



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

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

November 16, 2020

MEETING MINUTES

November 16, 2020
Teleconference Meeting

Agenda Item No. 1: Call to Order and Roll Call

Chair Voss called the meeting to order at 9:02 a.m.

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Jessica Forte

STAFF PRESENT:

Tony Marino, Executive Officer
Jeff Brooks, Attorney

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

Brittney Branaman, Policy and Budget Manager
Tom Finn, Operations Manager

Jenni Reed, Policy and Data Analyst
Jeff McClenahan, Policy Analyst
Veronica Bravo, Policy Analyst
Amber Riggle, Office Technician

Chair Voss explained that due to the 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 as being held via teleconference. Chair Voss explained the procedures for the public to comment via the webinar and teleconference.

Agenda Item No. 2: Public Comments on Items not on the Agenda

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

A representative from Pierre Landscaping stated that they were not deliberately unresponsive to September's Notice of Probable Violation hearing and are implementing changes to ensure compliance.

A representative from Pacific Gas & Electric (PG&E) commented on the connectivity and technological limitations that impact Gov't Code § 4216.3 response requirements and asked the Board to address challenges in remote areas regarding connectivity impacts on Electronic Positive Response and future notification requirements.

Agenda Item 3: Approval of Written Decisions on Notices of Probable Violation Considered During the September Board Meeting

Chair Voss asked Board members to approve the written decisions on enforcement actions the Board voted to take in September and to state any corrections to the decisions needed.

Chair Voss asked if there were any public comments. There were none.

Chair Voss asked if there were any corrections to the decision made for #20SA1021 – AT&T.

There were no corrections and the decision was approved as presented.

Chair Voss asked if there were any corrections to the decision made for #19LA1042 – Horizon Solar Power.

There were no corrections and the decision was approved as presented.

Chair Voss asked if there were any corrections to the decision made for #20SA1035 – Kleven Construction.

There were no corrections and the decision was approved as presented.

Chair Voss asked if there were any corrections to the decision made for #20SA1021 – MGE Underground.

There were no corrections and the decision was approved as presented.

Chair Voss asked if there were any corrections to the decision made for #20SA1004 – Nurture Source.

There were no corrections and the decision was approved as presented.

Chair Voss asked if there were any corrections to the decision made for #20SA1040 – PG&E.

There were no corrections and the decision was approved as presented.

Chair Voss asked if there were any corrections to the decision made for #19LA1090 – Pierre Landscaping.

Member Del Toro stated she needed to recuse herself from approving the written decision on enforcement actions the Board voted to take on Pierre Landscaping due to a conflict of interest.

The decision was approved.

Chair Voss asked if there were any corrections to the decision made for #19LA1090 – Swinerton Construction.

There were no corrections and the decision was approved as presented.

Chair Voss asked if there were any corrections to the decision made for #20LA1085 – West Coast Construction.

There were no corrections and the decision was approved as presented.

Agenda Item 4: Decision on Notice of Probable Violation #20SA1073 – DePiazza & Reed Construction

Chair Voss asked if there were any public comments on this item. There were none.

The participating Board members considered the report of investigation and found that (1) a probable violation of Gov't Code § 4216.2(b) occurred, and (2) an order directing DePiazza & Reed Construction to take the Board's education course was an appropriate sanction

Chair Voss asked for comments from the Board.

Board members noted the lack of a ticket made DePiazza & Reed Construction an ideal candidate for referral to the Board's education course.

Board Action: Motion to refer the case to the Contractors State License Board with a recommendation that completion of the Board's education course be required.

Motion: Member Del Toro

Second: Member Johns

Ayes: Members Bianchini, Charland, Del Toro, Johns, Johnson, Munoz, and Voss

Noes: None

Abstentions: None

Recusals: None

Result: Motion Approved.

Agenda Item No. 5: Decision on Notice of Probable Violation #20LA1086 – Southern California Gas

Chair Voss and Member Johnson recused themselves from participation in this agenda item. Chair Voss turned the meeting over to Vice Chair Del Toro.

Vice Chair Del Toro asked for comments from the public. There were none.

Vice Chair Del Toro asked for comments from the Board.

Board members commented that the investigation was thoroughly conducted and requested that the information be included in the subcommittee information on directional drilling.

Board Action: Motion to refer the case to the California Public Utilities Commission with a recommendation that completion of the Board's education course be required.

Motion: Member Bianchini

Second: Member Munoz

Ayes: Members Bianchini, Charland, Del Toro, Johns, and Munoz

Noes: None

Abstentions: None

Result: Motion Approved.

Vice Chair Del Toro turned the meeting back over to Chair Voss.

Agenda Item No. 6: Decision on Notice of Probable Violation #20SA1059 – Pacific Gas & Electric

Member Johnson recused himself from participation in this agenda item.

Chair Voss asked for comments from the public.

A representative from PG&E commented that the NOPV was originally sent to the legal department. PG&E has since communicated with Board staff to ensure PG&E's damage prevention team receives future NOPV's.

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

Board Action: Motion to refer the case to the Contractors State License Board with a recommendation that completion of the Board's education course be required.

Motion: Member Del Toro

Second: Member Bianchini

Ayes: Members Bianchini, Charland, Del Toro, Johns, Munoz, and Voss.

Noes: None

Abstentions: None

Result: Motion Approved.

Agenda Item No. 7: Consideration of Electronic Positive Response Extension Applications

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

Group 1:

- Sand Canyon Oaks Mutual Water Company EPR-2020-09-28-063
- Apple, Inc. EPR-2020-09-30-033
- San Lucas County Water District EPR-2020-10-01-059

Member Johnson recused himself from participation in consideration from applications in Group 1.

Chair Voss asked for comments from the Board.

Board members discussed that it was important to recognize efforts made by entities that acknowledge the Board and participate in the process to ensure compliance. Granting the application extensions will allow for better understanding to fully comply.

Board Action:

Motion: Member Charland

Second: Member Munoz

Ayes: Members Bianchini, Charland, Del Toro, Johns, Munoz, and Voss.

Noes: None

Abstentions: None

Result: Motion Approved.

Group 2A – UC Davis Health Application:

- UC Davis Health – EPR-2020-09-25-007

Members Bianchini and Johnson recused themselves from participation in consideration of the application submitted by UC Davis Health.

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

Board Action:

Motion: Member Charland

Second: Member Munoz

Ayes: Members Charland, Del Toro, Johns, Munoz, and Voss.

Noes: None

Abstentions: None

Result: Motion Approved.

Group 2A:

- City of Los Angeles, Information Technology Agency EPR-2020-09-25-005
- City of Healdsburg EPR-2020-09-25-006
- City of Greenfield EPR-2020-09-28-008
- Liberty Utilities (CalPeco Electric) LLC EPR-2020-09-28-009
- Valley Children's Hospital EPR-2020-09-28-010
- RMX Resources / Matrix Oil Corporation EPR-2020-09-28-011
- Shaver Lake Propane EPR-2020-09-28-012
- County of Calaveras Department of Public Works EPR-2020-09-28-013
- City of El Segundo EPR-2020-09-28-015
- City of Cloverdale EPR-2020-09-29-017
- Rio Linda/Elverta Community Water District EPR-2020-09-29-018
- Rubidoux Community Services District EPR-2020-09-29-019
- City of La Mesa EPR-2020-09-30-020
- City of Brawley EPR-2020-09-30-021
- County of Placer EPR-2020-09-30-023
- City of Susanville EPR-2020-09-30-024
- Southgate Recreation & Park District EPR-2020-09-30-025
- Lakeside Park Mutual Water Company, Lakeside Park Association EPR-2020-09-30-026
- Frazier Park Public Utility District EPR-2020-09-30-027
- Town of Windsor Windsor Water District EPR-2020-09-30-028
- Summerland Sanitary District EPR-2020-09-30-029
- City of Hemet EPR-2020-09-30-030
- Bighorn-Desertview Water Agency EPR-2020-09-30-032
- City of El Cajon EPR-2020-09-30-034
- Castro Valley Sanitary District EPR-2020-09-30-035
- City of Monrovia EPR-2020-09-30-036
- Big Rock CSD EPR-2020-09-30-037
- City of Santee EPR-2020-09-30-038

- City of Cathedral City EPR-2020-09-30-039
- City of Lemon Grove EPR-2020-09-30-040
- Rocky Comfort Mutual Water Company EPR-2020-10-01-041
- Sewerage Commission - Oroville Region (SC-OR) EPR-2020-10-01-042
- Mission Hills Community Services District EPR-2020-10-01-043
- Buttonwillow County Water District EPR-2020-10-01-044
- Franklin County Water District EPR-2020-10-01-046
- City of Gonzales EPR-2020-10-01-048
- City of Emeryville EPR-2020-10-01-050
- Happy Camp Community Services District EPR-2020-10-01-054
- Homestead Valley Sanitary District (Calegari) EPR-2020-10-01-055
- Almonte Sanitary District (Calegari) EPR-2020-10-01-056
- Alto Sanitary District (Calegari) EPR-2020-10-01-057
- City of Burbank Water and Power EPR-2020-10-01-058
- City of Oakland EPR-2020-10-01-060
- Westlake Lake Management Assoc EPR-2020-10-01-062

Member Johnson recused himself from participation in consideration from the remaining applications in Group 2A.

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

Board Action:

Motion: Member Munoz

Second: Member Del Toro

Ayes: Members Bianchini, Charland, Del Toro, Johns, Munoz, and Voss.

Noes: None

Abstentions: None

Result: Motion Approved.

Group 2B:

- USA Media Group/NPG Cable/Suddenlink Communications/Altice USA EPR-2020-10-01-049
- California Department of Water Resources-San Joaquin FD EPR-2020-10-01-051

Members Charland and Johnson recused themselves from participation in consideration from applications in Group 2B.

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

Board Action:

Motion: Member Del Toro

Second: Member Munoz

Ayes: Members Bianchini, Del Toro, Johns, Munoz, and Voss.

Noes: None

Abstentions: None

Result: Motion Approved.

Group 2C:

- California Department of Water Resources - Southern Field Division EPR-2020-10-01-052

Members Charland, Del Toro and Johnson recused themselves from participation in consideration from applications in Group 2C.

There was no quorum for this item due to member recusals based on conflicts of interest. Chair Voss proposed the Board hold a brief meeting before the end of the year to act on the application.

Group 2D:

- Irvine Ranch Water District EPR-2020-09-14-003
- City of Rancho Santa Margarita EPR-2020-09-28-014
- City of Pasadena, Department of Water & Power EPR-2020-09-30-022
- City of Huntington Beach Water EPR-2020-10-01-045
- City of Richmond Public Works EPR-2020-10-01-047
- South Coast Water District Joint Regional Water Supply System EPR-2020-10-01-053

Members Del Toro and Johnson recused themselves from participation in consideration from applications in Group 2D.

Chair Voss asked for comments from the Board.

Board members noted it was encouraging to have city water entities apply for an extension and demonstrate willingness to participate in the compliance process.

Board Action:

Motion: Member Munoz

Second: Member Bianchini

Ayes: Members Bianchini, Charland, Johns, Munoz and Voss.

Noes: None

Abstentions: None

Result: Motion Approved.

Agenda Item No. 8: Technology Update from Regional Notification Centers

Regional Notification Centers presented technology updates to Board members.

DigAlert Vice President Jim Schwilk presented updates on Area of Continual Excavation tickets, EPR testing guidelines, and system updates.

Mr. Schwilk noted there were 171 Area of Continual Excavation tickets as of November 16th morning, Online support was introduced in July 2020 for DigAlert Direct Standard and Professional users of Area of Continual Excavation ticketing system, and short help videos have been uploaded to YouTube. Mr. Schwilk explained that DigAlert is currently in the testing phase of new codes for internal use related to Electronic Positive Response that will reduce false No Response flags.

USA North 811 Executive Director James Wingate presented statistics on ticket volumes, mapping technologies and technology improvements made to improve the user experience.

Mr. Wingate noted USA North 811 ticket volume has significantly increased over the last five years with the improved awareness of call-before-you-dig and implementation of an e-ticket system to manage ticket volume. Mr. Wingate noted that USA North 811 purchases parcel mapping layers for their most active counties once a month and the remaining counties on a quarterly basis from ParcelQuest. Mr. Wingate explained that a Member Portal has been introduced to make it accessible for members to upload service area mapping, confirm accuracy and manage their contact information.

Chair Voss recessed the meeting from 10:34 a.m. to 10:55 a.m. for a break.

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

Chair Voss asked for comments from the Board.

Members discussed the differences between each call center's mapping technologies and improvements to come. Members discussed with Mr. Schwilk and Mr. Wingate the process call centers participate in when implementing changes that have statewide impacts.

Member Charland discussed with Mr. Schwilk and Mr. Wingate connectivity issues in remote areas, mapping services and electronic white-lining. Dig Alert and USA North 811's system is the same as it will capture an offline time stamp when the server receives the mark. Member Charland and Mr. Wingate agreed connectivity issues will need to be discussed in the future. Dig Alert's mapping system is TIGER based and includes features to allow electronic white-lining. USA North 811 mapping service is based on county GIS departments that allows users to draw their own excavation area shape that will translate into a string of coordinates describing vertices of the shape, but does not produce an aerial photo that matches up to the ground.

Chair Voss recessed the meeting from 12:00 p.m. to 1:30 p.m. for a lunch break.

Agenda Item No. 9: Update on Reasonable Care Standards Development for Trenchless Excavation Techniques

Policy Analyst Jeff McClenahan presented a staff report on Reasonable Care Standards Development.

Mr. McClenahan provided an update on the participation from the two workshops held in August and October and results from the online survey on reasonable care standards in the field of trenchless excavation which showed that there was widespread agreement in the survey and workshops on potholing utility crossings, problems around soil conditions managed by best practices, calibration of tracking technology, and basic steps for safe excavation in Gov't Code § 4216, but there were significant variations in answers around abandoned lines as an issue for trenchless projects, maintaining open pothole windows for horizontal directional drilling and auger and casing boring, and variation in operator requirements for trenchless installations. Staff recommended the Board to direct staff and Reasonable Care Committee to continue research on reasonable care standards on the topic of horizontal directional drilling.

Chair Voss asked for comments from the public.

A member from the public asked if the reasonable care information will be shared.

Chair Voss asked for comments from the Board.

Members directed staff to identify areas where information is still needed to establish potholing standards relative to trenchless excavation.

Agenda Item No. 10: Discussion on 2021 Board Planning

Policy and Budget Manager Brittany Branaman presented a staff report on 2021 Board planning.

Ms. Branaman summarized the progress made toward the completion of the Strategic Objectives and Strategic Activities that the Board set out as goals in the 2020 Annual Plan. Ms. Branaman explained that many of the planned activities have been delayed due to the COVID-19 pandemic. Staff asked the Board to consider focusing its attention on continuing to grow and improve on its 2020 Strategic Objectives before adding additional objectives or activities.

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

Chair Voss asked for comments from the Board.

Members complemented staff on the detailed report on the progress made toward the completion of the 2020 Strategic Objectives and Strategic Activities. Board members recognized the efforts made by staff with the challenges faced by the evolving COVID-19 pandemic.

Chair Voss noted there will be an ongoing focus on Area of Continual Excavation for the upcoming year and asked the staff for recommendations on how to implement the Idea Register.

Agenda Item No. 11: Board Member Public Engagement Reports

Chair Voss asked for Board Member engagement reports.

Chair Voss commented staff will continue to work with call centers to provide Area of Continual Excavation outreach to the agricultural community. Chair Voss noted that Grimmway Farms and USA North 811 have been collaborating to develop outreach material for the agricultural community.

Agenda Item No. 12: Executive Officer's Report

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

Chief of Investigations Jason Corsey provided an enforcement update and noted that there were four new advisory "no ticket" violation letters sent out in November.

Executive Officer Tony Marino presented the Education and Outreach update explaining that the Board acquired a new learning platform to facilitate providing the Education Course remotely.

Mr. Marino presented a technology update, stating that Investigations has been using the new Case Management System which went live on October 14th.

Mr. Marino noted that SB 865 was signed into law since the previous Board meeting and will move the Board to the new Office of Energy Infrastructure Safety starting January 1, 2022. Mr. Marino explained that the Board will ultimately need a ticket management system to store the notification information that SB 865 requires the one-call centers to provide to the Board.

Chair Voss asked for comments from the Board.

Members discussed different vendors and features to consider when deciding on a Ticket Management System.

Chair Voss asked for comments from the public.

A member of the public asked how many investigators are currently on the Board staff.

A member of the public asked if staff can publish the education course videos on the Board's website.

Agenda Item No. 13: Other Business – Future Agenda Items

Chair Voss asked if there were any other items to be added to the next board meeting agenda.

Mr. Marino explained there will be a short Board meeting in December to act on the one item that lacked a quorum in November's meeting.

Agenda Item No. 14: Adjournment

Chair Voss adjourned the meeting at 2:50 p.m.

Respectfully submitted,

/s/ Tony Marino

Tony Marino
Executive Officer

Attest:

/s/ Carl Voss

Carl Voss
Chair