



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
Underground Facilities Safe Excavation Board

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**CA Underground Facilities Safe Excavation Board
("Dig Safe Board")**

June 8, 2020

MEETING MINUTES

June 8, 2020
Teleconference Meeting

OPEN SESSION

Chair Voss called the meeting to order at 9:04 a.m.

Chair Voss explained that due to the Coronavirus Disease-19 (COVID-19) pandemic, and pursuant to the Governor declaring a State of Emergency and issuing Executive Orders N-25-20 and N-29-20, that the meeting is being held via teleconference. Chair Voss explained the procedures for the public to comment via the webinar and teleconference.

BOARD MEMBERS PRESENT:

Carl Voss, Chair
Marjorie Del Toro, Vice Chair
Jessica Forte
Ron Bianchini
Randy Charland
Bill Johns
Marshall Johnson
Amparo Muñoz

STAFF PRESENT:

Tony Marino, Executive Officer
Jeff Brooks, Attorney

Jason Corsey, Chief of Investigations
Anna Brown, Supervising Special Investigator
Carla Newman, Supervising Special Investigator
Jon Barkley, Special Investigator
John Benane, Special Investigator
Michael Ehr Gott, Special Investigator
Dennis Fenton, Special Investigator
Charley Park, Special Investigator

Brittney Branaman, Policy and Budget Manager
Tom Finn, Operations Manager
Jonathan Saxon, Education and Outreach Specialist
Jenni Reed, Policy and Data Analyst
Jeff McClenahan, Policy Analyst
Veronica Bravo, Policy Analyst
Amber Riggle, Office Technician

Agenda Item No. 1: Executive Officer's Report

Executive Officer Tony Marino presented the Executive Officer's Report.

Operations Manager Tom Finn introduced new staff members Amber Riggle - Office Technician, and Jonathan Saxon - Education and Outreach Specialist.

Mr. Marino announced that Investigators Mandy Lao and Diana Lopez departed the Dig Safe Board ("Board") for promotions at another state department and staff was working to fill the vacancies.

Mr. Marino explained that updates to the CAL FIRE email system will soon require Board members to utilize Multi Factor Authentication for access.

Attorney Jeff Brooks provided an update on pending Board regulations. Mr. Brooks explained that the Investigations and Enforcement package excluding section 4201 and Electronic Positive Response package would be going into effect on July 1, 2020. Section 4201 of the Investigations and Enforcement package and the Power Tools and ACE renewal package were on track to go into effect on October 1, 2020.

Chair Voss asked for comments from the Board. There were none.

Chair Voss asked for comments from the public. There were none.

Agenda Item No. 2: Board Member Public Engagement Reports

Chair Voss asked for Board Member engagement reports. There were none.

Chair Voss asked for comments from the public. There were none.

Agenda Item No. 3: Information Item: Implementation of the Idea Submission Form and the Idea Register

Policy Analyst Jeff McClenahan presented information on the Idea Submission Form and Idea Register.

Mr. McClenahan explained the fillable Idea Register Form including changes made to the Form in accordance with the Board's previous direction, the process stakeholders will use to submit the Form, the Summary Report of the Idea Register that will be posted to the Board website, a Detail Report staff will generated based on the information submitted by stakeholders for use in the Annual Planning process, and the points of contact staff identified to follow up with contributors.

Chair Voss asked for comments from the Board.

Board members and staff discussed the timeline for review of the idea submissions, communication plans for ideas following the Annual Planning process, minor wording changes to the form such as including a link to Government Code 4216, frequency of updates to the Summary Report on the website, and whether further changes to the Form would come before the Board or be handled by staff.

Chair Voss asked for comments from the public. There were none.

Agenda Item No. 4: Information Item: Update on Fee Implementation and Collection

Mr. Finn presented the staff report on Fee Implementation.

Mr. Finn detailed the issues and challenges that Board staff were experiencing with late fee collection, including confusion on the part of one-call center members over the fee and billing process, members not receiving invoices, and the call centers not providing balance forward and payment information on subsequent invoices causing members to get delinquent invoices for bills they had already paid. Mr. Finn explained that both call centers have different billing systems which has further complicated the fee collection process.

Mr. Finn explained staff's recommendation that the Board direct staff to prepare regulation language to authorize the Board to issue its own invoices and collect the fees directly from members instead of utilizing the one-call centers to issue invoices and collect the fees on the Board's behalf.

Chair Voss asked for comments from the Board.

Board members and staff discussed staff resources toward taking over fee collection, the decision of the one-call centers to invoice the Board's fee on a separate invoice instead of as a line item, the historical context of development of the fee regulation, and differences in billing between the one-call centers and the Dig Safe Board.

Chair Voss asked for comments from the one-call centers.

Ann Diamond of Underground Service Alert of Southern California (DigAlert) discussed the additional resources that would be needed for DigAlert to implement billing of the Board's fee as a line item on the existing DigAlert invoices.

James Wingate of Underground Service Alert of Northern California and Nevada (USA North 811) discussed confusion he had heard from members about the fee implementation and concerns about his organization incurring the costs of this process in support of the state.

The Board directed staff to include the option of continuing to utilize the one-call centers to issue invoices for and collect the Board's regulatory fee for discussion at a future Board Meeting.

Mr. Marino discussed the next steps for moving forward including looking at legal implications, resources for fee collection, costs of administering the fee, long-term solutions with an interim transition process, as well as a limitation in CAL FIRE with regard to processing credit cards.

Chair Voss asked for comments from the public.

A member of the public, commented on the capabilities of CAL FIRE available to process the collection of Board's fee.

Agenda Item No. 5: Discussion on Abandoned Underground Utilities and Solutions

Special Investigators Jon Barkley and Michael Ehrgott presented a staff report on Abandoned Underground Facilities.

Mr. Barkley and Mr. Ehrgott discussed a series of investigations by staff that highlight different aspects of the issue including the dangers posed to the industry, the cost effectiveness of burying an abandoned line rather than searching out the operator, the inability to locate certain older lines, costs to excavators, the vagueness of many state and local ordinances, lack of records on the issue, and their research into certain Department of Transportation policies that relate to abandoned facilities.

Chair Voss asked for comments from the Board.

Board members and staff discussed the need for a long-term strategy, using surveys to discover more about the problem, the resources of staff available for this topic and the priorities of the Board, a plan to outline the key issues in committee, some options to remedy the problem, ownership of data on abandoned lines, and the lack of data on the topic.

Chair Voss asked for comments from the public.

Todd Bloomstine, representative of Southern California Contractors Association commented that abandoned lines present a significant risk without an easy fix and that excavators should not have to cover the removal of abandoned lines.

Frazier Campbell commented on the need to examine the issue.

Anthony Headley of West Valley Construction commented on generations of utilities stacked on top of each other and not being able to confirm whom they belong to. He explained that abandoned lines are a common scenario that construction crews encounter and how they can shut down production for a day.

James Wingate, USA North 811 suggested that the one-call centers could help track the utility lines and note it on locate request tickets if an operator were to provide a shapefile for abandoned lines

Other Business

None.

Public Forum

Chair Voss asked for any comments from the public for items not on the agenda.

A representative of USA North 811 requested that the Board clarify the regulations that will not be in effect until October 1, 2020.

Adjournment

Chair Voss adjourned the meeting at 3:03 p.m.

Respectfully submitted,

/s/ Tony Marino

Tony Marino
Executive Officer

Attest:

/s/ Carl Voss

Carl Voss
Chair