



RESULTS REPORT

2020

California Dig Safe Board



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For a hard copy of this report, please contact the Dig Safe Board at (916) 568-3800 or digboard@fire.ca.gov. This report is also available on the Board's website: <http://digsafe.fire.ca.gov>

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EXECUTIVE SUMMARY

During the Board's first two years of work (2018 & 2019) it focused on meeting legislative deadlines and developing its operational capabilities. In 2020 the Board moved beyond meeting deadlines and started implementing its legislative charge in earnest, including by taking enforcement actions and completing its development of an education course. The COVID-19 pandemic required the Board to adapt existing operations to the new normal of remote work and physical distancing. The Board's maturation will continue into 2021 as it embarks on a new future as part of the Office of Energy Infrastructure Safety ("OEIS"), beginning in January 2022.

Enforcement

Following the Board's first Notices of Probable Violation in July 2020, the Board heard twelve enforcement cases, in each referring the violator to the Public Utilities Commission or Contractors State License Board with a recommended penalty of attending the Board's education course.

Approximately 150 investigations were conducted into possible violations.

A new case management system rolled out in October to store investigation information and provide reports and analysis used to for enforcement and to inform the Board's policy work.

Regulations

Regulations impacting Excavators and Operators were implemented addressing the following topics:

1. Areas of Continual Excavation, providing one-year tickets for farmers and flood control operators
2. The enforcement process
3. Use of power tools in finding Underground Facilities
4. Approval process for extensions to the requirement to submit Electronic Positive Responses to Excavation Tickets.

Education & Outreach

The Board completed its education course, which is aimed at informing violators of requirements of the One-Call Law and the shared responsibility in ensuring excavation is conducted safely.

Efforts by the Board to expand education and outreach beyond new laws and regulations were hampered by COVID-19, as conferences and in-person events were cancelled or curtailed. Work to increase education and outreach is planned for 2021.

Senate Bill 865

In 2021, pursuant to Senate Bill 865 (Hill, 2020) the Board will prepare to move from within the Department of Forestry and Fire Protection ("CAL FIRE") to the Office of Energy Infrastructure Safety. The knowledge and skills the Board developed in establishing its operations make it well prepared to support OEIS's creation of policies, procedures, and culture. The Board looks forward to collaborating with the rest of OEIS and establishing the organization's operational foundation. Work in preparation for the move began in 2020.

ABOUT THE BOARD

The California Dig Safe Board was created by the Dig Safe Act of 2016 to investigate accidents, develop safety standards, and coordinate the state's education and outreach programs.

The Board is composed of nine members appointed by the Governor and Legislature and is supported by a team of staff based in Sacramento and Lakewood. Board members are charged with overseeing the safety of excavations around buried utilities.

2020 Board Members

Carl Voss, Chair

Marjorie Del Toro, Vice Chair

Ron Bianchini

Randy Charland

Jessica Forte

William Johns

Marshall Johnson

Amparo Muñoz

Board Member Attendance

In 2020, the Board met nine times, and in only two meetings had an absence.

Date	Location	Bianchini	Charland	Del Toro	Forte	Johns	Johnson	Munoz	Voss
January 13-14	Sacramento	Y	Y	Y	Y	Y	Y	Y	Y
February 10	Long Beach	Y	Y	Y	Y	Y	Y	Y	Y
April 13	Teleconference	Y	Y	Y	Y	Y	Y	Y	Y
June 8	Teleconference	Y	Y	Y	Y	Y	Y	Y	Y
July 13	Teleconference	Y	Y	Y	Y	Y	Y	Y	Y
August 10	Teleconference	Y	Y	N	Y	Y	Y	Y	Y
September 14	Teleconference	Y	Y	Y	Y	Y	Y	Y	Y
November 16	Teleconference	Y	Y	Y	N	Y	Y	Y	Y
December 1	Teleconference	Y	Y	Y	Y	Y	Y	Y	Y

Table 1: Board member meeting attendance in 2020.

Mission, Vision, Values, and Enforcement Philosophy

Mission (Policy B-02)

The Dig Safe Board improves public and worker safety by facilitating communication and learning among excavators and the operators of subsurface installations, by investigating accidents to determine their causes, and by developing solutions to improve safety outcomes. The Board strives to be a model regulatory and investigatory board for other states to emulate.

Vision (Policy B-03)

The Dig Safe Board seeks to effect a California in which the state's excavators and subsurface installation owners know and understand:

- How to identify the locations of subsurface installations,
- How to protect against dangerous contact with those installations,
- How to resolve unexpected situations that may arise, and

In which the state's excavators and subsurface installation owners exercise that knowledge and understanding to promote a culture of mutual respect and dedication to the cause that everyone goes home safe.

Values (Policy B-04)

The actions and decisions of the Dig Safe Board members and staff will be guided and informed by their commitments to:

- Respect for and attentiveness to the expression of differing backgrounds and perspectives of the Board's members, the public, and stakeholders, as well as for the missions of excavators, operators of subsurface installations, and other federal, state, and local agencies.
- A culture of continuous learning based on the development and free exchange of ideas.
- Inquiry into the facts of and context behind accidents, near misses, and latent safety-related conditions in the field.
- Accessibility to the public and stakeholders, within the bounds of the law, constitutional principles of due process, and ethical conduct.
- Integrity in serving in the public interest and devotion to maintaining the public's trust.

Enforcement Philosophy (Policy B-05)

The Board, in exercising its statutory responsibility to enforce, and recommend enforcement to other state agencies, does so pragmatically, with the goal of improving the safety of excavations in the vicinity of subsurface installations in the state. The Board has many enforcement tools, and sets forth the following enforcement philosophy to communicate how it intends to use those tools. Though the details of its application will necessarily vary based on case-specific circumstances, this philosophy applies to all persons and entities subject to enforcement of the state's one-call law (Article 2 of Chapter 3.1 of Division 5 of Title 1 of the Government Code).

1. Given evidence of unintentional error and lack of evidence of reckless or willful non-compliance, the Board's enforcement should focus on assisting violators in correcting non-compliances.

The effectiveness of an intervention method in effecting behavior change is dependent on the cause of the misbehavior. All else being equal, most persons in regulated industries want to be both safe and compliant with the law, and for those people, requiring a corrective action—be it education, procedure change, or otherwise—will be more effective in eliciting improvement than financial penalties. Furthermore, punishing unintentional errors can cause companies and—more importantly—people within those companies, not to share safety-related errors. The more localized the penalty to an individual, the greater the negative effect on communication. Increased communication about safety leads to improved safety. Cultures that limit communication limit safety performance.

2. Given lack of evidence of unintentional error and evidence of reckless or willful noncompliance, the Board should use fines as an enforcement tool.

The effectiveness of an intervention method in effecting behavior change is dependent on the cause of the misbehavior. Safety performance in a production focused industry is determined by how internal personnel interact with external forces, and the Board is but one of these external forces. Directing an entity to correct intentional or reckless non-compliances will not elicit behavior change, but is instead more likely to create surface-level compliance without addressing the underlying cause of the reckless or willful noncompliance. Repeated violations and failure to implement corrective actions may be indicators of reckless or willful non-compliance. In this case, monetary penalty is the Board's most effective tool in creating compliance.

3. Board investigative staff should develop procedures to actively limit the influence of liability in determining what accidents and complaints to investigate.

The Board's statutory mission is to oversee safety performance, not determine liability in accidents. Persons and companies may make reports and complaints of one-call law violations at little to no cost to themselves. The Board, on the other hand, has limited investigatory resources. Board investigation of complaints made for liability purposes will encourage further complaints for liability purposes, straining Board resources. Furthermore, a perception that the Board can be a tool by parties to collect damages from each other will undermine trust in the Board's interest and ability in pursuing its safety mission and reduce communication about safety. Board investigations initiated to serve liability purposes can undermine safety communication, thus undermine safety culture in the state.

INTRODUCTION TO STRATEGIC OBJECTIVES

The purpose of the Board's 2020 Results Report is to provide transparency into the Board's planning and operational activities and thereby create accountability to its stakeholders, the Legislature, and the public. This report details the work performed by the Board to execute on the Strategic Objectives and Strategic Activities detailed in the 2020 Annual Plan as well as other events and on goings of note from the year. Each Strategic Objective is supported by a focused set of Strategic Activities taken on by the Board. While Strategic Objectives are intended to address goals over time and across several years, Strategic Activities are smaller immediate steps aimed at advancing a specific goal. This report details the specific accomplishments made towards the realization of each of these objectives in the year 2020 as well as includes additional sections explaining impacts from COVID-19 and information about Senate Bill 865, which affected on Board Operations in 2020.

The four Strategic Objectives and the associated Strategic Activities laid out in the 2020 Annual Plan reflected the Board's growth as it evolved from a brand-new entity and matured into its role of improving excavation safety by implementing policies and enforcing statute and regulation. Previous efforts establishing the role of the Board and laying the groundwork for enforcement were realized in mid-2020 as the first enforcement hearings were held and penalties assessed, and several regulations implemented.

The 2020 Strategic Objectives included:

I: Foster Compliance with New and Existing Laws through Education and Outreach

Inform excavators and operators of new laws and regulations to foster compliance, build Board brand recognition through outreach and education, and finish the education in lieu of fines course.

II: Improve Excavation and Location Practice Safety

Develop standards for excavators to use in determining the location of buried infrastructure in specific circumstances such as trenchless excavation, and to develop standards for excavators and operators to demonstrate their compliance with the law.

III: Build Foundation for Accident Cause Identification

Identify contributing factors to safety accidents and non-compliance by investigating accidents and modeling their causes to develop sufficient understanding to allow the Board to prioritize and target its interventions.

IV: Continue Building a Foundation for Board Operations

Develop internal and external policies to continue to establish its operations to achieve compliance, reporting and operational efficiency.

OBJECTIVE I: FOSTER COMPLIANCE WITH NEW AND EXISTING LAWS THROUGH EDUCATION AND OUTREACH

The Board's education and outreach efforts in 2020, as in previous years, continued to be focused on informing excavators, operators, and the general public of new and upcoming regulatory requirements driven by legislative charges. The Board completed development of an online education course to be used to educate those found to have violated the law in safe excavation practices. While the Board participated in general outreach activities aimed at building its name recognition, these and other outreach efforts were limited as restrictions stemming from the COVID-19 pandemic caused conferences and other events to be cancelled and other in-person outreach efforts to be curtailed. Much of these efforts in educating about new statutory and regulatory requirements, including in the topics of Areas of Continual Excavation, Electronic Positive Response, and Power Tool Use in the Tolerance Zone—as well as in building brand and name recognition—are expected to continue into the coming year.

Activity: Finalize Education Course

The Board finalized its education course in 2020. Developed entirely in-house, the new course is now available to the Board as a sanction for its enforcement decisions. The course uses three case studies to teach the basics of the One-Call Law and the important role of open communication in excavation safety. The course has been adapted for remote delivery in the face of the COVID-19 pandemic. First sessions of the course are expected to be held in early 2021.

Background

Soon after becoming active in 2018, the Board began exploring education solutions for a graduated enforcement approach that would include direction to attend relevant education where appropriate.¹ When research revealed a lack of existing educational offerings relevant to all sides of its regulated industry, the Board chose members Del Toro and Johnson to oversee development of a course internally from the ground-up. Board members Del Toro and Johnson determined the course should use video case studies to illustrate One-Call Law safety fundamentals in an engaging and relatable way.

By the end of 2018, the selection of three case studies was finalized, each one demonstrating real world safety consequences relevant to workers' day-to-day experiences. Through 2019, staff resources focused on extensive gathering and analysis of case documents and developing videos and course curriculum linking the events of the case studies to the steps for safe excavation laid out in the One-Call Law.

Feedback received through the Board's 2019 Education & Outreach Survey supported the topics and teaching methods being developed into the course curriculum. Respondents identified delineation, locate and mark, and lessons from

¹ Gov't Code § 4216.19(e)

past dig-ins as the top three education topics requested. Second only to on-the-job training, respondents identified classroom group discussion as a preferred training method, which is employed throughout the course.

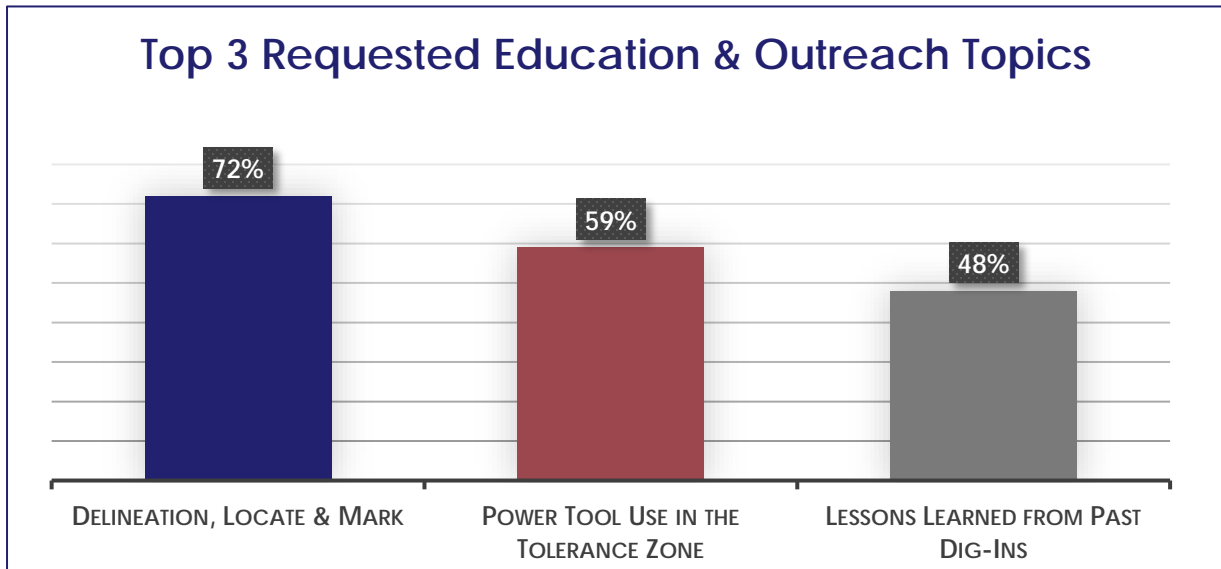


Figure 1: Results of the Board's 2019 Education & Outreach survey question asking respondents to identify the topics most in need of education and outreach.

Finalizing the Course

The first half of 2020 marked an intensive period of video and curriculum production. The videos were completed in April. Course materials, including the Instructor Guide, Student Workbook, PowerPoint slides deck, and group activity materials were completed in June.

The resulting course positions communication as fundamental to safety. This approach is consistent with the safe excavation process laid out in the state's One-Call Law, which requires communication between parties at every step.

The Board's education course examines excavator and operator one-call obligations, along with topics such as the USA ticket, maps, markings, and organizational policies. Students who complete the course will have a clear understanding of the core requirements of the One-Call Law and the importance of managing those requirements as forms of communication. Lessons throughout the course reinforce the value of a safety mindset at the individual and organizational level.



Figure 2: Still image from Walnut Creek case study video

Adaptation to Remote Delivery

When the course was completed in mid-2020, it became clear that the COVID-19 pandemic would not resolve before the course would need to be delivered. Due to public health restrictions, the in-person classes that the curriculum was designed for were adapted for delivery in a virtual environment.

Platform Acquisition

The course was devised to elicit a personal connection between participants and the curriculum. Class discussion and small group activities are key methods used to achieve a more personal learning dynamic. In order to preserve this intention in a remote delivery environment, the Board needed to acquire an appropriate online platform. Building on existing use of GoToWebinar for conducting remote public meetings, Board staff acquired GoToTraining for online delivery of the course. The chosen platform includes key functionalities, such as in-class polling, breakout groups, and survey delivery.

Adapting Course Materials

Even with the functionality offered by GoToTraining, changes to course materials were necessary. Portions of the Instructor Guide referencing the classroom environment needed to be revised to instead offer remote learning guidance. Activities needed to be adapted to suit platform functionalities while preserving the character and intent with which they were designed. The PowerPoint slides were enhanced to support the increased focus on the screen that is inherent to online learning. The staff resources needed to complete these changes in a manner keeping faithful to the design of the course were significant.

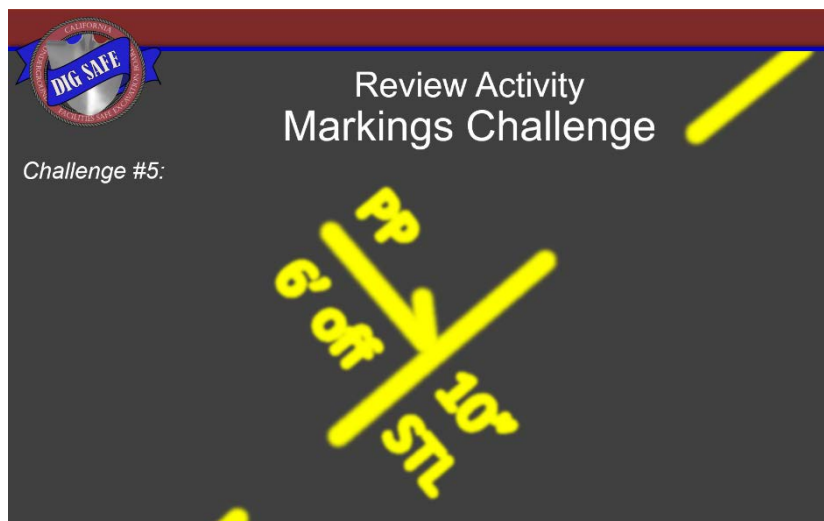


Figure 3: Slide 41 of the Education Course PowerPoint presentation showing a marking challenge

Testing & Implementation

Once access to GoToTraining was obtained in early October, staff tested the course internally. This testing round identified areas where the course delivery and materials could be further optimized to support student engagement through the remote delivery platform. Investigations staff, who will be delivering the course, received training on the GoToTraining platform in October. By the close of 2020, the Board had adopted 12 enforcement decisions with a recommended penalty of education through referral to partner agencies, pursuant to the One-Call Law. The first available offering of the Board's new course is expected for early 2021.

Activity: Targeted Education and Outreach for Area of Continual Excavation (ACE)

The Board took several steps in 2020 to inform farmers of the ACE process, including development of a website with the agreement forms and the writing of articles for industry publications. As agriculture has not historically been highly engaged in the call before you dig process, these efforts represented an important opportunity. Planned in-person events targeting outreach to these groups were hampered by the COVID-19 pandemic and are expected to resume in the coming year as uptake of the new tickets remains low in comparison to the size and scope of this type of excavation in the state.

Online Tools for ACE

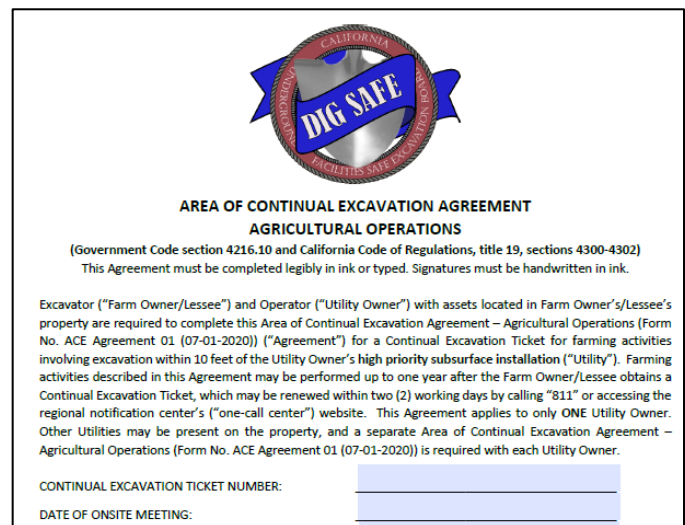
To disseminate information and provide a fixed point of reference for both the educational materials and the regulatory communication forms used in the ACE ticketing process, the Board developed a webpage for the ACE process placed prominently on the home page of the Board website.² The ACE page provides links to these documents as well as an introduction to the ACE ticket requirements.

The Board created the “ACE Agreement” forms as a communication tool for all parties to mutually establish and agree to the requirements for safe excavation on a continually excavated site, and the completed forms represent shared agreements for the better protection of workers and subsurface facilities. The agreement forms require updated contact information, on-site meeting information, descriptions of the utility and location, as well as procedures in the event of a dig-in emergency.

In order to make these into still more useful tools for communication between parties, the Board released fillable PDF forms for ease of use in an electronic interface.

Testing the System

Board Member Voss engaged with farmers and the state’s Regional Notification Centers to promote the understanding and adoption of the ACE process, facilitating meetings so that the centers could show farmers how to obtain these new tickets using the centers’ websites. Member Voss and staff have been working with the Regional Notification Centers to create step-by-step guides to assist farmers through creating these new tickets. Development of these guides will continue into 2021.



AREA OF CONTINUAL EXCAVATION AGREEMENT
AGRICULTURAL OPERATIONS
 (Government Code section 4216.10 and California Code of Regulations, title 19, sections 4300-4302)
 This Agreement must be completed legibly in ink or typed. Signatures must be handwritten in ink.

Excavator ("Farm Owner/Lessee") and Operator ("Utility Owner") with assets located in Farm Owner's/Lessee's property are required to complete this Area of Continual Excavation Agreement – Agricultural Operations (Form No. ACE Agreement 01 (07-01-2020)) ("Agreement") for a Continual Excavation Ticket for farming activities involving excavation within 10 feet of the Utility Owner's high priority subsurface installation ("Utility"). Farming activities described in this Agreement may be performed up to one year after the Farm Owner/Lessee obtains a Continual Excavation Ticket, which may be renewed within two (2) working days by calling "811" or accessing the regional notification center's ("one-call center") website. This Agreement applies to only ONE Utility Owner. Other Utilities may be present on the property, and a separate Area of Continual Excavation Agreement – Agricultural Operations (Form No. ACE Agreement 01 (07-01-2020)) is required with each Utility Owner.

CONTINUAL EXCAVATION TICKET NUMBER:

DATE OF ONSITE MEETING:

Figure 4: The ACE Agreement Form establishes communication between parties with a shared understanding of the area and terms of the on-site meeting requirement.


² [Dig Safe Board Area of Continual Excavation Webpage.](#)

Activity: Electronic Positive Response (AB 1166)


The Board developed emergency regulations in 2020 to implement Assembly Bill 1166 (Levine, 2019) which created a January 1, 2021 deadline for utility operators to begin responding electronically with the status of their response to each excavation ticket. Board discussion in July 2019 centered on the fact that the addition of an electronic notification to the call before you dig process could prove difficult for smaller utility operators and those currently using manual methods of ticket communication. In that meeting, the Board approved Resolution No. 19-07-03 in support of AB 1166 if the bill were amended to include a limited extension process for operators able to demonstrate good cause for their inability to comply with the new requirement.³ AB 1166 was subsequently amended and the final bill including this extension process was signed by Governor Newsom.⁴

"EPR EXTENSION APPLICATION" (07/20)

(For use by Board staff only) Reference Number: _____ Date: _____



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
California Underground Facilities Safe Excavation Board
 2251 Harvard Street 4th Floor
 Sacramento, CA 95815
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<https://digsafe.fire.ca.gov/>



Beginning January 1, 2021, California law requires that every operator make an electronic positive response (EPR) to each applicable locate request ticket through the appropriate regional notification center before the legal excavation start date. Pursuant to [Government Code 4216.3](#), the Dig Safe Board may grant an extension to this deadline of up to December 31, 2021 on account of good cause.

INSTRUCTIONS To apply for an extension, operators shall complete the form below and submit it via e-mail to calfiresfmeprcontinuance@fire.ca.gov The form must be received no later than October 1, 2020, and shall not include any information considered to be confidential. Applicants are limited to the fields and space provided within the form.

Following submission, your form will be uploaded to the website <https://digsafe.fire.ca.gov/epr> and you will be emailed a reference number you may use to track the status of your request on the same website. The Board will approve or deny an extension request in an open, public meeting within 90 days of receiving a completed form. The Board will notify you by e-mail when your application is scheduled for Board action.

1. BACKGROUND

Legal Name of Organization:	
Regional Notification Center Member ID's:	

Figure 5: The EPR Extension Application form included in the emergency EPR extension regulation allowed applicants to quickly fill out details and submit standardized data to the Board for efficient intake of information.

³ July 15, 2020, Agenda Item No. 5 and 8, AB1166 Position and [Resolution No. 19-07-03: Support of or Opposition to Legislation to Amend Government](#)

⁴ AB 1166 (Levine, 2019).

Regulation Development

On January 1, 2020, AB 1166 took effect and granted the Board the authority to create the good cause extension process.⁵ To allow sufficient time to implement the new requirements, the Legislature directed the Board to develop a process for extending the compliance deadline up to an additional year for operators who demonstrate good cause. Lawmakers also required the Board to “determine which facts or circumstances constitute good cause” and to adopt regulations to implement the extensions by January 1, 2021.⁶

Initial discussion among the Board around good cause began at its December 2019 meeting.⁷ Information provided by the regional notification centers indicated that many mid-size and large operators currently use an electronic ticket management system (“TMS”), and those systems could be configured to provide electronic positive response codes to the Regional Notification Centers. In contrast, other operators—mainly smaller entities and municipalities—receive tickets via email and manually print out and dispatch those emails to their utility locators. Stakeholders indicated during this discussion that smaller operators would need to build a system or integrate a new process to provide electronic positive responses. Board members and stakeholders also raised concern over the lack of knowledge among operators about the new statutory requirements.

The Board recognized that in order to make an informed decision about good cause, it required more information from operators regarding the reasons those operators may need an extension to the January 1, 2021 deadline. In addition, the Board needed to better understand the current methods an operator may use to provide electronic positive response to the one-call centers and how accessible those methods are to operators.

Online Survey

On January 10, 2020, Members Charland and Muñoz launched an online survey designed to gather information about operator knowledge of the statutory requirement; how the operator currently receives, processes, assigns, and tracks tickets; and the obstacles the operator believes would keep their organization from providing electronic positive response by the statutory deadline. To reach as many operators as possible, staff asked DigAlert and USA North 811 to send a dedicated email promoting the survey to their members. Board staff also sent requests to promote the survey to the League of California Cities and the Association of California Water Agencies. The survey ran from January 10 to 31 and generated 52 responses from a variety of operators.

⁵ AB 1166 (Levine, 2019).

⁶ Gov’t Code § 4216.3 (c)(1)(A)

⁷ December 8, 2019, Agenda Item. No 5, [Draft Emergency Regulations Allowing Electronic Positive Response Extension Applications](#).

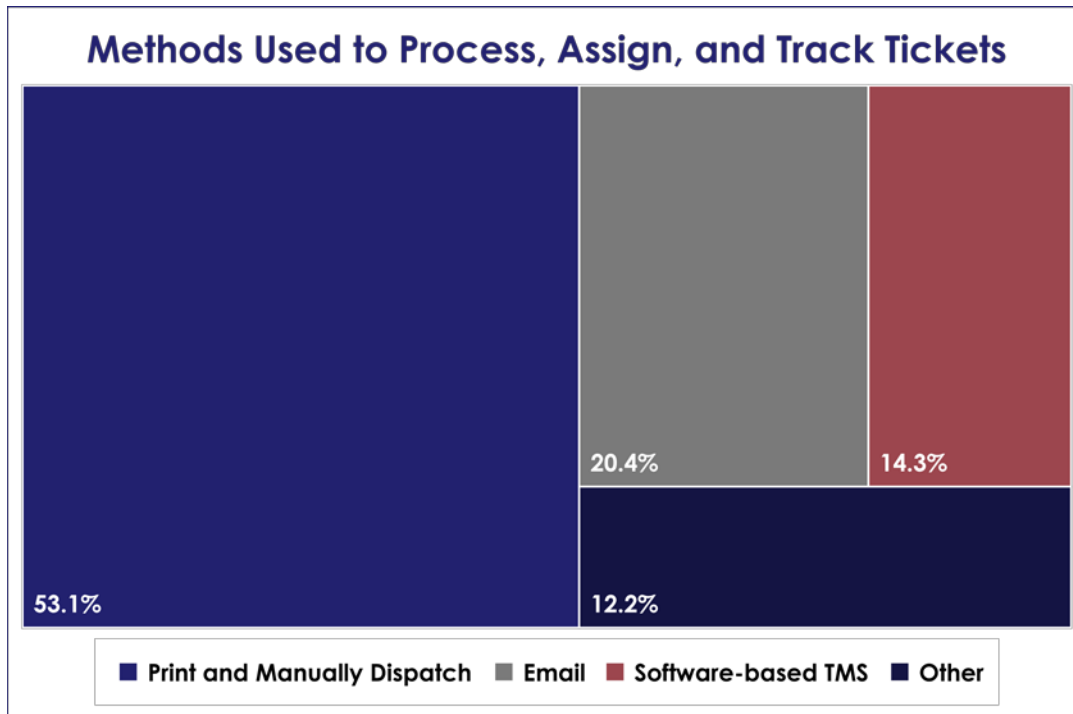


Figure 6: This tree map, developed from the EPR Survey, illustrates the high degree to which operators distribute and process dig tickets by manual methods and would need transitioning to some extent to electronic means to integrate with new requirements.

Staff presented the survey results at the February 10 Board meeting. The survey revealed that these operators generally received their tickets by email or physical printouts. The survey also identified that the key obstacles facing the majority of respondents were technology (65%) and personnel issues (59%) with a minority responding that there were financial considerations to implementing EPR (22%) and procurement problems (13%).⁸ The Board's discussion of the results indicated that most operators believed that a lack of either time or funding would impede their ability to comply with the response requirement. The lack of those resources, in turn, would ultimately prevent operators from either implementing needed software systems or training personnel. The Board used this data as the basis for good cause in the final regulation.

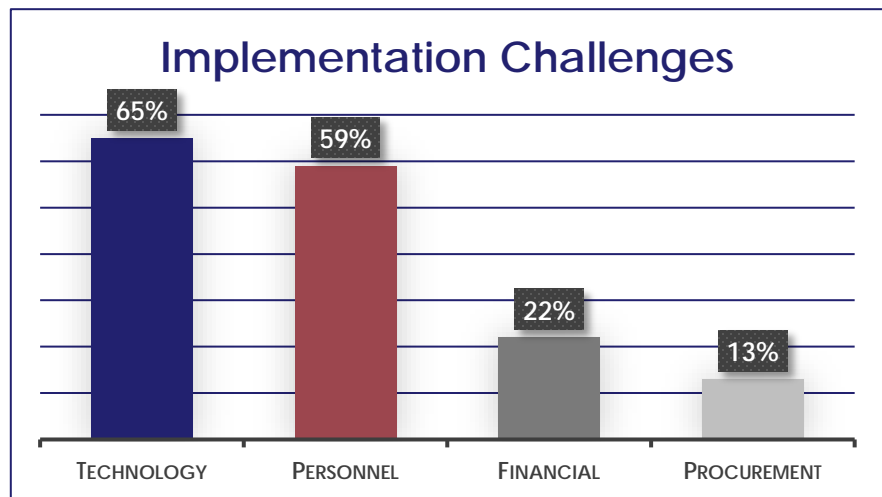


Figure 7: The EPR Survey illustrated clear challenges to implementing electronic positive response as identified by survey respondents. Operators who took the survey could choose as many options as applicable.

⁸ February 10, 2020, Agenda Item No. 5, [Discussion on Development of Emergency Regulations Allowing Electronic Positive Response Good Cause Applications \(AB 1166\)](#).

Final Regulation

At the April 2020 Board meeting, staff presented draft regulatory language.⁹ The regulation provides that “good cause” is the inability to communicate electronic positive responses to regional notification centers when that inability is caused by a need to procure software or to hire or train employees. The draft language relied upon internet communication for the extension request, considering interruptions to mailing services due to COVID-19 and the need for Board staff to efficiently process applications within the emergency regulation parameters. The Board proceeded to approve resolution 20-04-01 and sent the regulatory language to the Office of Administrative Law for publication as 19 CCR § 4020 effective July 1, 2020.¹⁰ The regulation included the EPR Extension Application Form for use by stakeholders in the extension process.

Outreach for EPR Extension Awareness

To inform operators of the upcoming EPR requirement and extension process, the Board developed a summary article for publication in the annual newsletters of the regional call centers, DigAlert¹¹ and USA North 811.¹²

For the launch of the EPR extension process, the Board created a webpage committed to the EPR extension process and upcoming legislative requirement to transmit these responses for each dig ticket.¹³ The webpage contains details on the application process, the EPR Extension Application form, instructions for its use and submission, a weekly EPR Summary Report that was updated as submissions were received, and the complete set of applications under consideration by the Board.

Using USA North 811 and DigAlert member mailing lists, staff distributed a letter to one-call center members on the upcoming extension deadline, EPR requirements, and the process for application submission. In response to this email, the Board received approximately 50 responses inquiring for additional details. The Board responded to each of these inquiries with a detailed FAQ on electronic positive response, obligations, the options for Operators to comply, and the availability of extensions and the process to do so. Additionally, the Board followed up with those applicants who requested additional assistance or submitted incomplete applications.

⁹ April 13, 2020, Agenda Item No. 3, [Resolution No. 20-04-01 Electronic Positive Response Draft Emergency Regulations Staff Report](#).

¹⁰ 19 CCR § 4020

¹¹ “New Excavation Safety Regulations Take Effect in 2020.” [DigAlert Newslines Underground Service Alert of Southern California Year End 2019](#), page 2.

¹² “New Excavation Safety Regulations Take Effect in 2020.” [2019 Newsletter USA North 811](#), p. 3.

¹³ Electronic Positive Response Extensions. <https://digsafe.fire.ca.gov/epr/>

Extension Approvals

Following enactment of the emergency regulation, the Board began to receive applications. At the August¹⁴ and September¹⁵ meetings, the Board considered the EPR Extension Applications that had been received in the preceding month. The November Board meeting included applications received in the remainder of the application window established up to and including October 1.¹⁶ The final application received prior to the October 1 deadline was approved by the Board at the December 2020 meeting.¹⁷

In total, 63 stakeholders—mostly smaller operators and municipalities—applied for an extension to the deadline for EPR requirements.¹⁸ With the exception of three applicants who requested that their applications be withdrawn, the Board approved all applications submitted by the deadline.

Activity: Power Tool Use in Tolerance Zone

Pursuant to 2018 legislation, the Board implemented regulations in 2020 establishing conditions for power tool use in the vicinity of underground facilities. The regulations are expected to improve worker safety by allowing the use of certain powered tools in specific circumstances where requiring the use of hand tools may pose safety risks.

Background

On September 23, 2018, Assembly Bill 1914 (Flora, 2018) was signed into law. AB 1914 amended the One-Call Law to allow the use of power tools in the tolerance zone prior to determining the exact location of subsurface installations.¹⁹ The new law required the Board to adopt regulations implementing the change in 2020.

Members Bianchini and Johnson presided over the Board's 2019 work implementing AB 1914 in three phases: workshops, drafting and discussion of regulatory language, and rulemaking package completion. All three phases engaged the public to include stakeholder feedback. The 45-day public notice and comment period of the proposed rulemaking closed on December 23, 2019.

Implementation

Public comments on the proposed regulation were reviewed at the Board's January 2020 meeting²⁰. The Board then adopted Resolution No. 20-01-05, authorizing staff to submit the proposed rulemaking and supporting documentation to the Office of Administrative Law ("OAL"). Staff worked with OAL and the Office of the State Fire

¹⁴ August 10, 2020, Agenda Item No. 3, [Electronic Positive Response – Consideration of Applications Received in the Month of July 2020](#).

¹⁵ September 14, 2020, Agenda Item No. 15, [Electronic Positive Response Applications Received in August 2020](#).

¹⁶ November 16, 2020, Agenda Item No. 7, [Electronic Positive Response Extension – Consideration of Applications Received in the Month of September 2020](#).

¹⁷ December 1, 2020, Agenda Item No. 4, [Consideration of EPR Application No. EPR-2020-10-01-052](#).

¹⁸ See EPR Extension Applications, "[Electronic Positive Response Extension](#)."

¹⁹ Gov't Code § 4216.4

²⁰ January 13, 2020. Agenda Item No. 7: [Regulations on ACE Ticket Renewal and AB 1914](#)

Marshal through the next eight months to complete the rulemaking process. The regulation took effect upon publication on September 18, 2020.

Planned outreach supporting implementation of the new regulations were curtailed as a result of COVID-19 safety restrictions. The Board was able to leverage some opportunities to provide information remotely, and outreach efforts in this area will continue in 2021.

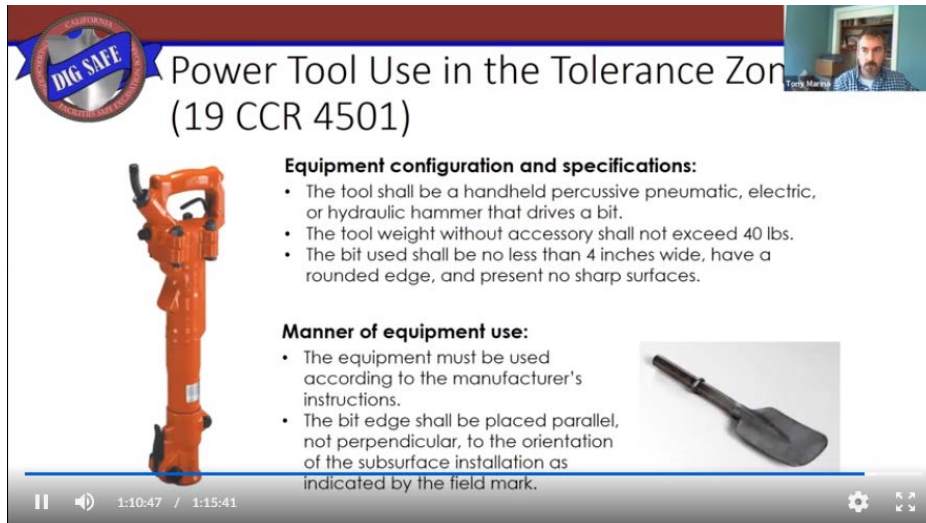


Figure 8: Executive Officer Tony Marino highlights new laws taking effect in a virtual presentation to the Santa Ana River Basin Section of the California Water and Environment Association on August 20, 2020.

Activity: Build Board Name Recognition through Education and Outreach

The Dig Safe Act identifies coordination of education and outreach activities that encourage safe excavation practices as one of the Board's primary functions. Many planned outreach events in 2020, such as the Common Ground Alliance conference scheduled to be held in Palm Springs, were cancelled due to the COVID-19 pandemic. Nonetheless, the Board continued to develop tools to support adoption of "call before you dig" within the agricultural community.

Develop Informational and Solicitation Materials

To encourage compliance of new legal requirements, the Board focused its education and outreach activities on developing information and educational materials around new regulatory requirements. These efforts included the targeted areas of Electronic Positive Response and Area of Continual Excavation. In addition, the Board held industry workshops to solicit information on reasonable care standards. These efforts are detailed specifically in other sections of this report.

Pre-Excavation Checklist

1. Prepare

- ☐ Delineate your work area

2. Get Your Ticket

- ☐ Contact 811
- ☐ Track all utility operator responses
- ☐ Wait 2 business days in addition to the day you contact 811 before you start digging
- ☐ Respond to requests for onsite meetings

3. Dig With Care

- ☐ Have your 811 notification ticket on the jobsite
- ☐ Dig only in the delineated area
- ☐ Use hand tools to find facilities within 2 feet of marks
- ☐ If you can't find a facility, contact the utility operator

How to Get Your Free Excavation Ticket

By Phone: Call 811

Online:

In Northern California:

<http://811express.com/>

In Southern California:

<https://newlinb.digalert.org/direct/>

Dig Safe Board

The State of California Underground Facilities Safe Excavation Board ("Dig Safe Board") was created by the Dig Safe Act of 2016 to investigate accidents, develop excavation safety standards, and coordinate education and outreach programs.

The Dig Safe Board facilitates communication and learning among excavators and utility operators and welcomes stakeholder involvement. Visit our website or contact us for more information or to get involved.

2251 Harvard St, Suite 400
Sacramento, CA 95815
916-568-3800

digboard@fire.ca.gov
<https://digsafe.fire.ca.gov>



**Working Safely
Around Buried
Infrastructure**

Version: 2020/09

Figure 9: An outreach flyer created to educate excavators on their requirements under the One-Call Law.

Board Participation in Industry Events

While in-person events were curtailed due to restrictions from COVID-19, the Board continued to participate in industry events that had transitioned to digital environments. Board staff presented parts of the education course and new 2020 laws to several regional associations, as well as attended meetings of the California Regional Common Ground Alliance, Regional Notification Centers DigAlert and USA North 811.

Topic-Specific Website Development

With the development of regulations and process for reporting damages, the Board created several webpages to educate excavators and operators and to provide the public with opportunities to communicate with the Board. These topic specific webpages were developed and made accessible on the Board's homepage. The Electronic Positive Response webpage provided direct access to an application form for those operators interested in applying for additional time to comply with the requirements for Electronic Positive Response. The ACE webpage provided background information to excavators in the agriculture industry as well as certain flood control operators on how to request an annual excavation ticket as well as a step by step guide for farmers on their options for complying with call before you dig requirements including information about the new ACE ticket. The ACE webpage also included forms to guide discussions during optional and required on site meetings which encourage communication between operators and excavators and eliminate barriers to compliance in this area of excavation. To offer opportunities for the public to communicate ideas and concerns, the Idea Register webpage was created whereby the public can submit their ideas directly to the Board via a direct link. The Damage Reporting webpage provides a direct way for those in the excavation industry to alert the Board of any damages observed during excavation practices, providing it with information to determine which accidents to investigate.

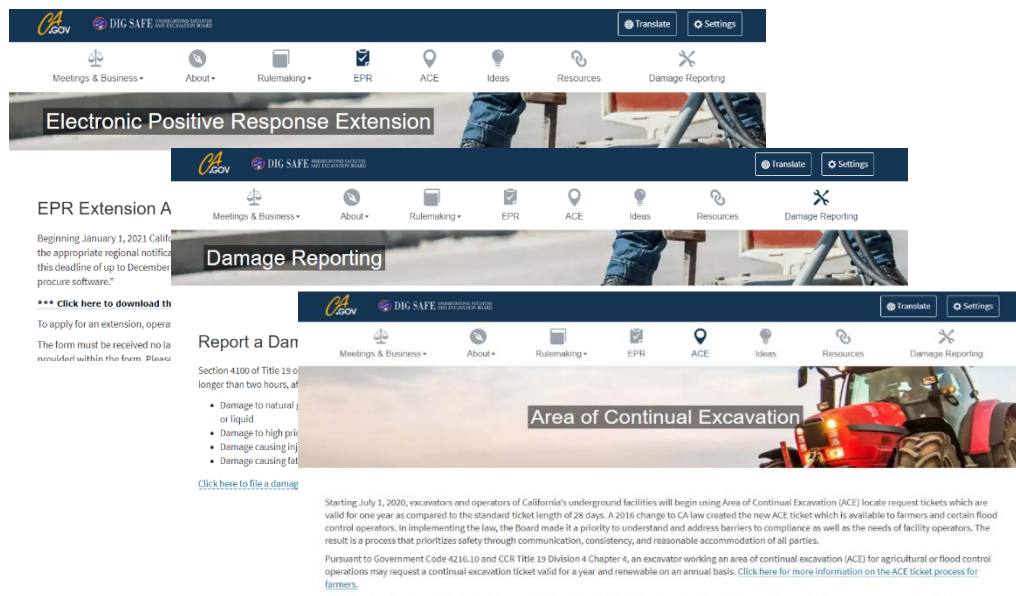


Figure 10: Webpages for Electronic Positive Response, Damage Reporting, and Area of Continual Excavation easily connect visitors from the homepage of the Board's website to relevant information.

OBJECTIVE II: IMPROVE EXCAVATION AND LOCATION PRACTICE SAFETY

Recognizing the lack of standards providing guidance on safe practices to the excavation industry, the Legislature in the Dig Safe Act of 2016 created the Board and directed it to create such standards where they do not currently exist.

In 2020 the Board, under the direction of Reasonable Care Committee Members Bianchini and Muñoz, developed an approach for reasonable care standards by developing an understanding of those practices currently used in the industry for each excavation subtype, starting with trenchless excavation. A survey and two workshops were held and will help the Board understand reasonable care for this excavation subtype.

The Board also completed rulemakings requiring both operators and excavators to maintain current contact information with regional notification centers in an effort to further improve communication between excavators and operators.

Activity: Develop Standards for Demonstrating Compliance

In 2019, Members Forte and Charland and investigative staff began collaborating on educational outreach materials for excavators and operators detailing standards for demonstrating compliance. The challenge of combining standards to demonstrate compliance into brief, accessible outreach materials convinced members and staff to develop the standards first and independent of the medium by which the standards would be delivered. Standards development is ongoing and will continue throughout 2021.

Improving Contact Information

The Board adopted two sets of regulations to improve industry contact information. The first, creating Section 4003 of Title 19 of the California Code of Regulations, was approved in its final form by the Board on February 10, 2020 (Resolution 20-02-01) to require operators to keep up-to-date contact information with the one-call centers. This contact information was general and intended to be used by the one-call centers to communicate with their members. The regulation came into effect on July 1, 2020.

The second set of regulations concerned field contact information. During 2019 workshops on regulation development for power tool use in the tolerance zone, both excavators and operators had expressed concern that inaccurate contact information was a barrier to determining safe courses of action in the presence unexpected field conditions. In response, the Board amended Section 4003 and created Section 4401 of Title 19 of the California Code of Regulations to 1) require operators to provide a current and valid contact to the one-call centers that can reach a person to assist the excavator in determining the exact location of a subsurface installation and 2) require excavators to provide and maintain accurate contact information on excavation tickets (July 13, 2020, Resolution 20-07-02). These regulations went into effect on September 18, 2020.

Activity: Reasonable Care Standards

The Board continued work on Reasonable Care Standards in 2020 by first defining the scope and method for the Board to navigate the creation of effective standards. Members Bianchini and Muñoz led the discussion on a framework for developing reasonable care around the different methods and practices of excavation and decided to first turn to trenchless excavation techniques. The Board held an online survey and two teleconference workshops in the fall of 2020 to gather information on the existing practices used with trenchless excavation technologies as a foundation for defining reasonable care with these methods in 2021.

General Framework for Reasonable Care Standards

The One-Call Law directs the Board to determine safety standards around underground excavation, especially in areas where standards may not currently exist or are not widely in effect.²¹ “Reasonable care” has an expansive scope and includes the further legislative mandate to develop standards for potholing in road paving activities and in other specific circumstances. Given the diversity of excavation types, the Board determined that development of a universal standard would not be feasible until an understanding of how it might impact each excavation subtype is developed and thus proceeded to develop a shared framework to examine reasonable care in a variety of circumstances.

The Board began work on reasonable care standards with discussions throughout the latter half of 2018 and into 2019, along with a workshop in April of that year.²² At the June 2020 Board Meeting, the Board discussed the issue of abandoned lines and measures adopted by other states in response to safety issues with such lines.²³ The Board’s discussion of abandoned lines noted that the issue impacts all forms of excavation and therefore may be best looked at through the lens of reasonable care standards for each excavation subtype.

During the July Board meeting, the Board worked to develop a plan on these standards and the Reasonable Care Committee, composed of Members Bianchini and Muñoz, initiated a discussion among Board members on their understanding of reasonable care and areas of concern for safety improvement in the excavation industry.²⁴ In this discussion, the Board identified different methods of excavation and other ways of organizing topic areas in the field of excavation. The Board emphasized the need to understand the different practices involved with each of the different types of excavation and how the development of a set of comprehensive standards would take place over time by building a greater understanding of each excavation type.

During the discussion, the Board held that safety standards ought to be approached with an understanding that different practices may require different standards and

²¹ Gov’t Code § 4216.18

²² July 13, 2020. Agenda Item No. 7, [Discussion on Reasonable Care Standards Development](#).

²³ June 8, 2020. Agenda Item No. 5, [Abandoned Underground Facilities in California](#).

²⁴ July 13, 2020, [Meeting Minutes](#).

that the full timeline of an excavation project—from scoping through contracting through completion—is a part of reasonable care.

In the August 2020 meeting, Board members affirmed that they must work through reasonable care standards element by element with a focus on methods used in the excavation process.²⁵



Figure 11: Potholes, such as this one, provide windows to determine the exact location of pipelines prior to excavation across the entirety of a project.

Trenchless Excavation Methods

Trenchless excavation methods, such as horizontal directional drilling (“HDD”), were discussed by Board members and stakeholders during the July 2020 meeting.²⁶

In the August Board meeting, the Board announced the first workshop on trenchless methods.²⁷ Members Bianchini and Muñoz also announced the release of an online survey on trenchless excavation to complement the workshop. The survey provided an additional method of participation for workshop attendees as well as an opportunity for those unable to attend a weekday public workshop to submit their feedback and ideas for consideration. The survey covered topics such as preparation and planning for trenchless projects, potholing circumstances and practices, the prevalence of encountering abandoned lines when using trenchless techniques, and questions about impacts problematic soil conditions cause when using these excavation methods.

²⁵ August 10, 2020, Agenda Item No. 6, [Discussion of Reasonable Care Standards Workshop](#).

²⁶ July 13, 2020. Agenda Item No. 7, [Discussion on Reasonable Care Standards Development](#).

²⁷ August 10, 2020, Agenda Item No. 6, [Discussion of Reasonable Care Standards Workshop](#).

The August workshop on trenchless excavation covered a variety of topics including requirements operators have when hiring trenchless excavators to work on their own installations, the prevalence of subcontracting in trenchless excavation projects, and the importance of best practices such as calibrating drill head positional locating systems.²⁸

The workshop highlighted the need to seek further input from excavator contractors and those that are experts on these practices or use these methods in their daily work. In the September 14th Board meeting, staff highlighted the preliminary results of the survey and first workshop which underscored the importance of additional excavator input to the standard development process.²⁹ To drive engagement with industry experts and solicit further feedback from trenchless contractors on the standards involved in their daily practices, the Board announced the continuation of the online survey on trenchless methods and the development of a second workshop set for October 29th.



Figure12: The event flyer for the October 29, 2020 Trenchless Excavation Workshop was sent to the Board mailing list and trenchless excavation organizations contacted in the outreach campaign.

²⁸ August 27, 2020, Agenda Item No. 1, [Trenchless Excavation Reasonable Care Workshop](#).

²⁹ September 14, 2020, Agenda Item No. 18, [Reasonable Care Standards for Trenchless](#).

To involve more trenchless excavators in the development of these standards, the Board conducted an outreach campaign to organizations listed as using boring, directional drilling, and other trenchless methods through publicly available resources such as the Department of Industrial Relations and the Blue Book Building and Construction Network. The Board gathered more than 50 contacts and started an outreach campaign to these entities by phoning excavators and speaking to 35 safety managers, owners, engineers, and team leads. These calls introduced the Dig Safe Board, invited organizations and individuals to the upcoming standard development workshop, and shared the Board survey. This round of outreach led to productive conversations with stakeholders and resulted in an additional eight survey contributions and registrations to the second workshop.

The workshop on October 29th drew 38 attendees into a discussion on potholes and open inspection windows, complications with horizontal directional drilling and recirculation methods, preparation for and confirmation of bore profiles, preparation and communication on the jobsite, calibration of the drill head tracking technology, and working with utilities outside of the “call before you dig” system such as gravity fed sewers that are exempted from the definition of “subsurface facility.”

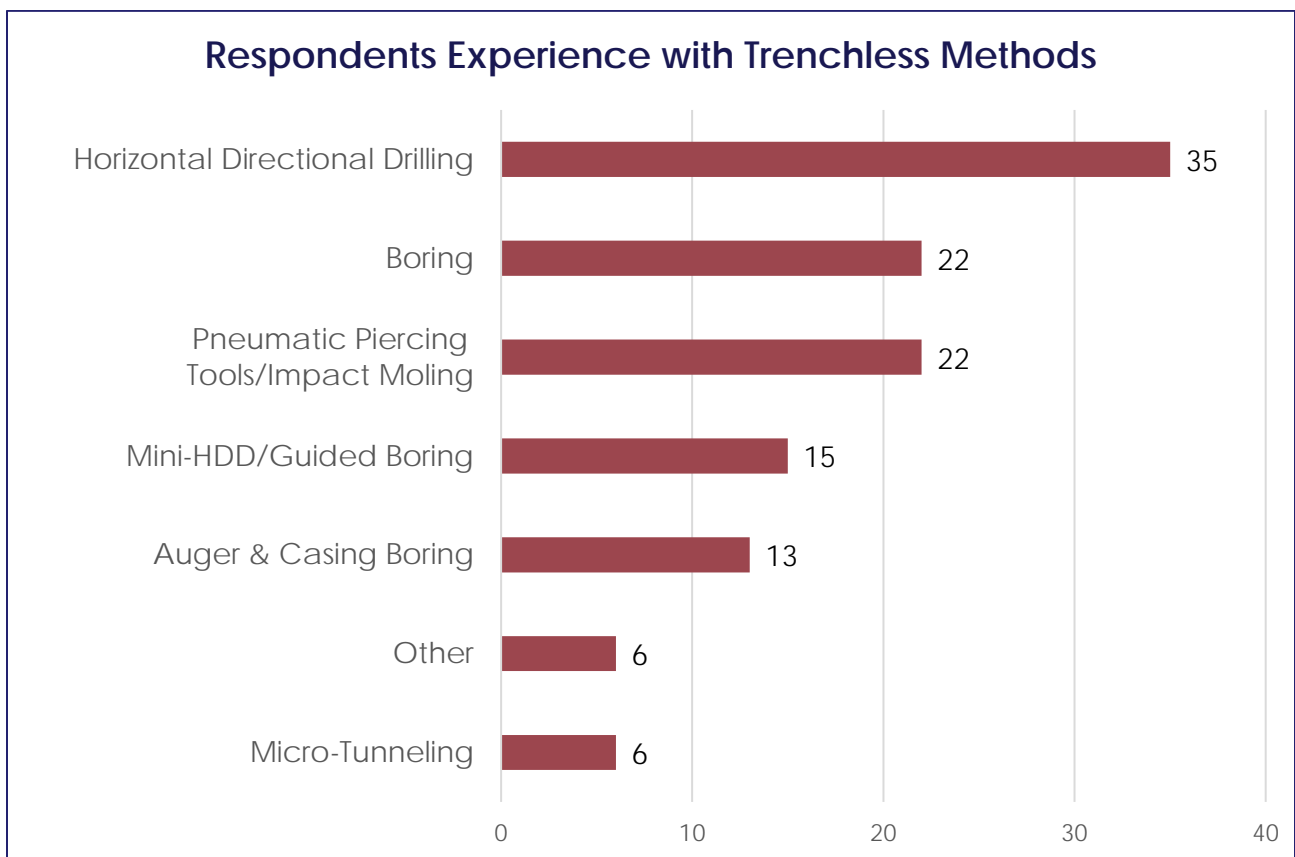


Figure 13: Trenchless Excavation Survey Question 1 (“What methods of trenchless excavation do you have experience with?”) informed the Board about the relative experience and commonality of different forms of trenchless excavation in the industry.

Staff presented the outcomes of the survey and the two workshops at the November 16, Board meeting which showed a mix of a consensus view on some topics but varied responses on others.³⁰ Results showed widespread consensus on the importance of potholing at utility crossings, the steps for safe excavation under the One-Call Law, and that any soil type can be problematic. However, there were mixed responses as to whether open pothole inspection windows might cause problems when using certain methods, whether abandoned lines are an issue during these projects, where attention is focused during pull back of drill heads or facilities, and whether there was awareness of, or differences in, the requirements project owners apply to projects using these techniques. Board staff recommended that the Board continue to pursue these topics in a subdomain of trenchless technology called Horizontal Directional Drilling, or HDD, in the coming year.

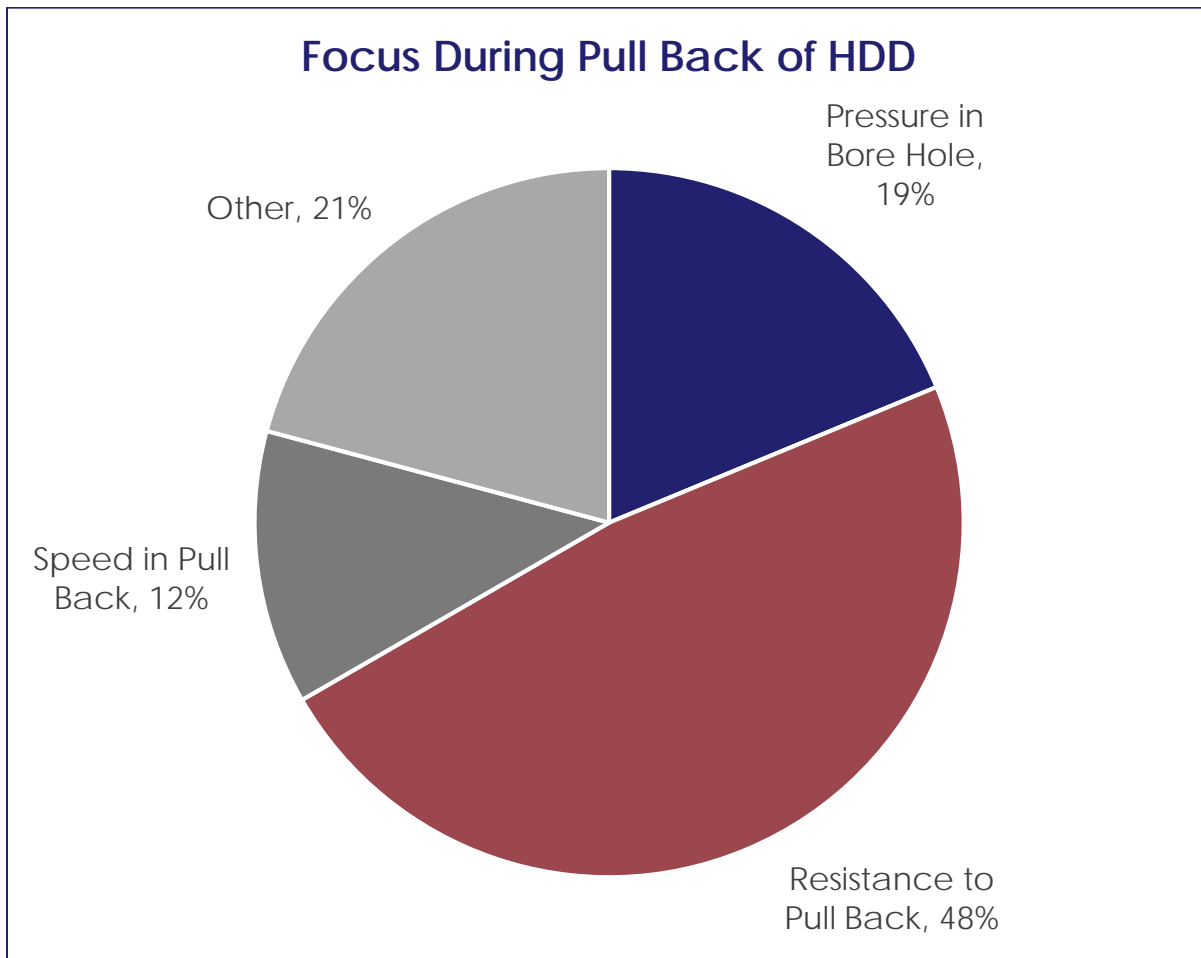


Figure 14: Survey question about horizontal directional drilling ("What do you pay attention to in pull back of a drill head or facility installation?") informed the Board about a critical step in the excavation process in which a facility is pulled back through a borehole.

³⁰ November 16th, 2020, Agenda Item No. 9, *Update on Reasonable Care Standards Development for [Trenchless Excavation Techniques](#)*; Attachment A: [Trenchless Excavation Survey Results](#)

OBJECTIVE III: BUILD A FOUNDATION FOR ACCIDENT CAUSE

IDENTIFICATION

Although the Board believes most non-compliances are due to lack of knowledge and understanding of excavation requirements, they also realize not all non-compliances are so innocent. For cases with knowledgeable actors in non-compliance, the Board will address violations with enforcement.³¹ Through the Dig Safe Act, the Legislature authorized the Board to investigate accidents, including by collecting evidence as necessary to demonstrate compliance.³²

This year the Board made progress in building its enforcement processes and developed foundations for processing complaints so that investigations could be conducted into accidents. This made it possible for the Board to conduct approximately 150 investigations and issue 12 Notices of Probable Violations.

Because datasets to identify underlying causes of accidents do not currently exist, this year the Board continued activities towards building a case management system that could capture data and provide insight into excavation accidents to determine their causes. With this data, the Board can prioritize and target its interventions in an efficient manner.

Activity: Conduct Investigations into Incidents and Violations

The Board must conduct systematic investigations to discover and examine the facts of an incident, determine its root cause, and identify any probable violations of the One-Call Law.

The Investigations Unit continued to work on setting up the Board's enforcement program by creating investigations protocol, case intake and distribution processes, a reporting format and guidelines, form letters, a penalty schedule, an advisory letter and Notice of Probable Violation ("NOPV") process, an enforcement hearing process, a tracking NOPV responses process, and a Case Management System. The Unit participated in virtual meetings with our partner agencies, Contractors State License Board ("CSLB"), Public Utilities Commission ("CPUC"), and Office of the State Fire Marshal ("OSFM"), to develop processes and procedures for receiving incident notifications and sharing information.

Incidents Investigated in 2020

The Investigations Unit has initiated approximately 150 investigations, issued twelve Notices of Probable Violations and four Advisory Letters. Eight cases were referred to the CSLB and four cases were referred to the CPUC—all with the recommendation for completion of the Board's mandatory education course.

³¹ See the Enforcement Philosophy (B-05), page 7-8.

³² Gov't Code § 4216.19, see also 19 CCR § 4150 - Investigative Staff Authority, 19 CCR § 4151 Evidence Collected by Investigators

Damage Notifications Required of Excavators

On February 10, 2020, the Board approved regulations to require excavators to notify the one-call centers upon damaging or discovering damage to natural gas facilities or high priority facilities of any kind, as well as damages that require medical care or result in a fatality (Section 4100, Title 19 of the California Code of Regulations, Resolution 20-02-01). Excavators must make these notifications within 2 hours of damage, and the one-call centers provide this information to the Board upon receipt. This requirement took effect on July 1, 2020.

Prior to the law taking effect, USA North 811 provided investigators access to their database and Dig Alert provided a weekly list of damage notification ticket numbers. Investigators currently receive incident notifications from the following sources:

- *Damage Reporting Portal*: Notifications are submitted through a portal created by DigAlert and funded by the federal Department of Transportation's State Damage Prevention Grant.³³ The portal sends notification information directly to the Board's investigations case management system.
- *Complaint Portal*: Hosted by Dig Alert and submitted directly to the case management system.
- *Telephonic notifications*: Regulations allow persons who are unable to submit an electronic notification to contact 811 by telephone. Staff is in the process of setting up a voice-to-text voicemail box to receive these notifications.
- *California Office of Emergency Services (Cal OES) Spill Notifications*: All significant releases or threatened releases of a hazardous material, including oil and radioactive materials, require emergency notification to government agencies pursuant to Gov't Code § 8589.7.
- *National Response Center*: The National Response Center (NRC) receives federally reportable incidents and accidents from natural gas and hazardous liquid pipeline operators pursuant to 49 CFR Part 192 and Part 195. The Board receives notifications pertaining to pipeline incidents.
- *CPUC and OSFM Pipeline Safety Staff*: Often CPUC and OSFM staff will learn of an incident that falls within the jurisdiction of the Board and inform Board investigators.
- *Media Reports*: The Board's Investigations Unit routinely watches for media reports of damage to underground utilities, including through use of Google Alerts.

Activity: Building Data Capture into Investigative Activities

Case Management System Data

Investigators collaborated with MERP Systems, Incorporated in the development of a data collection module in the Board's investigation case management system. There are 44 data fields related to facility information, excavator information, consequence, and cause and an additional 25 data fields that identify primary and contributory causes as well as mitigating factors. Continued experience will allow staff to develop procedures for the consistent identification of cause, which will allow for the application of quantitative cause modeling.

³³ PHMSA Website, [California 2018 State Damage Prevention Grant](#).

OBJECTIVE IV: CONTINUE BUILDING A FOUNDATION FOR BOARD OPERATIONS

Throughout 2020 the Board remained focused on continuing to build policies and procedures that provide a strong foundation for operations in order to achieve compliance and achieve its mission to improve safety in excavation in the state.

The Board continued to build a case management system which will help the Board prioritize its investigations with the data it will capture. The Board also created a complaint process that will prioritize complaints and provide another avenue for furthering investigations of possible violations. Additionally, the Board developed a process for hearings that allowed the Board to conduct 12 hearings on violations and make 12 decisions for Education in lieu of fines for those violations.

Other administrative processes included beginning the process of amending the fee regulation to improve operational efficiency, while the Idea Register created this year has provided the Board with stakeholder feedback which is being used to prioritize activities for the coming year.

Activity: Improve Reporting by Creating a Complaint Process

The Board recognized the need for the public to be able to submit complaints of One-Call Law violations that may not be related to a damage event. Investigators worked with DigAlert to develop an electronic complaint form which submits the reporting party's complaint directly to the Board's case management system. The complainant, like a damage reporting party, receives a unique notification number. The complainant receives this notification via email.

The Board accepts electronic complaints via links on the Board's website www.digsafe.ca.gov, the two regional notification center websites, and written complaints via US Mail. Investigators accept complaint calls and will instruct the complainant to submit an electronic/written complaint to the Board.

California Underground Facilities Safe Excavation Board

Violation Complaint Form

Already know your ticket number? If not, go to Reporting Information

SEARCH TICKET NUMBER **REPORT FORM**

Reporting Information

Reporter Company

Reporter First Name

Reporter Middle Name

Reporter Last Name

Reporter Address

Reporter City

Reporter State

Reporter Zip

Reporter Phone

Reporter E-mail

☐ Approximate Date of Violation

Figure 15: Screenshot of the electronic complaint form.

Process for Tracking Complaints

All complaints received by the Board are uploaded into the Board's case management system for tracking and handling. The investigation unit's intake supervisor evaluates the complaint to determine if a case should be opened and assigned to an investigator or if the complaint should be closed.

Activity: Build and Test Case Management System

In June of 2019, the Board awarded our case management system development contract to MERP Systems, Incorporated. Since that date, staff has worked closely with MERP Systems on the creation and development of a case management system tailored to meet the needs of the Board. The system's innovative data integration capabilities will provide the Board comprehensive reporting on closed and active case details as well as information essential to identify trends and provide for the continued and steadfast research on industry safety. The Board's new system will also allow the appropriate personnel access to specific case information without compromising the confidentiality of investigations.

Investigators collaborated with MERP Systems, in the development of a data collection module in the Board's case management system. There are 44 data fields related to facility information, excavator information, consequence, and cause and an additional 25 data fields that identify primary and contributory causes as well as mitigating factors. Continued experience will allow staff to develop procedures for the consistent identification of cause, which will allow for the application of quantitative cause modeling.

On February 18, 2020, investigators began testing the new case management system in phases. The testing phases covered Case Information and Triage, Investigation, Enforcement Action and Review, Case Closure and Time Reporting. After completion of the testing phases and required data migration, the Board's new case management system went live on October 22, 2020.

Activity: Review the Board's Fee Regulation

The Board worked diligently through the summer and fall of 2020 in cooperation with the Regional Notification Centers to develop ways to improve the implementation and processing of the Board's regulatory fee which funds its operating costs. In a series of Board meetings, staff outlined some of the core concerns, confusion, and misunderstandings that stem from how the process exists under the current regulation. Ultimately, the Board voted at its September 2020 meeting to approve draft regulation language and directed staff to proceed with the rulemaking process. The revised fee regulation, expected to be operational in 2022, will improve information sharing, clarity, and transparency which will ultimately reduce confusion currently experienced by the members of the Regional Notification Centers who are subject to paying the fee. Details of the changes and improvements as well as the process conducted to address the concerns are highlighted in the following sections.

Opportunities for Improvement

The Board first approved fee regulations in August 2018. The process adopted by the Board required the Regional Notification Centers to assess and collect the fee through their standard invoicing processes.

Following the fee's implementation in early 2019, opportunities for improvement began to surface. Staff reports presented in April 2019, June 2020, and July 2020 outlined numerous concerns raised by fee-paying members of the one-call centers, one-call center staff, and the Board regarding the invoicing process.

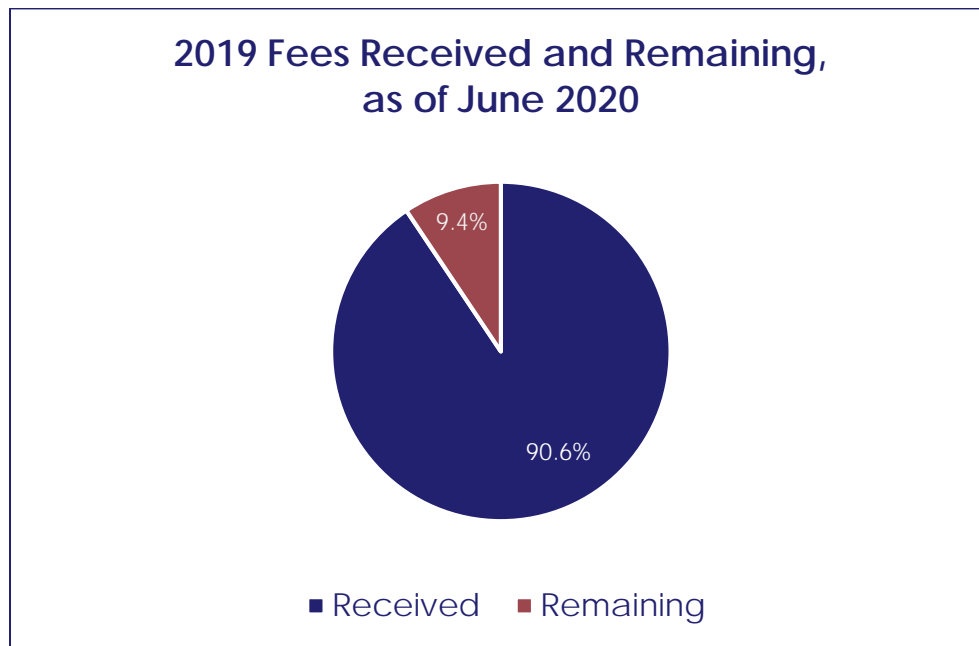


Figure 16: Pie Chart showing Board 2019 Fees received and remaining as of June 2020.

Solutions through Collaboration

In July 2020, the Board directed staff to collaborate with the one-call centers to develop solutions and strategies for improving the fee process for all parties involved. After multiple discussions with both one-call center directors, staff produced draft regulations improving both the administration of the fee and the customer experience for fee-paying stakeholders.

Fee Calculation

When the fee regulation was first created in 2018, the Board used the billing model of USA North 811 which based billing on new, renewal, and remark ticket types. The Board's new fee regulation will revise the billable base to include only new tickets. This change will align with the billing basis currently used by both Regional Notification Centers, who now only bill for "new" tickets, and will simplify the billing basis for fee payers.

Fee Amount

The Board's initial fee regulation, approved in 2018, set the Board's revenue requirement at \$7.0 million for years 2019, 2020, and 2021 to pay operational

expenses, repay its startup loan (and the associated interest), and build a reasonable reserve. For subsequent years, beginning with 2022 the regulation provided that the revenue requirement would be reduced to \$3.8 million, as that was only slightly higher than the Board's projected authorized revenue requirement (\$3.563 million) as had been approved by the Legislature in the 2017-18 Budget. Subsequent to the Board's approval of the fee regulation, the Legislature approved budget increases for personnel costs, costs of implementing new statutes, and increases to pro rata charges which the Board pays for statewide central service departments which have increased expenses to approximately \$4.8million annually³⁴. While the loan will be repaid in 2021, the Board needed to adjust the planned decrease to better align with these cost increases and avoid a structural deficit in which revenue would be less than expenses. '

Starting with the July 2022 billing period, the revised regulation decreases the Board's operational expenses which the fee is calculated using from \$7.0 million to \$5.0 million, subject to approval in the State Budget Act. While this is higher than the \$3.8 million in the previous regulation, it is still a decrease of approximately 28% and most members will likely see their bills decrease.

Streamlining Fee Administration

The current billing period is based on a calendar year (January – December), a timetable that leaves insufficient time to tabulate the previous year's ticket counts and has delayed issuance of January invoices. Beginning in June 2022, the draft regulation will move the billing period to a fiscal year (July-June) cycle. This will better align with state accounting periods and will allow sufficient time for year-end ticket tabulation and notification of Regional Notification Center members of their upcoming fee amounts.

In communications with those who received late notices—including late fees—as a result of not having paid their fees on time, Board staff commonly found these members were unaware of or had not received the fee invoice and would have paid it if they had received it. As it was unclear that all members received their original invoices for 2019, the Board chose to waive a late fee for 2019 bills. The draft regulations stipulate late invoices be issued directly by the Board and provide a 120-day grace period prior to application of a late fee, facilitating outreach by Board staff to inform those who have not paid.

The draft regulation specifies the frequency by which the Regional Notification Centers must provide certain information to the Board regarding invoices, payments, tickets, and member contact information. This information will equip Board staff with the tools it needs to assess late fees appropriately, conduct proactive outreach to members, and respond to members' inquiries. These changes will improve the customer experience and reduce the burden on the one-call centers to answer fee questions.

³⁴ 2020-21 State Budget Act, [Department of Forestry and Fire Protection, Page 18](#).

Activity: Policy and Procedure Development

In 2020 the Board continued to build its foundation by developing policies and procedures for Board staff to follow. This year staff worked to develop policies and procedures in areas such as legislation, investigations, and trainings. As the Board was created within the Office of the State Fire Marshal these policies and procedures had to be aligned with their policies. However, as the Board will soon be moving to the Office of Energy Infrastructure under the Natural Resources Agency beginning January 1, 2022, the Board in coordination with the new organization will have to develop policies and procedures that will align with the new entity. Development of additional policies and procedures are expected to continue into 2021.

Activity: Build Enforcement Hearing Process

Regulations on Investigations, Hearing Process, and Considerations to Assess Sanctions

At its February 10, 2020 meeting, the Board voted to approve Sections 4150 through 4058 (except Section 4201) of Title 19 of the California Code of Regulations, which delegated investigation power to Board staff, enumerated how the Board could take enforcement action, and outlined the process by which a person could be heard before the Board when charged with a violation. These regulations went into effect on July 1, 2020.

On July 13, 2020, the Board voted to approve Resolution No. 20-07-01 approving Section 4201 of Title 19 of the California Code of Regulations, which enumerates the considerations the Board will examine in imposing a penalty for violation of the Dig Safe laws. This section also outlines all the information and evidence the Board must consider when determining whether to issue an order of corrective action instead of a monetary penalty.

Issuance of Notice of Probable Violations

In early March 2020, staff developed a process to mail Notices of Probable Violation (NOPVs) to respondents in batches to accommodate the timeline set forth in the regulations. In the development of the process, consideration was given to respondent's business location in the state and their ability to participate in the hearing process if they chose to do so. However, due to the COVID-19 restrictions the Board's enforcement hearings have all been held in a virtual setting.

The enforcement process consists of the issuance of an NOPV, a 30-business day window for the recipient to respond to the NOPV, Board consideration of recipient responses (if any), and Board action.

The NOPV packet is mailed to the Respondent. The packet includes:

- The NOPV, which states the violation, response due date, recommended penalty and proposed hearing date.
- A copy of the Board's Report of Investigation
- The Response Options available to the Respondent

The respondent has 30 business days to respond in one of the following ways:

- No Contest
- Provide a written response contesting the violations or the penalty
- Request an oral hearing to contest the violations or the penalty
- Request the Dig Safe Board to make a recommendation to the respondent's regulator without comment (CSLB, OSFM, CPUC and Local Government Enforcement Jurisdiction Only)
- Request a formal hearing before an administrative law judge from the Office of Administrative Hearings (Dig Safe Board Enforcement Jurisdiction Only).

Due to COVID-19 restrictions, all 2020 Board meetings, beginning in March and continuing through December, were held via teleconference.

First Enforcement Hearings September 2020

On September 14 and November 16, 2020, the Board held enforcement hearings to deliberate and vote on NOPVs that had been mailed to respondents on July 8, July 10 and August 21, 2020. Twelve NOPVs were issued, and the Board acted on each as follows:

Case #	Respondent	Date Issued	Hearing Date	Jurisdiction	Board Action
20SA1004	Nuture Source Design	7/8/2020	9/14/2020	CSLB	Mandatory Education
19LA1042	Horizon Solar Power	7/10/2020	9/14/2020	CSLB	Mandatory Education
19LA1090	Pierre Landscape	7/8/2020	9/14/2020	CSLB	Mandatory Education
19LA1090	Swinerton General Contractors	7/8/2020	9/14/2020	CSLB	Mandatory Education
20LA1085	West Coast Construction	7/8/2020	9/14/2020	CSLB	Mandatory Education
20SA1021	AT&T California	7/8/2020	9/14/2020	CPUC	Mandatory Education
20SA1021	MGE Underground	7/8/2020	9/14/2020	CSLB	Mandatory Education
20SA1035	Kleven Construction	7/8/2020	9/14/2020	CSLB	Mandatory Education
20SA1040	Pacific Gas & Electric Co	7/8/2020	9/14/2020	CPUC	Mandatory Education
20SA1073	DePiazza & Reed Construction	8/21/2020	11/16/2020	CSLB	Mandatory Education
20LA1086	Southern California Gas Co	8/21/2020	11/16/2020	CPUC	Mandatory Education
20SA1059	Pacific Gas & Electric Co	8/21/2020	11/16/2020	CPUC	Mandatory Education

Table 2: Enforcement case information for 2020.

A decision for each case was drafted by the Board's attorney memorializing the Board's determination. The Board concurred with the written decisions at the meeting following the Board's vote. The approved decisions with recommended penalties were then forwarded to the Respondent's jurisdictional regulator.

Activity: Enhance Strategic and Annual Planning Through the Creation of an Idea Register

In 2020, the Board implemented an additional channel for the public to submit ideas for Board action. The submitted ideas are collected in the Idea Register, which the Board considers when planning its activities for the coming year. The Idea Register serves as a public clearinghouse to gather ideas for Board action and alert the Board to the safety concerns of excavation stakeholders. To implement this process, the Board released an Idea Submission form as both a fillable PDF and an ongoing online survey available from the Board's homepage. The Board received seven new ideas for consideration in the 2021 Annual Plan.

Idea Register Background

The Idea Register was introduced in January of 2020, as part of the draft Strategic Plan for the Board. To maximize the Idea Register's usefulness toward safety risk management, the draft Strategic Plan recognized the need for insight into the safety concerns and existing behaviors that an idea would seek to address. The Strategic Plan recommended the creation of a form to address the intake and specification of the scope of a safety concern. By drawing out stakeholders' insights, experience, and industry knowledge up front, the Board would be in a better position to evaluate proposed solutions to industry problems and prioritize the solutions for Board action. The Idea Register provides another way for stakeholders to put ideas for action before the Board in a way that can demonstrate the evidence and cause for a safety concern within the Board's jurisdiction.

Following discussion at the January Board meeting, staff presented a draft Idea Submission Form and Idea Summary Report at the February Board Meeting to showcase parts of the Idea Register in action.³⁵ The Idea Submission Form was proposed for the intake of new ideas around specific problems, concerns, and hazards that stakeholders had witnessed in the course of their business. This submission form was designed to walk someone through the consideration of a new idea, including the safety concern that an idea for Board action would address, where the proposed idea fell within the Board's jurisdiction in the One-Call Law, possible benefits, harms, and new hazards that implementation of the idea could create, and possible sources for data and information that reinforce the basis of the idea and could help inform the Board's understanding of the concern. The Board examined an example Idea Register submission in the draft Summary Report that dissected and examined the different safety components taken from a real-world example of a near-miss event that was discussed at the January Board Meeting.

³⁵ February 10, 2020, Agenda Item No. 4, [Strategic Planning](#).

"IDEA SUBMISSION FORM" (REV. 6-20)

2. IDEA

What is your idea to address this safety concern?

What organizations do you believe might be willing to help develop or implement your idea?

What do you think is the most appropriate Board action to implement your idea? (Select one)

☐ More Education/Outreach/Guidance on Existing Requirements or Resources
☐ New Standards ☐ New Regulations ☐ Recommend Statutory Changes
☐ Enforcement ☐ Other: _____

3. BENEFITS, COSTS, AND HAZARDS

What do you see as the potential benefits of your identified solution? (Examples of potential benefits: Improves knowledge of facility locations; Less burdensome way of achieving existing safety benefit; Removes compliance barrier; Improves communication between parties...)

Figure 17: The Idea Submission form invites submitters to think through many aspects of the safety concerns they have experienced and the idea to address the issue, including possible benefits, hazards, and the appropriate action for the Board to pursue.

While the Idea Submission Form asks for granular details regarding the idea, all ideas are summarized in an Idea Register Summary Report which exists to provide a snapshot of the Idea Register at any given time. This Summary Report allows anyone via the Board's website to see a brief summary of each submitted idea including the contributor, a brief summary of the idea, a reference number for each Idea Submission, and if or when an Idea Submission has been adopted as part of a Board Annual Plan.

At the June Board meeting, the Board discussed the final steps for implementation of the Idea Register and the latest draft of the Idea Submission Form.³⁶ Following submission of an idea, Board staff confirm receipt of the idea and provide a reference number to the submitter which may be used to track the idea in the previously mentioned Summary Report. Submitters will also be notified of the date and time when the Board will examine the submitted ideas as part of development of the upcoming Annual Plan which occurs at the end of each calendar year. Following the Board's review of the next years' Annual Plan, Board staff will notify idea submitters whether their idea has been selected for inclusion in the Annual Plan or not. Ideas not selected in any year remain for consideration in subsequent years.

³⁶ June 8, 2020, Agenda Item No. 3, [Implementation of the Idea Submission Form and the Idea Register](#).

Implementation

The Board created a dedicated webpage for the Idea Register following the June meeting to serve as a hub for the Idea Submission Form, information about the Idea Register and annual planning process, and to make the Idea Register Summary Report available at any time for Board members and the interested public to examine.³⁷ The Idea Submission form is available in both a fillable PDF and an online survey for ease of submission via computer or mobile devices.

The annual planning discussion for 2020 was set for the November Board meeting. Staff sent a final call for submissions to the Idea Register out to stakeholders in the weeks prior to the November meeting and received seven idea submissions for consideration by the Board for 2021. Board staff processed these ideas into the Idea Register and transformed the complete submissions into an Idea Register Detail Report which displays all non-private information included in each idea submission.


 Idea Register Summary Report Dig Safe Board	
Reference	Idea Summary
IR-2020-07-24-001	Large delineated areas can lead to safety hazard for locators in traffic. Enforcement of standards for delineated areas.
IR-2020-09-22-002	Operators excavating near their own lines may statutorily be required to contact 911 in non-emergency situations.
IR-2020-10-09-003	Large ticket areas as a contributing cause to delays in locating and miscommunications between parties. Standards for geographic areas of ticket sizes.
IR-2020-10-13-004	Increase education and outreach initiatives in association with industry groups, specifically to outreach to those unaware of safe excavation practices.
IR-2020-10-13-005	Evaluate contractor training materials and reinforce education of safe excavation practices with partner agencies.
IR-2020-10-14-006	Clarification of operator record keeping for abandoned lines and the abandonment process.
IR-2020-10-18-007	Standards for locate and mark painting including returning property to pre-existing condition. Possible damages from misinterpretation of pre-existing marks.

Figure 18: The Idea Register received seven submissions for consideration for the 2021 Annual Plan. Staff processed the submissions and provided a synopsis of the submission in an Idea Register Summary Report.

The Board discussed the Idea Register contributions during the November meeting.³⁸ The Board is expected to finalize its Annual Plan in early 2021. Any ideas that are not included in the 2021 Annual Plan will remain in the Idea Register for consideration in later years. As no idea or safety concern exists in a vacuum, the Board may combine ideas that fall under the same Strategic Directions and act on them in the process of addressing related policy issues.

³⁷ "Idea Register," Dig Safe Board website.

³⁸ November 16, 2020, Agenda Item No. 10, [2021 Board Planning](#).

IMPACTS FROM COVID-19

The arrival of the COVID-19 pandemic presented unprecedented challenges for all Californians and required adaptations, including by the Board and its staff. While COVID-19 resulted in unexpected changes to Board operations, it also represented an opportunity for the Board to rethink and retool some of its business practices to be more efficient.

Moving to Virtual

Board staff moved swiftly in spring 2020 to implement telework and transition its operations from in-person to virtual locations to comply with recommendations aimed at limiting the spread of COVID-19.

This included moving Board Meetings from in-person to webinar/teleconferences, pursuant to Executive Orders issued by the Governor waiving statutory provisions within the Bagley-Keene Act that required a physical location for public meetings of state Boards. Board staff leveraged existing use of GoToMeeting, the Board's regular public participation online platform, to quickly switch to a 100% virtual meeting environment. From there, staff transitioned to GoToWebinar, a product better suited to larger meetings with robust privacy and security settings while still providing several public participation options for those with and without internet access.

Changes in work plans due to COVID-19 had the benefit of allowing staff to rethink and adjust business practices to be more efficient by leveraging technology and other resources. This included the adoption and use of electronic signature, which streamlined processes and facilitated existing operations in a telework environment.

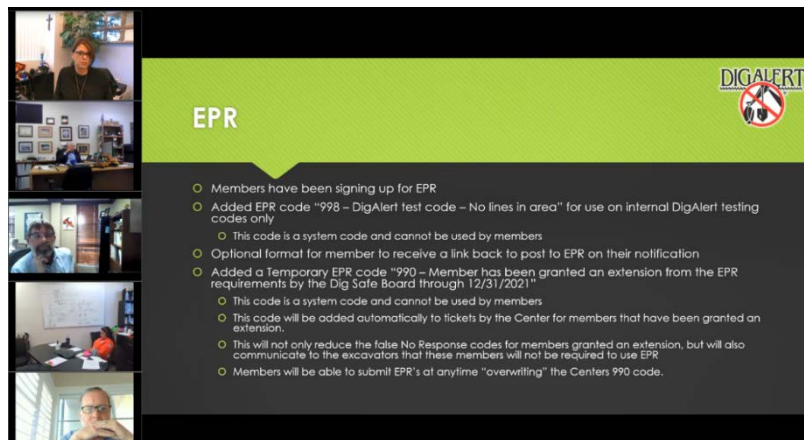


Figure 19: Board members in the November meeting via Webinar.

Impacts to Education and Outreach

The Board's outreach was curtailed due to restrictions on in-person events as result of Covid-19, as conferences, conventions, and other outreach opportunities were curtailed or cancelled. The Board plans to resume to focus on outreach activities in the coming year.

An example of changes resulting from COVID-19 is the shift of the Board's Education Course from in-person to virtual delivery. Changes made to alter the course to an online delivery format delayed completion of the course which finished in November.

Amid COVI-19 restrictions, Board staff conducted workshops for Reasonable Care Standards as part of the Board's preliminary rulemaking process. Normally, this type of outreach would have been conducted in-person, but due to social distancing

mandates, these were held online only. Although COVID-19 measures affected the way the workshops were delivered, they did not affect the schedule, and workshops were held as planned.

Impacts to Industry

At the April 12, 2020 Board Meeting, Board members and stakeholders discussed impacts to the excavation industry as a result of COVID-19. Leadership of the Regional Notification Centers discussed changes in operations such as employees working remotely from home as well as shared observations of decreased 811 ticket requests, which they stated could not be attributed directly to COVID-19 as unusually rainy weather could also be the reason for the decrease. The Regional Notification Centers advised they were monitoring the situation should there be any material impacts.

Impacts on Field Investigations

On March 19, 2020, Governor Newsom, in response to the current statewide status of COVID-19 as well as current state public health directives, issued Executive Order N-33-20, directing all individuals living in the State of California to stay at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors as well as additional sectors critical in maintaining the health and well-being of all Californians as determined by the Director of the Governor's Office of Emergency Services.

Investigation assignments have remained very active. Cases involving imminent danger and/or a significant safety compromise continue to be investigated in the both the office and field under the following protocols:

- Special accommodations including telework to minimize contact with others.
- Minimized number of investigators present at worksites including the office and accident locations, allowing a balance of staff and public safety assurance while preserving continued operations.
- Identification, prioritization and completion of operational and investigative functions imperative for continued function
- Applied social distancing of a minimum of 6 feet in the field and at the office
- Distribution of masks and gloves to all investigators to be worn in the field at all times.
- Encouragement of conscientious and persistent self-monitoring for potential symptoms including fever, cough and fatigue
- Mandatory attentive and rigorous sanitary habits while working in the office or in the field.

Impact on Damages

Southern California

The Southern California Investigative team had an increase in tickets during the COVID-19 restrictions. Between March 1, 2019 and November 30, 2019 there were 4,022 damage tickets, whereas between March 1, 2020 and November 30, 2020 there were 4,106 damaged tickets. For a difference of 84 damage tickets which equates to an approximately two percent increase in tickets.

Northern California

The Northern California Investigative team had a reduction in tickets during the COVID-19 restrictions. Between March 1 and November 30 of 2019 there were 3,849 damage tickets whereas, between March 1 and November 30 of 2020 there were 3,402 damage tickets. For a difference of 447 damage tickets which equates to an approximately 12 percent reduction in tickets.

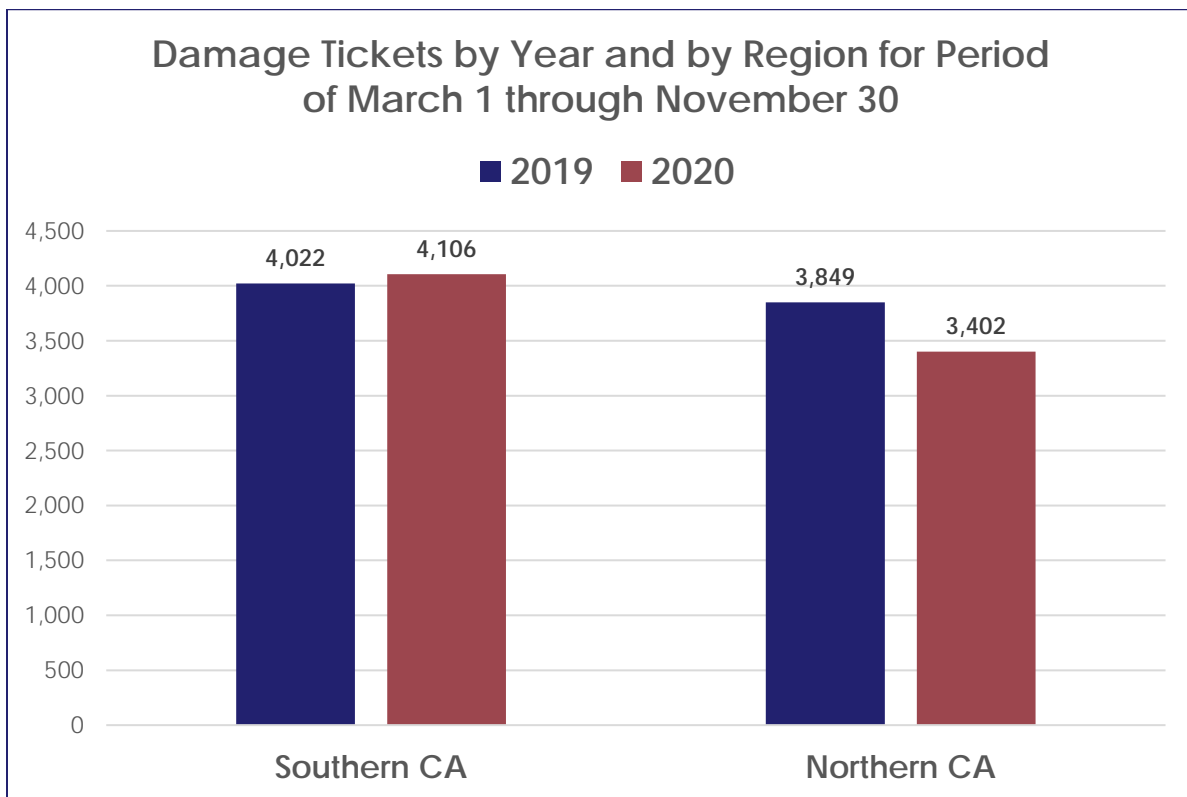


Figure 20: Damage Tickets by region for the period of March 1 through November 30 for 2019 and 2020.

SENATE BILL 865

Senate Bill 865 (Hill, 2020), signed into law on September 29, 2020, makes several changes to the One-Call Law that impact the Board and its future work. Changes of note include improving information sharing between Regional Notification Centers and the Board, requiring Operators to record and maintain GIS information on the location of new Subsurface Installations, and moving the Board from within CAL FIRE to the Office of Energy Infrastructure Safety in 2022. The Board has begun preparing for these changes.

Improved Information Sharing

SB 865 includes several safety communication elements. Specifically, it requires that data on Damage and Excavation Notification Tickets held by the Regional Notification Centers be shared with the Board at specific reporting intervals. While this data had previously been available to the Board on an ad-hoc basis, centralizing and unifying reporting requirements will allow the Board access to the full complement of ticket information so that it may more efficiently use it in investigations and analyze the data to identify and respond to trends.

Using Data to Inform Decision Making

The additional information sharing explained in the previous section, along with new requirements for Electronic Positive Response and Damage reporting, align with the Board's 2020 implementation of a Case Management System and together are expected to improve the Board's ability to leverage available data to inform its decision making. Work on data modeling began in 2020 and is expected to continue into future years.

Geographic Information System Mapping of New Installations

SB 865 also requires all new Subsurface Installations be mapped using GIS and stored as an Operator's permanent records. This requirement is expected to improve Excavation safety by enhancing both the speed and accuracy of future locating of these installations. While this is a welcome improvement, it does not address what happens to existing installations that are never replaced or are Abandoned as is. Improvements in technology, Operator asset management, and policy will be needed in the coming years to continue advancing SB 865's goals.

Moving to the Office of Energy Infrastructure Safety

SB 865 moves the Dig Safe Board from the Office of the State Fire Marshal in CAL FIRE to the Office of Energy Infrastructure Safety ("OEIS"), soon to be created within the Natural Resources Agency ("CNRA") per the California Energy Infrastructure Safety Act of 2019 (AB 111, 2019). Once SB 865 was enacted, staff began working with the CPUC's Wildfire Safety Division (also moving to the new office) and CNRA to prepare for the January 1, 2022 move date.

APPENDIX A: 2020 INVESTIGATIONS

Case #	Facility Type	Reason for Investigation	Brief Description	Status
20LA1074	Natural Gas	Exposed	Property owner damaged exposed pipeline.	Closed
20LA1075	Natural gas	No response	No response ticket generated	Closed
20LA1076	Electric	No response	No response ticket generated	Closed
20LA1077	Water	No response	No response ticket generated	Closed
20LA1078	Natural gas	No response	No response ticket generated/ Incorrect address provided	Closed
20LA1079	Undetermined	Damaged / Exposed	Unknown facility/ Unmarked line	Closed
20LA1080	Natural gas	Damaged / Exposed	Exposed natural gas line	Closed
20LA1081	Natural gas	Damaged / Exposed	Excavator hit ½ inch plastic gas pipe with a hand tool and shovel	Closed
20LA1082	Natural gas	Damaged / Exposed	Landscaper hit exposed gas pipe	Closed
20LA1083	Water	Damaged / Exposed	Report of exposed and damaged water line at homeowner's address	Closed
20LA1084	Cable	Damaged / Exposed	2" orange conduit damaged by a backhoe	Active
20LA1085	Natural gas	Damaged / Exposed	Excavator hit ½ inch plastic natural gas pipe with hand tool.	Education and Referral to CSLB
20LA1086	Natural gas	6" Natural gas pipe hit	Excavator damaged unmarked natural gas line	Closed
20LA1087	Abandoned	Exposed	Excavator damaged unmarked exposed abandoned line	Closed
20LA1088	Abandoned	Exposed	Homeowner exposed unknown pipeline	Closed

Case #	Facility Type	Reason for Investigation	Brief Description	Status
20LA1089	Cable	Damaged	Failure to respond/delineate- No exposure	Closed
20LA1090	Natural gas	Exposed	Broken 2' line	Education and Referral to CSLB
20LA1091	Natural Gas	None	Homeowner hit abandoned natural gas pipe in front yard	Closed
20LA1092	Natural gas	Exposed	Homeowner damaged abandoned natural gas pipe	Closed
20LA1093	Natural gas	Damaged	Backhoe hit concrete encasing of natural gas line	Active
20LA1094	Natural gas	Damaged	Damage to exposed natural gas pipe.	Active
20LA1095	Natural gas	Damaged	Unknown damage 4" plastic pipe	Active
20LA1096	Natural gas	Damaged	Damage to 6' steel natural gas main	Active
20LA1097	Natural gas	Damaged	Natural gas pipe riser to natural gas meter	Active
20LA1099	Cable	Exposed	Unknown exposed wires	Active
20LA1100	Natural Gas	Exposed	Exposed abandoned natural gas line in homeowner's rear yard	Active
20LA1101	Water	Damaged	Unknown damage to water pipe on homeowner's property	Active
20LA1102	Natural Gas	Damaged	Damage to natural gas riser	Active
20LA1103	Electric	Damaged	Damage to 1' metal pipe	Active
20LA1104	Natural gas	Exposed	Damage to 1" metal pipe	Active
20LA1105	Natural Gas	Exposed	Exposed an unmarked natural gas line	Active

Case #	Facility Type	Reason for Investigation	Brief Description	Status
20LA1106	Natural Gas	Damaged	Damage to an unmarked natural gas line	Active
20SA1000	Sewer	Damaged	Damaged sewer resulting in raw sewage in property owner's basement.	Closed
20SA1001	Natural gas	Damaged	Damaged unmarked natural gas line.	Closed
20SA1002	Electric	Damaged	Damaged a marked electric line.	Closed
20SA1003	Natural gas	Exposed	Exposed unmarked high pressure natural gas line.	Closed
20SA1004	Natural gas	Exposed	Exposed an unmarked natural gas line.	Closed
20SA1005	Natural gas	Exposed	Exposed unmarked natural gas line.	Closed
20SA1006	Telecommunications	Damaged	Damaged unmarked telecommunications.	Closed
20SA1007	Telecommunications	Damaged	Damaged a marked traffic loop signal line.	Closed
20SA1008	Natural gas	Exposed	Exposed unmarked natural gas line.	Closed
20SA1009	Natural gas/Sewer	Exposed	Exposed unmarked sewer and natural gas lines.	Closed
20SA1010	Natural gas	Exposed	Exposed unmarked natural gas line.	Closed
20SA1011	Telecommunications	Damaged	Damaged unmarked cable line.	Closed
20SA1012	Telecommunications	Damaged	Damaged unmarked telecommunication line.	Closed
20SA1013	Unknown	Exposed	Exposed/damaged a tank with unknown substance/unclaimed.	Closed
20SA1014	Electric	Exposed	Exposed unmarked electrical utility line.	Closed

Case #	Facility Type	Reason for Investigation	Brief Description	Status
20SA1015	Cable	Damaged	Damaged a line from telephone fiber direct burial.	Closed
20SA1016	Telecommunications	Exposed	Exposed unmarked telecommunications line.	Closed
20SA1017	Natural gas	Exposed	Exposed a previously damaged natural gas line.	Closed
20SA1018	Natural gas	Exposed	Exposed a natural gas line.	Closed
20SA1019	Natural gas	Damaged	Damaged a line from oil or natural gas.	Closed
20SA1020	Telecommunications	Damaged	Damaged cable / TV	Closed
20SA1021	Telecommunications	Exposed	Exposed unmarked line from telephone, cable TV fiber.	Closed
20SA1022	Water	Damaged	Damaged water line.	Closed
20SA1023	Water	Damaged	Damaged water line.	Closed
20SA1024	Telecommunications	Damaged	Damaged unmarked telecommunications.	Closed
20SA1025	Natural gas	Damaged	Damaged natural gas line.	Closed
20SA1026	Unknown	Exposed	Exposed unmarked unknown line belonging to unknown operator.	Closed
20SA1027	Unknown	Exposed	Property owner exposed unmarked unknown line.	Closed
20SA1028	Natural gas	Damaged	Damaged wrap on marked natural gas line.	Closed
20SA1029	Unknown	Damaged	Damaged unknown unmarked line without calling for remarks.	Closed
20SA1030	Water	Damaged	Damaged water line.	Closed
20SA1031	Natural gas	Damaged	Damaged unmarked possible natural gas line.	Closed
20SA1032	Natural gas	Damaged	Damaged a natural gas line.	Closed

Case #	Facility Type	Reason for Investigation	Brief Description	Status
20SA1033	Unknown	Damaged	Damage and exposed marked and unmarked unknown lines.	Closed
20SA1034	Telecommunications	Damaged	Damaged unmarked telecommunications line.	Closed
20SA1035	Electric	Damaged	Damaged unmarked electric	Closed
20SA1036	Telecommunications	Damaged	Damaged unmarked telecommunications	Closed
20SA1037	Natural gas	Expose/Damaged	Exposed an already damaged unmarked natural gas line	Closed
20SA1038	Natural gas	Damaged	Damaged natural gas line	Closed
20SA1039	Telecommunications	Damaged	Damaged mismarked telecommunications	Closed
20SA1040	Natural gas/Electric	Damaged	Damaged a wrongly marked line.	Closed
20SA1041	Telecommunications	Damaged	Damaged unmarked telecommunications	Closed
20SA1042	Telecommunications	Damaged	Damaged a marked cable.	Closed
20SA1043	Unknown	Exposed	Exposed unmarked unknown utility conduit	Closed
20SA1044	Natural gas	Damaged	Damaged unmarked natural gas line.	Closed
20SA1045	Telecommunications	Damaged	Damaged unmarked telecommunications line.	Closed
20SA1046	Natural gas	Not Applicable	Failure to delineate/No exposure or damage.	Closed
20SA1047	Natural gas	Damaged	Damaged unmarked abandoned line.	Closed
20SA1048	Electric	Exposed	Exposed unmarked electrical utility line.	Closed
20SA1049	Telecommunications	Damaged	Exposed a telecommunications line.	Closed

Case #	Facility Type	Reason for Investigation	Brief Description	Status
20SA1050	Natural gas	Exposed	Exposed an abandoned line	Closed
20SA1051	Unknown	Exposed	Exposed unknown possible abandoned line	Closed
20SA1052	Natural gas	Damaged	Damaged unmarked natural gas line	Closed
20SA1053	Abandoned steel line	Exposed	Property owner exposed unmarked steel pipe in front yard. No operator claimed it, most likely an old P/O line	Closed
20SA1054	Natural gas	Exposed	Exposed an unmarked natural gas line	Closed
20SA1055	Natural gas	Damaged	Damaged 16" Natural gas line	Closed
20SA1056	Telecommunications	Damaged	Damaged unmarked cable TV	Closed
20SA1057	Abandoned steel line	Exposed	Property owner exposed abandoned steel line. No operator claimed it, most likely an old P/O line.	Closed
20SA1058	Telecommunications	Damaged	Damaged telecommunications	Closed
20SA1059	Electric	Damaged	Damaged unmarked electric	Closed
20SA1060	Electric	Damaged	Damaged unmarked electric	Closed
20SA1061	Electric	Damaged	Damaged unmarked electric	Closed
20SA1062	Unknown	Damaged	Unable to determine type of facility or nature of damage	Closed
20SA1064	Electric	Damaged	Damaged electric	Closed
20SA1065	Unknown	Damaged	Damaged unmarked steel line. PG&E claimed it as an abandoned 2" steel natural gas line.	Closed

Case #	Facility Type	Reason for Investigation	Brief Description	Status
20SA1066	Unknown	Exposed	Excavator reported exposing multiple unmarked facilities. Excavator did not cooperate with investigation.	Closed
20SA1067	Unknown	Exposed	Exposed unmarked 3" red plastic conduit. No operators claimed the line and excavator re-engineered the project to avoid the line.	Closed
20SA1068	Water	Damaged	Damaged water	Closed
20SA1069	Telecommunications	Damaged	Damaged unmarked CATV line	Closed
20SA1070	Natural gas	Damaged	Damaged marked natural gas line	Closed
20SA1071	Unknown	Damaged	Damaged unmarked unknown cables	Closed
20SA1072	Unknown	Damaged	Damaged mismarked water line previously and unknown line today	Closed
20SA1073	Water	Damaged	Damaged water line/no ticket	Closed
20SA1074	Telecommunications	Damaged	Damaged phone line	Closed
20SA1075	Cable	Damaged	Damaged unmarked cable TV line	Closed
20SA1076	Telecommunications	Damaged	Damaged unmarked telecommunications	Closed
20SA1077	Telecommunications	Damaged	Damaged unmarked fiber optic line	Closed
20SA1078	Natural gas	Damaged	Damaged unmarked natural gas line	Closed
20SA1079	Water	Damaged	Water lines damaged when natural gas lines were installed	Closed

Case #	Facility Type	Reason for Investigation	Brief Description	Status
20SA1080	Telecommunications	Exposed	Exposed unmarked abandoned telecommunications line	Closed
20SA1081	Telecommunications	Damaged	Property owner damaged unmarked phone line at his own residence	Closed
20SA1082	Traffic Lights	Damaged	Damaged unmarked traffic light	Closed
20SA1083	Unknown	Damaged	Exposed and Damaged an unknown telecommunication line	Closed
20SA1084	Telecommunications	Damaged	Damaged cable / TV	Closed
20SA1085	Telecommunications	Damaged	Damaged marked telecommunications	Closed
20SA1086	Telecommunications	Damaged	Damaged telecommunications	Closed
20SA1087	Telecommunications	Damaged	Damaged unmarked telecommunications	Closed
20SA1088	Telecommunications	Damaged	Damaged unmarked telecommunications	Closed
20SA1089	Unknown	Not Applicable	Complaint resolved and withdrawn	Closed
20SA1090	Telecommunications / Cable	Damaged	Damaged mismarked Comcast line	Closed
20SA1091	Natural gas	Exposed	Exposed natural gas line	Closed
20SA1092	Water	Damaged	Damaged unmarked water line	Closed
20SA1093	Natural gas	Damaged	Damaged unmarked natural gas line	Closed
20SA1094	Natural gas	Damaged	Damaged unmarked natural gas line	Closed
20SA1095	Natural gas	Damaged	Damaged ¾" steel natural gas line	Active
20SA1096	Telecommunications	Damaged	Damaged telecommunications	Closed

Case #	Facility Type	Reason for Investigation	Brief Description	Status
20SA1097	Sewer	Damaged	Damaged unmarked sewer line	Closed
20SA1098	Water	Damaged	Damaged unmarked water line	Closed
20SA1099	Electric	Damaged	Damaged unmarked electric line	Closed
20SA1100	Telecommunications	Damaged	Damaged unmarked telecommunications or cable line	Closed
20SA1101	Electric line	Damaged	Damaged unmarked buried street light power line	Closed
20SA1102	Natural gas	Damaged	Damaged unmarked natural gas line	Closed
20SA1103	Natural gas	Damaged	Damaged unmarked natural gas line	Closed
20SA1104	Sewer	Damaged	Damaged telecommunications	Closed
20SA1105	Not Applicable	Not Applicable	Complaint of digging holes in backyard	Closed
20SA1106	Natural gas	Damaged	Damaged natural gas line twice on two separate dates	Closed
20SA1107	Natural gas	Damaged	Damaged unmarked natural gas line	Closed
20SA1108	Electrical	Damaged	Damaged electric line and dug outside delineation	Active
20SA1109	Natural gas	Damaged	Sharpshooter struck natural gas line	Closed
20SA1110	Natural gas	Damaged	Damaged marked natural gas and exposed unmarked natural gas line	Active
20SA1111	Unknown	Damaged	Damaged Buried 12kv electrical line (conduit damage only)	Closed

Case #	Facility Type	Reason for Investigation	Brief Description	Status
20SA1112	Electrical	Damaged	Damaged unmarked electric line	Active
20SA1113	Natural Gas	Damaged	Damaged marked and exposed 2.5" natural gas line when equipment operator lifted excavator bucket out of trench	Active
20SA1114	Electrical	Damaged	Excavator damaged an unmarked electrical line	Active
20SA01197	Unknown	Damaged / Exposed	Excavator reported damage with no description	Active
20SA01287	Natural Gas	Damaged / Exposed	Damaged unmarked line	Active
20SA01288	Telecommunication	Damaged / Exposed	Damaged unmarked line	Active
20SA01289	Unknown	Damaged / Exposed	Excavator reported damage to unmarked line. No response from reporting party.	Closed
20SA01290	Telecommunication	Damaged / Exposed	Damaged unmarked line	Active
20SA01291	Multiple	Complaint	City is not a member of USA system	Active
20SA01292	Natural Gas	Damaged / Exposed	Damaged marked line	Active
20SA01293	Natural Gas	Damaged / Exposed	Damaged marked line	Active
20SA01295	Natural Gas	Damaged / Exposed	Damaged mismarked line	Active
20SA01296	Water	Complaint	Excavator failed to adhere to field meeting agreement with operator	Active
20SA01297	Electric	Damaged / Exposed	Damaged marked line	Active
20SA01299	Telecommunication	Damaged / Exposed	Damaged unmarked line	Active

Case #	Facility Type	Reason for Investigation	Brief Description	Status
20SA01301	Electric	Damaged / Exposed	Damaged a neighbor's power line	Active
20SA01302	Electric	Damaged / Exposed	Excavator discovered damaged electric line	Active
20SA01303	Natural Gas	Damaged / Exposed	Damaged a mismarked gas main	Active
20SA1304	Multiple	Complaint	City is not a member of USA System	Active
20SA01305	Natural Gas	Damaged / Exposed	Damaged unmarked line	Active
20SA01306	Unknown	Inaccurate locate / incomplete marks	Information was incomplete	Active
20SA01307	Natural Gas	Damaged / Exposed	Damaged an unmarked gas line	Active
20SA01309	Telecommunications	Damaged / Exposed	Fiber optic line not marked	Active

APPENDIX B: 2020 EDUCATION AND OUTREACH ACTIVITIES

Date	Type	Audience Targeted	Description
1/10 - 31	Online Survey	Operators	In order to learn more about the resources and approach of smaller operators to EPR requirements, the Board ran an online survey to help in the development of a definition of good cause for the extension process.
1/13 - 14	Board Meeting	Stakeholders	Sacramento, CA – Review of Strategic, Annual and Results Report plans. Update on regulations for Investigations, Enforcement & Area of Continual Excavation. Near-Miss Incidents Presentation by excavators.
2/10	Board Meeting	Stakeholders	Long Beach, CA – Review of Idea Register for strategic planning. Discussion on development for Emergency Regulations for Electronic Positive Response Good Cause extension, and regulations for Investigations, Enforcement & Area of Continual Excavation.
2/13	2020 World Ag Expo	Stakeholders	Tulare, CA – Brand recognition and stakeholder awareness raising through networking and introduction of the Dig Safe Board around the World Ag Expo.
2/28	Presentation	Farmers and Gill Ranch Storage personnel	Madera, CA – At the request of Gill Ranch storage, discussed area of continual excavation tickets to be available July 1 st .
2/28	Presentation	Fresno County Farm Bureau Ag Roundtable	Fresno, CA – Discussed area of continual excavation tickets to be available July 1 st .
4/13	Board Meeting	Stakeholders	Teleconference – Review of text for Emergency Regulation for Electronic Positive Response Good Cause extension. Board discussed process for reviewing Good Cause applications for Electronic Positive Response.
6/8	Board Meeting	Stakeholders	Teleconference – Update on implementation of Idea Register. Review of the fee implementation and collection process. Report on Abandoned Underground Facilities.
7/13	Board Meeting	Stakeholders	Teleconference - Approving Section 4201 of the Investigations and Enforcement regulations and authorizing the rulemaking proceedings. Discussion on Reasonable Care standard development and fee implementation. Update on Education in-lieu- of-fines course, implementation of AB 1914, and approving regulations for Area of Continual Excavation ticket requirements

Date	Type	Audience Targeted	Description
8/6	Presentation	Santa Ana River Basin Section of the California Water and Environment Association	Teleconference – Executive Officer presented the Paso Robles case study from the education course and highlighted new laws going into effect.
8/10	Board Meeting	Stakeholders	Teleconference – Overview of the Enforcement process. Consideration of Electronic Positive Response Good Cause extension applications received in July. Update on fee collection process – propose changes to regulatory language for fee. Discussion on Reasonable Care standards workshop.
8/11	811 Day Event by DigAlert	DigAlert members and excavators	Teleconference – Executive Officer presented new 2020 laws and the Idea Register.
8/17	Email Announcement and Flyer	Stakeholders	Email – Board staff emailed an announcement of the upcoming Reasonable Care Workshop to the Board mailing list including an event flyer for stakeholders to distribute.
8/24 - 10/30	Email Announcement and Online Survey	Excavators and Operators	In order to learn more about trenchless excavation practices, the Board released an online survey as a complementary information gathering channel to the teleconference workshop. Board staff emailed a link to the survey to the Board mailing list.
8/27	Reasonable Care Workshop	Stakeholders with expertise in trenchless excavation	Teleconference – Discuss workshop for informing on Reasonable Care standards relating to trenchless excavation.
09/14	Board Meeting	Stakeholders	Teleconference – Review of Electronic Positive Response Good Cause extension applications received in August. Review of proposed fee regulatory language. Notice of Probable Violation hearings.
9/14	Flyer	Excavators	Online – The Board released a trifold flyer as Agenda Item No. 14 at the September Board Meeting. The flyer provides introductory information on the 811 process and is currently available on the Board's website.
9/25	Email Announcement	Operators	Email – Board staff emailed notice of the upcoming EPR Extension Application deadline for submission to the one-call centers' member mailing list.

Date	Type	Audience Targeted	Description
9/28 - 10/1	EPR Outreach	Operators	Email and Phone – In response to the deadline announcement, Board staff received numerous inquiries. Board staff responded to each inquiry about the EPR extension process.
9/28	Email Announcement and Event Flyer	Stakeholders	Email – Board staff emailed an announcement of the upcoming Reasonable Care Workshop to the Board mailing list including an event flyer for stakeholders to distribute.
10/6-8	Outreach Campaign	Trenchless Excavation	Phone and Email – Board staff gathered a list of 50 trenchless excavators and contacted these organizations to invite them to the upcoming workshop on Reasonable Care and to contribute to the online survey. Of those contacted, 35 acknowledged receiving the invitation.
10/9	Email Announcement	Stakeholders	Email – Staff announced the upcoming deadline for Idea Submissions to the Idea Register that would be included for consideration in the 2021 Annual Plan.
10/29	Reasonable Care Standards	Trenchless Excavation	Teleconference – Second workshop to inform and develop Reasonable Care Standards in trenchless excavation.
10/30	Reasonable Care Standards	Stakeholders with expertise in trenchless excavation	Email – Staff emailed a final reminder for submissions to the Survey to the Board mailing list and trenchless excavator contacts.
11/12	Presentation	Public Agency Safety Management Association	Teleconference – Executive Officer presented the Paso Robles case study from the education course and highlighted new legal and statutory requirements.
11/16	Board Meeting	Stakeholders	Teleconference – Notice of Probable Violation hearings and decisions. Update on Trenchless Excavation survey results to develop Reasonable Care standards. Review of Board's Strategic Objectives, and planning for upcoming year.
12/1	Board Meeting	Stakeholders	Approval of Written Decisions on Notices of Probable Violation Considered During the November Board meeting. Review of Electronic Positive Response Good Cause extension application.

GLOSSARY

Abandoned (“Abandoned Line”): Refers to a Subsurface Installation that is no longer in service and has been physically disconnected from any other underground utility line that is in use for storage or conveyance of service.

Administrative Procedure Act (APA): The California law governing procedures for state agencies to propose and issue regulations.

Area of Continual Excavation (“ACE”)

Ticket: An Area of Continual Excavation Ticket can involve either a flood control or an agricultural facility and expires after one year, rather than 28 days.

California Public Utilities Commission

(“CPUC”): A state agency that regulates privately owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies.

California Regional Common Ground

Alliance (“CARCGA”): A non-profit organization is a Regional Partner of the Common Ground Alliance.

Subsurface Safety and Incident

Prevention Committee (“SSIP”): A Committee within CARCGA responsible for discussing safety and incident prevention issues around Subsurface Installations in addition to making recommendations to CARCGA and the Dig Safe Board.

Common Ground Alliance (“CGA”): A

national non-profit formed in 2000 dedicated to preventing Damage to underground infrastructure by promoting effective Damage prevention practices and shared responsibility among all stakeholders.

CGA Best Practices: An annual guide released by the Common Ground Alliance used as a resource in the industry for underground Damage prevention.

Contractors State License Board

(“CSLB”): Also referred to as CSLB, this State agency works to protect California consumers by licensing and regulating the California’s construction industry.

Cross Bore: The intersection of an

existing underground utility or underground structure by a second utility installed using trenchless technology, directional bore. This results in one facility boring through another, compromising the integrity of either or both utility/underground structures.

Damage: Any impact on or removal of support from a Subsurface Installation as a result of Excavation or demolition which according to the operating practices of the facility Operator would necessitate repair.

Department of Forestry and Fire

Protection (“CAL FIRE”): A department within the California Natural Resources Agency which serves and safeguards the people and protects the property and resources of California by planning protection strategies for over 31 million acres of privately-owned wildlands and providing emergency services of all kinds throughout the state.

Electronic Positive Response (“EPR”): An

electronic communication from an Operator to a Regional Notification Center indicating the status of its response to a Notification which an Excavator may use to confirm the status of the Operator’s response.

Excavation (“Digging”): Any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced, in any way, by means of tools or explosives.

Geographic Information System (“GIS”): A system used to gather, manage, and analyze data which can organize layers of information into visualizations using maps and 3D scenes.

Hand Tool: A piece of Excavation equipment that uses human power, and is not powered by any motor, engine, hydraulic, or pneumatic device.

High Priority Subsurface Installation: A term used to refer to certain types of utility installations, including petroleum pipelines, certain high-pressure natural gas pipelines, pressurized sewage pipelines, and certain high-voltage electric supply lines, conductors, or cables.

Locate & Mark: At the location to be excavated, to find and mark the locations of Subsurface Installations before work begins. Methods for marking are outlined in Appendix B, “Uniform Color and Marking Guide” in the Common Ground Alliance publication “Guidelines for Operator Facility Field Delineation.”

Locator: A representative from a utility or third-party contractor who Locates and Marks Underground Infrastructure in a proposed Excavation zone, using flags, markers, or colored paint.

Notice of Probable Violation (“NOPV”): A letter notifying an Excavator or operator that an investigation has identified a probable violation of the One-Call Law and includes options for responding to the notice.

Notification: The completed delivery of Excavation information to the person or entity to be notified, and the receipt of same by such person in accordance with the One-Call Law. The delivery of information includes, but is not limited to, the use of any electronic or technological means of data transfer.

Office of Energy Infrastructure Safety (“OEIS”): Created in 2019, (AB 111, Chapter 81) to implement the California Energy Infrastructure Safety Act. Per SB 865 (Hill, 2020), OEIS will be the new home of the Dig Safe Board beginning in January 2022.

Office of the State Fire Marshal (“OSFM”): A program within the Department of Forestry and Fire Protection that protects life and property through the development and application of fire prevention, engineering, training and education, and enforcement.

OFSM Pipeline Safety Division: A division of the Office of the State Fire Marshal, responsible for ensuring hazardous liquid pipeline operators comply with federal and state pipeline safety laws and regulations by investigating ruptures, fires, or accidents.

One-Call Law (“Law”): California Gov’t Code § 4216.

Operator: Any person, corporation, public agency, or other entity that owns, operates, or maintains a Subsurface Installation.

Pipeline and Hazardous Materials Safety Administration ("PHMSA"): A Federal Agency within the Department of Transportation responsible for enforcing regulations on the operation of pipeline transportation.

Positive Response: Allows the Excavator to know whether an Underground Facility Operator has marked the requested area prior to the beginning of the Excavation and may include the following: markings or documentation left at the job site, callback, fax, or automated response system.

Pothole: A test hole to expose a Subsurface Installation to determine the horizontal and vertical location of the facility.

Reasonable Care: Measures taken by Excavators to avoid injuries and accidents stemming from Damages to Subsurface Installations.

Regional Notification Center ("One-Call Center"): A non-profit association of Operators that takes Notifications from Excavators and transmits those Notifications to Operators so that they may Locate and Mark Subsurface Installations in the area. California has two Regional Notification Centers: Underground Service Alert of Northern California and Nevada ("USA North 811") covers Northern California, and Underground Service Alert of Southern California ("DigAlert") covers Southern California.

Subsurface Installation ("Underground Facility" or "Underground Infrastructure"): Any underground pipeline, conduit, duct, wire, or other structure, except non-pressurized sewer lines, non-pressurized storm drains, or other non-pressurized drain lines.

Tolerance Zone: A set distance from a Subsurface Installation that an excavator must use caution in Digging, as the Underground Facility should be within the area. This is usually 24-inches, or two feet on either side of the Subsurface Installation and is marked by the Operator.

Underground Facilities Safe Excavation Board ("Dig Safe Board"): The legal name by which the Dig Safe Board was founded. However, in the first quarter of 2018 Board members and staff recognized that the Board's name was hard for people to remember, and created confusion among other government agencies, stakeholders, and the public. For this reason, the Board chose to describe itself as "The Dig Safe Board."

USA Ticket ("Ticket"): A locate request submitted by an Excavator through a Regional Notification Center prior to an Excavation. Each Ticket is issued a unique number. "USA" stands for Underground Service Alert.

Vacuum Excavation: Vacuum excavation equipment uses high-pressure air or water to remove the soil, which is sucked through a vacuum hose and deposited into a debris tank for later disposal or backfilling the hole.

2021 BOARD MEETINGS

Due to COVID-19, Board Meetings will be held via webinar teleconference until the expiration of applicable Governor's Executive Orders.

FEBRUARY 9

MARCH 8-9

APRIL 12-13

MAY 10-11

JUNE 14-15

JULY 12-13

AUGUST 9-10

SEPTEMBER 13-14

OCTOBER 11-12

NOVEMBER 8-9

DECEMBER 13-14

BOARD STAFF

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Tom Finn, Operations Manager

Jenni Reed, Policy & Data Analyst

Jeff McClenahan, Policy Analyst

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Carla Newman, Supervising Special Investigator

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