



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

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

August 20, 2018
10:00 a.m.

Westlake Village City Hall
Council Chambers
31200 Oak Crest Dr.
Westlake Village, CA
91361

MEETING MINUTES

BOARD MEMBERS PRESENT:

Jessica Arden
Marshall Johnson
Ron Bianchini
Randy Charland
Marjorie Del Toro
Bill Johns
Amparo Munoz
Carl Voss

BOARD MEMBERS ABSENT:

Vince Bernacchi

STAFF:

Tony Marino, Executive Officer
Brittney Branaman, Policy and Budget Manager
Jason Corsey, Chief of Investigations
Zachary Trammell, Government Analyst
Misty Catano, Government Analyst
Kerstin Lock, Outreach Officer
Deborah Yang, Legal Counsel

OPEN SESSION

Chair Arden called the meeting to order at 10:01 a.m.

Agenda Item No. 1: Executive Officer's Report

Executive Officer Tony Marino introduced new staff: Jason Corsey, Chief of Investigations, and Kerstin Lock, Outreach Officer. He provided an update on AB1914.

Chair Arden asked for public comments. There were none.

Agenda Item No. 3: Discussion on relevant education and training, including minimum curricula standards.

Chair Arden explained that the second and third agenda items would be taken out of order.

Zachary Trammell, Government Analyst, presented the item on behalf of Jason Neyer, Government Analyst, who was unable to attend this meeting. The Dig Safe Board's 2018 plan establishes the identification of relevant education as a strategic activity. To carry this out, staff recommends creating classroom, onsite and online courses that can be taken to satisfy a penalty or just for education. In preparation for this, staff has been looking into education and training institutions that can create courses for the Dig Safe Board. Staff has also been researching how to select education and training institutions under the conditions required, as a government agency.

Chair Arden asked for comments from Board members.

Member Del Toro stated that she would like to propose to the Board the possibility of bringing this project in-house, and she would be able to assist in developing the project. Outsourcing would be a cumbersome and the Board's investigators can teach the classes.

Executive Officer Tony Marino stated that it may be challenging because it may need to go through different state processes and levels of approvals. Staff will need to look at what resources we need to have, and then present the findings to the Board at a future meeting.

Member Del Toro stated that the Board could look at training materials offered by the California Regional Common Ground Alliance ("CARCGA"), and should utilize other available resources.

Chair Arden stated that the education committee should meet and discuss what resources we would need to bring the project in-house. Member Del Toro agreed that she would like to set up a meeting with Executive Officer Tony Marino, Outreach Officer Kerstin Lock, and Member Johnson to discuss the process.

Member Johns asked if the Board could be provided a list of options.

Member Del Toro mentioned that we could put together a report of what the financials would look like and what resources we could have.

Members Johnson, Del Toro, and Bianchini discussed Occupational Safety and Health Administration ("OSHA") trainings.

Chair Arden asked for public comments.

A representative from Pacific Gas and Electric ("PG&E") suggested PowerPoint presentations. He stated that his team is successful because they provide presentations on education.

A representative from the Public Utilities Commission ("PUC") expressed that the majority of safe excavation education has already been created by another organization, and it's in place throughout the entire excavation community. He encouraged the Board to consider in-person meetings because

it gives trainees the opportunity to ask questions, develops ownership, and a way to see progress. The uniformity of the message that is given should always be consistent.

(Member Munoz arrived at 10:28 a.m.)

A representative from USA North 811 stated that the one call centers have taken the lead in other states. He expressed USA 811 North's willingness to participate and work with the Board. He appreciates PG&E and the PUC on the education that they are providing, and shared ideas on how to educate operators and excavators.

Chair Arden asked for any other comments from Board members.

Member Johns asked Chief Investigator Jason Corsey about having investigators working together with other staff to get everyone educated.

Member Johnson asked about the individuals who would attend these trainings.

Chair Arden stated that she would like to know what factors are contributing to how other states are offering education. Chair Arden asked staff and the education committee to include resources and fees, if any, in the report. She also asked for a timeline of what we need to achieve this by July 2020.

Member Del Toro expressed the need to be sensitive to access to computers, language barriers, and economic levels.

Chair Arden expressed that the Board should include technology as an option to give workers the chance to receive education without having to travel long distances to attend a class.

Member Bianchini stated that training shouldn't be just for excavators. The Board should educate everyone.

Member Munoz suggested a training matrix per subject area.

Member Johnson discussed CARCGA training events in the state.

Member Johns expressed that getting information to the onsite workers may be difficult. Management should make sure that they provide education to their staff. A tiered plan might work to get the education out to the entire state.

Chair Arden asked for any other public comments.

A representative from PG&E agreed that the administration of the leadership of the company needs to be brought in. Everyone needs to be trained. Trainings should be available in Spanish as well as English.

Agenda Item No. 2: Resolution No. 18-08-01 - Resolution of the California Underground Facilities Safe Excavation Board approving the adoption of the regulation to establish fees pursuant to the Dig Safe Act of 2016 and authorizing rulemaking proceedings after considering public comments received during 45-day written comment period.

Legal counsel stated that the Office of Administrative Law ("OAL") requires the Board to consider public comments received during the 45-day written comment period. Legal counsel presented

comments from the Atascadero Mutual Water Company, Underground Service Alert of Southern California, and Bay Shore Sanitary District; as well as staff's responses to those comments.

Member Johnson expressed his concern with notifying counties of the fee.

Executive Officer Tony Marino stated that staff notified stakeholders and members of the regional notification centers, and staff will continue to do more outreach to inform counties of the fee.

Chair Arden asked if the fee regulation must be effective by January of 2019. Legal counsel stated that although there is no statutory deadline, the fee regulation must be effective by January 2019 due to operational needs.

Chair Arden asked for public comments. There were none.

Board Action

Motion to approve Resolution No. 18-08-01 of the California Underground Facilities Safe Excavation Board approving the adoption of the regulation to establish fees pursuant to the Dig Safe Act of 2016 and authorizing rulemaking proceedings after considering public comments received during 45-day written comment period.

MOTION: Member Chair Arden SECOND: Member Bianchini
AYES: Members Johnson, Charland, Del Toro, Johns, Munoz, Voss
NOES: None
ABSTAIN: None
RECUSE: None

MOTION ADOPTED.

Public Comment

Chair Arden asked if there were any other public comments. There were none.

Adjournment

Meeting adjourned at 11:23 a.m.

August 20, 2018
1:30 p.m.

Westlake Village City Hall
Council Chambers
31200 Oak Crest Dr.
Westlake Village, CA
91361

Chair Arden called the meeting to order at 1:30 p.m.

Agenda Item No. 4: Discussion on area of continual excavation

Executive Officer Tony Marino expressed that there are different interpretations of Government Code section 4216.4 and recommended that the Board consider asking the legislature to amend the statute for purposes of areas of continual excavation (“ACE”). Adding an exception to section 4216.4 in section 4216.10 would give the Board discretion to specify the tools, method, and timeframe for potholing.

Chair Arden asked for comments from Board members.

Member Voss stated that a logical approach is that if the line is 4 feet below the surface, farmers should be able to use tools that don’t go near that line. Both parties should have some sort of comfort level. The biggest concern would be using level equipment and change the surface. The lines have been farmed over for many years, and we want to continue to do so safely.

Member Del Toro asked if there was anything the Board can do to expedite the process to help the agricultural community.

Executive Officer Tony Marino mentioned that staff has been discussing ways to determine the depth without using a shovel. Equipment like pigs can be used to determine depth. There are different tools used in combination, and measurements might be taken from air. Staff hasn’t yet come to a conclusion on how best to do this, as tolerances or other circumstances are involved. Staff can further discuss this with Members Voss and Johns.

Member Johnson asked about agriculture’s interpretation.

Member Voss stated that it’s been applied differently based on which operator is involved. They may follow protocols where there’s a field meet and the line is marked. The parties have an understanding of the depth of the line.

Member Johnson stated that he would like a common ground on the interpretation.

Member Charland shared his takeaway from the meeting with the farmers in Bakersfield in July. Obviously, they don’t want to hit the line. They don’t mind potholing and finding the depth. The problem is there was no consistency.

Member Johns shared history of ACE, tickets, and locating depth of lines.

Member Johnson asked about the differences between agricultural safe excavation practices in California and other states.

Executive Officer Tony Marino stated that some states have exemptions for agriculture regarding depth.

Legal counsel explained that Government Code section 4216.4 states it is the excavator’s responsibility to find the exact location of a subsurface installation. But, for ACE, the statute could be subject to different interpretations as to how and when to find the exact location. She recommended that the statute concerning ACE be amended to allow the Board to determine how and when to find the exact location of a subsurface installation.

Chair Arden asked if staff is seeking support from the Board on how the statute should be amended.

Executive Officer Tony Marino stated that it would be too late in the legislative process to seek an amendment now, but the Board can propose this change in December. Government Code section

4216.23 requires the Board to submit an annual report to the Governor and Legislature. Any recommendations for legislative changes can be included in the annual report.

Member Munoz expressed her concern with the inconsistency. Some farmers had processes that worked well, and other farmers had frustration with the process.

Member Johnson stated standardization would work better, but it's hard to make it black and white. The Board should have guidelines and standards that identify the process.

Member Voss asked if the goal is to implement the ACE one year ticket by January 2019. Executive Officer Tony Marino replied that the regulations would be adopted in January 2020 and the regulations would be effective July 2020.

Member Voss stated that to prevent damage to the subsurface installation, there should be a conclusion on what safely can be done.

Chair Arden asked for public comments.

A representative from the Public Utilities Commission stated that the Board only heard from a small number of operators. There are many other pipeline operators that still aren't coming to these meetings. The Board should find more information from other operators. The Board needs more information from an open forum. The representative also discussed exemptions.

A representative from United Contractors stated that it is important to discuss their challenges and wants to caution the Board before it defines "in conflict" for agriculture only.

Chair Arden stated that staff is working on getting more excavators to attend Board meetings. If excavators or operators don't reach out to the Board, the Board doesn't know of their thoughts or concerns.

Executive Officer Tony Marino expressed the challenges of the phrase "in conflict".

Member Johns asked if clearance can be defined. Executive Officer Tony Marino stated that at the next Board meeting on ACE, the Board should discuss this. Staff will conduct ACE workshops in different areas of the state.

Member Voss stated that what staff is suggesting is to change the law to give the Board the flexibility to make changes. He would like to hold workshops throughout the state for the remainder of the year to get more people engaged on the issue. Member Johns agreed with Member Voss, and stated that other parties that are affected need to get involved.

Member Bianchini discussed technological options such as drones to gather and record information.

Chair Arden recommended that staff meet with the ACE committee to conduct outreach as much as possible and develop language to recommend to the Legislature this December. She asked if there were any further recommendations at this point.

Member Del Toro asked about requesting letters from stakeholders on their interpretation of the statute. Executive Officer Tony Marino stated that staff can discuss with Member Johns and Member Voss.

Member Munoz suggested conducting outreach at the Los Angeles County Fair.

Agenda Item No. 5: Reasonable Care Standards - Members will discuss and seek public input on standards relevant to safety practices in excavating around subsurface installations and procedures and guidance in encouraging those practices (Government Code § 4216.18).

Executive Officer Tony Marino introduced the item. These are non-regulatory standards that should be stakeholder led rather than staff led. He asked Ann Diamond, Secretary Treasurer of CARCGA, to present to the Board.

Ann Diamond stated that CARCGA's subsurface safety incident prevention committee ("SSIP"), which meets every month, has started discussions on the phrase "in conflict" with stakeholders.

Chair Arden asked if there were any comments from the Board.

Member Bianchini stated that the Board may approve, deny, or reject CARCGA's recommendation.

Member Charland asked Ms. Diamond to clarify the membership of the subcommittee and report to the Board.

Ann Diamond stated that CARCGA has many different stakeholders, including those representing electric, gas, communications, oil, and water. The subcommittees look at subsurface safety and prevention, best practices, and ways to dig safely. SSIP is looking at the meaning of the phrase "in conflict". The ideas will be put into a document, discussed, comments made, ideas added and deleted, and changes proposed. SSIP is comprised of CARCGA members Steve Woo and Thomas Young.

Chair Arden asked for public comments. There were none.

Public Comment

Chair Arden asked if there were any other public comments. There were none.

Adjournment

Meeting adjourned at 3:30 p.m.

MEMBERS PRESENT:
(August 21, 2018 at 8:00 a.m.)

Jessica Arden, Chair
Marshall Johnson
Ron Bianchini
Randy Charland
Marjorie Del Toro
Bill Johns
Amparo Munoz
Carl Voss

BOARD MEMBERS ABSENT:

Vince Bernacchi

STAFF:

Tony Marino, Executive Officer
Brittney Branaman, Policy and Budget Manager
Jason Corsey, Chief of Investigations
Zachary Trammell, Government Analyst
Jason Neyer, Government Analyst
Misty Catano, Government Analyst
Kerstin Lock, Outreach Officer

OPEN SESSION

Chair Arden called the meeting to order at 9:07 a.m.

Agenda Item No. 6: Baseline Safety Assessment: Members will discuss and seek public input on analytical approaches to determine the current state of safety and program evaluation to measure the State's safety progress.

Chair Arden stated that the Board can measure the state's safety process through baseline safety assessment. At the Board meeting in February, the Board heard from utility companies that they were already doing this assessment and volunteered to present to the Board.

Executive Officer Tony Marino asked several utilities about the process they use, how successful they are, risks, data and information, and how the data illustrates any ways to improve.

Representative from PG&E presented their baseline assessment program to the Board. The Board, staff, and PG&E representative discussed PG&E's program, including relevant data collection, tickets, markings, and incidents.

Chair Arden asked if there were any public comments.

An individual participating through the webcast asked PG&E if there are charts or figures from self-performance. The representative from PG&E stated that they look at all dig-ins including their own.

(Meeting recessed at 10:35 a.m. and resumed at 10:50 a.m.)

Representative from and Southern California Gas Company ("SoCal Gas") presented their baseline assessment program to the Board. The Board, staff, and PG&E representative discussed PG&E's program, including relevant data collection, tickets, markings, and incidents.

Chair Arden asked if USA North 811 would like to present.

Representative from USA North 811 described the organization's operations and data.

A representative from PBF Energy asked USA North 811 about a particular address.

Chair Arden asked if there were any other public comments. There were none.

Other Business

None.

Public Comment

Chair Arden asked for public comments. There were none.

Adjournment

Meeting adjourned at 11:59 a.m.

Respectfully submitted,

Attest:

/s/ Tony Marino

/s/ Jessica Arden

Tony Marino
Executive Officer

Jessica Arden