- Safety Commission staff asked about how best to update the data request form that staff sends to CO 811 to get information for complaint hearings, as the form was last updated in 2020 and may not match with the current data/attachments that CO 811 has available (e.g., removing reference to Tier 2 members and accessing positive response attachment links in locate request data); CO 811 has updated terminology and information and requested that the staff team send the form to them so they can update it and provide education on it at the November Safety Commission meeting.

- Commission member Rob Martindale noted that Colorado Oil and Gas Conservation Commission (COGCC) was noted as having taken over assets for one of the terminated members and asked whether COGCC is now responsible for marking those facilities; CO 811 will need to confirm that with COGCC.

COMPLAINT HEARINGS:

The Review Committees' Findings of Fact forms from the August 23, 2022, and September 1, 2022, hearings were reviewed with the Safety Commission.

- Complaint #2022-029: **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. A vote was taken to approve the motion. It was approved. Commission member Esther Williams abstained.
- Complaint #2022-032: **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. A vote was taken to approve the motion. It was approved.
- Complaint #2022-009: remedial action received (\$1,000 fine as opposed to submitting proof of communicating to their subcontractors about the importance of following the law)
- Complaint #2022-017: remedial action received (proof of completing CO 811's 101 and 201 courses as opposed to paying a \$1,000 fine)
- Review Committee members were selected for the October 6, 2022, hearing.

BEST PRACTICES:

- Meeting was short; a suggestion was made to move to a smaller group to create the first draft of the large/complex best practice that would include guidance for each impacted stakeholder group (facility owner, excavator, locator, etc.)
 - Asks for the Safety Commission:
 - Approval for using October and November Best Practice subcommittee meetings to create the draft; this change was approved.
 - Participation in the smaller group from Safety Commission members who represent the impacted stakeholder groups (Marty Mead from CO 811 would also participate in the smaller group)
 - Commission members Chris Kampmann, Ted Jensen, Rob Martindale, Mark Williams, and Ray Swerdfeger will participate in the smaller working group.
 - All Safety Commission members review notes from previous Best Practice meetings and send their notes/key takeaways to staff by September 30, 2022; staff will send these collected notes to the working group in advance of the October 13 Best Practice meeting.
 - A suggestion was made for Safety Commission members to also provide feedback based on the categories they represent.
- CO 811 asked the Best Practice subcommittee to assist them with developing a process for handling terminated members, addressing unassigned assets and the potential for CO 811 to file complaints
 - May fall under the Memorandum of Agreement between the Safety Commission and CO 811 to delineate how the parties could work together on this
 - Staff will provide any guidance from the Attorney General on this topic in the post-meeting email to Safety Commission members.

ADMINISTRATIVE ITEMS/OPS UPDATE:

- Staff requested approval to return to remote Best Practices and regular Safety Commission meetings; this change was approved.
- On September 6, 2022, Division Director Mahesh Albuquerque participated in an initial meeting with COGCC, the Public Utilities Commission (PUC) and the Pipeline and Hazardous Materials Safety Administration (PHMSA) regarding efforts to reduce duplication and overlap between the programs; staff will provide an update on this meeting in the post-meeting email.
- The PHMSA program review meeting will occur on September 9, 2022. Safety Commission members Chris Kampmann, Dana Bijold and Jeannette Jones are planning to attend; other planned attendees include the Safety Commission administrator and representatives from the PUC, CO 811 and the Colorado Springs damage prevention safety program. This meeting is a follow-up to the data provided to PHMSA on June 9, 2022.

- Member transition: nominations have been received from all nominating entities; next step is requesting that all nominees apply so that the Colorado Department of Labor and Employment can submit the appointment recommendation letter. Most nominating entities were able to provide multiple nominations.
- Colorado Emergency Report: Commission member Ray Swerdfeger contacted someone who would be able to share more information about the report with the Safety Commission. Thirty minutes for the presentation and 30 minutes for questions would be ideal, but 45 minutes could work. The suggestion was made to invite the speaker to join either the December, January or February meeting.
- Public Safety Manager Greg Johnson announced that Safety Commission board administrator Jacquee Wilson will succeed him as the next Public Safety Manager.

OTHER BUSINESS:

- Facility owner data report:
 - Staff has received the list of facility owner email addresses from CO 811 and will be able to set up the mail merge to send the emails on November 1.
 - Staff was able to tabulate top and bottom five facility owners for the two groups (based on ticket volume)
 - Placement changes depending on whether the focus is excavator renotifications or automatic positive response renotifications.
 - Does the Safety Commission want to do anything about those facility owners whose renotification percentages are significantly higher than the mean? Is it within the Safety Commission's role to communicate with these facility owners?
 - Potentially send a letter to the top five and let the bottom five them know that their percentages fall outside of their peer's average and note the safety concern to show that the Safety Commission is paying attention
 - Add information to the current email that will go out on November 1 or send a separate notice? Staff recommends creating separate versions of the email that all facility owners will receive and adding a statement to the email that denotes the percentages of concern.
 - Commission member Esther Williams suggested that we keep the following in mind:
 - Some of the percentages may be connected to the recent change from the two-tiered membership system.
 - Excavator renotifications sometimes go to all facility owners (or facility owners of a specific facility type) even if they responded to the ticket on time.
 - Track whether the same facility owners are continually in the bottom five, and consider sending emails connected to both excavator renotification and automatic positive response renotifications when sending data report emails in 2023.
 - Determine whether the Safety Commission can share this data with facility owners more generally/widely without violating CO 811's privacy policy.
 - Could potentially share an executive summary based on the data
 - In advance of the October 13 meeting, staff will develop a brief statement to add to the version of the email that will go to the bottom five (10,000-100,000 tickets) and the bottom one (100,000+ tickets) facility owners based on automatic positive response renotifications.
 - Ongoing spending authority: staff met with someone from the department's procurement team to get information about how the Safety Commission would proceed with publishing and awarding grants; the grant amount is so small that we will be able to use a more streamlined process, but the grant must be published and awarded within the same fiscal year; staff will get clarification about whether the projects must be completed within the same fiscal year and will send a link to the draft grant form to the Safety Commission before the October 13 meeting.
 - Safety Commission business card: staff showed the mockup that was created using information the Safety Commission provided and will move forward with getting them printed.
 - Moving the "Other Business from the Audience" agenda item up in the agenda: was a suggestion made at the end of the August meeting; Commission member Dana Bijold suggested moving it after the CO 811 Update and setting a time limit of five minutes, and the Safety Commission approved this suggestion.

The next meeting is scheduled for October 13, 2022. Meeting adjourned at 3:53 pm.