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## California Underground Facilities Safe Excavation Board

October 16, 2018

### Agenda Item No. 10 (Information Item) – Staff Report

*Discussion on Area of Continual Excavation*

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#### **Background:**

Government Code Section 4216.10 allows an excavator to contact a one-call center to request an annual Area of Continual Excavation (or “ACE”) ticket for routine agriculture operations. When the area of continual excavation includes, or is within 10 feet of a high priority<sup>1</sup> subsurface installation, the operator must notify the excavator and set up an onsite meeting before the excavation date. “The onsite meeting may be used to develop a plan for an area of continual excavation. The operator and excavator may mutually agree to conduct additional onsite meetings following unexpected occurrences or prior to excavation activities that may create conflicts with subsurface installations. As part of the meeting, the excavator must discuss with the operator the method and tools that will be used during the excavation and the information the operator will provide to assist in verifying the location of the subsurface installation.”<sup>2</sup>

Under current law, onsite meetings do take place between farmers and operators, but there are no minimum standards for what must be discussed. The lack of minimum standards has led each operator to create their own set of requirements for farmers, which has created frustration in the agriculture community. Operators have also voiced concern over the inconsistency in requirements for farmers and growers—claiming it could lead to confusion.

The Legislature has charged the Board with:

1. Creating an annual notification system,
2. Developing minimum standards for field meetings between farmers and operators when:
  - a. The excavation includes, or is within 10 feet, of a high priority line,
  - b. Or, a utility line is present that is not high priority, and the farmer and/or operator has requested a meeting.
3. Developing an exemption to one-call center notifications, when a farmer’s land is known not to have any buried utility lines.
4. Adopting regulations on or before January 1, 2020.

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<sup>1</sup> “High priority” is defined as petroleum pipelines, natural gas transmission pipelines, pressurized sewer pipelines, high-voltage ( $\geq 60$  kV) electric lines, and hazmat pipelines.

<sup>2</sup> Government Code 4216.10, (c)(1)

The Common Ground Alliance’s (or “CGA’s”) 2017 Damage Information Reporting Tool (or “DIRT”) reported a total of 9,565 dig-in accidents with unique damages in the state. Of those accidents, farmers accounted for nine, two of which occurred with a valid Underground Service Alert (or “USA”) Ticket and were purportedly caused by unsafe excavation practices. Damages reported to DIRT are generally submitted by the infrastructure owner, not the excavator, and submitters are limited to identifying a single root cause. By convention, in the case of multiple root causes, failure to notify the one-call center is considered the primary root cause. Per the DIRT Report, natural gas pipeline operators made the most damage reports in the state in 2017.

A review of incident reports from The Pipeline and Hazardous Materials Safety Administration (“PHMSA”) tells a different story. Incidents reported<sup>3</sup> by California natural gas and petroleum pipeline operators between 2005 and 2016 show 21 as agriculture-related. Of those reportable incidents, nine involved natural gas pipelines at a depth of 24-inches or less—with three of them at a depth of 10-inches or less.

### **Discussion:**

During the July 24, 2018 workshop meeting in Bakersfield on area of continual excavation, the Board heard from farmers and operators about the onsite meeting process. Farmers voiced concerns over standards for onsite meetings, saying some operators tell them one thing, and other operators tell them something different. The farmers say they would like everyone to be on the same page. Farmers also discussed potholing—which they say is often done with a shovel. Farmers told the Board some operators ask them to pothole every time they called in a ticket for work over the operator’s underground infrastructure. In one case, a farmer said two of his workers were potholing in the heat of the day, in mixed soils<sup>4</sup>, down several feet into the ground. Farmers told the Board, potholing is expensive and time consuming.

Meanwhile at the July workshop, operators brought up the difficulty of depth knowledge—saying they don’t have the man power to patrol the thousands of miles of pipeline they own on a yearly basis. However, they did discuss the possibility of working with the Board to come up with a solution to the depth issue. Operators also discussed their process of conducting onsite meetings with farmers, and described the use of a standard form for those meetings.

Following a discussion of onsite meetings at the August 2018 Board meeting, staff contacted operators across the state to discuss their onsite meeting protocol. Operators were receptive to staff research efforts—and, when possible, shared the forms their field representatives use to conduct onsite meetings. Common sections on those operator forms include: a place for the USA Ticket number, the date, the location of excavation, the name of the excavator and the operator representative. A few-- but not all of the operator forms had a place for both parties to sign. Some of the operators told staff, they include their policies and procedures for the representative to go over with the excavator. One operator even told staff, their representatives hand out an information brochure specifically for farmers, to make sure those farmers know how to operate safely around underground lines.

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<sup>3</sup> A reportable incident is defined by CFR 191.3 as: 1.) An event that involves the release of gas from a pipeline, and results in one of the following: death, personal injury, estimated property damage of \$50,000 or more, unintentional gas loss of 3,000,000 cubic feet. 2.) An event that results in an emergency shutdown of an LNG facility or underground natural gas storage facility. 3.) An event that is significant in judgement of the operator.

<sup>4</sup> “Mixed soils” is defined as a mixture of different soils one can encounter while digging, depending on their location in the State and how far down they dig. Soil types include: clay, sand, silty, peaty, saline and loam.

Using the information gathered in Bakersfield, along with the operator forms collected, staff created a pair of online surveys for farmers and operators, to gather more information about what happens at onsite meetings. Staff created an ad to run in e-newsletters at several county Farm Bureaus, and worked with the regional one-call centers to distribute a broadcast alert message to operators about the survey.

A handful of operators have thus far responded to the survey, explaining their onsite meeting process and whether they use a standard form or checklist. One operator said his company has created a form specifically for the agriculture community, but the farmers do not receive a copy of the form because the representatives use laptops in the field. The same operator voiced concern over farming equipment that digs deeper than 12-inches underground, because it can do damage to his company's water lines. Another operator voiced concerns about creating an agriculture-specific onsite meeting form, saying "Farming operations vary as does pipeline location and depth. There is no one-size fits all form for Ag operations." A third operator discussed the disagreements field representatives have with the farmers, saying it is usually over the operator's potholing requirement—which the operator says is done to verify the depth of its pipelines.

Meanwhile, staff have already received completed surveys from a handful of farmers who voiced concerns about consistency in the process. One farmer told staff the operator representatives he works with understand the process, unless they are new. In that case, he says he must explain to them what he is trying to accomplish. Another farmer voiced concerns over consistency in the representatives who come out to mark the lines, saying he has worked with five different representatives from the same operator in the last four years. A third farmer voiced frustration with the onsite meeting process, saying "We have to call for too much equipment... it is unnecessary to call for all these farming practices."

As part of their outreach efforts, staff also put together a presentation to take to five county farm bureaus around the state in the month of October, including: Solano, Monterey, Kern, San Luis Obispo and Sacramento counties. During a presentation in Solano county, staff heard from a group of farmers on several concerns, the most prominent being depth of operator lines. Several farmers asked why operators can't track the depth of their pipelines. Another questioned why he must call 811 at all, if he knows there are not any lines running underneath his land.

### **Objectives of this Workshop:**

- Discuss what should be required to be discussed in an onsite meeting and/or on a standard onsite meeting form as it relates to the agriculture community, i.e.: Name, Date, Location, Work Plan, etc.
- Discuss the issue of subsurface installation line depth. What is the operator's responsibility regarding depth? How much information do the excavators currently receive from operators? Why is depth information not commonly given to excavators?
- Discuss potholing practices used to locate underground infrastructure. Determine minimum standards for potholing as it relates to the agriculture community.
- Determine the criteria for an ACE Ticket exemption for farmers who don't have utility lines on their land, and how that absence of lines will be recorded.