
California Underground Facilities Safe Excavation Board

July 24, 2018

Agenda Item No. 3 (Information Item) – Staff Report

Discussion on Area of Continual Excavation

Background:

Before the Dig Safe Act of 2016, all excavators—defined broadly to include farmers—were required to notify the one-call centers (by calling “811” or by using the online portal) before conducting “any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of tools, equipment, or explosives...” The law was enforced primarily through damage claims made to the courts.

The passage of the Dig Safe Act of 2016 created the Underground Facilities Safe Excavation (or “Dig Safe”) Board, who would conduct “dig-in” accident investigations and facilitate education and enforcement of the law. Recognizing that agricultural work is very different than most of what is considered “excavation,” the Legislature created a separate, elective notification process called an “area of continual excavation,” or “ACE,” process, and tasked the Dig Safe Board with working out the details. The purpose was to eliminate prescriptive requirements for farmers and get straight to a discussion between utility operator and farmer.

Additionally, the Legislature tasked the Dig Safe Board with developing a method by which farmers would not need to provide any notification on land known not to have any buried utilities.

Provisions of Area of Continual Excavation:

- 1) Annual notification by farmers to the one-call center (“811”)
- 2) When “high priority”¹ line present, an annual on-site meeting between the farmer and utility operator shall be required to:
 - a. Determine actions or activities required to verify the location and to prevent damage
 - b. Discuss the methods and tools used by the farmer in the vicinity of the utility line
 - c. Develop a mutually-agreed upon plan for activities within 25 feet of the line
- 3) When a utility line is present that is not “high priority,” an annual onsite meeting may be requested by either the farmer or the utility operator to:
 - a. Determine actions or activities required to verify the location and to prevent damage
 - b. Discuss the methods and tools used by the farmer in the vicinity of the utility line

¹ “High priority” is defined as petroleum pipelines, natural gas transmission pipelines, pressurized sewer pipelines, high-voltage (≥ 60 kV) electric lines, and hazmat pipelines.

- c. Develop a mutually-agreed upon plan for activities within 5 feet of the line
- 4) The Dig Safe Board shall develop regulations
 - a. Determining minimum standards for the on-site meeting
 - b. To modify or eliminate the continual excavation ticket renewal requirement on land where no buried lines exist
 - c. By January 1, 2020. Regulations shall be enforceable on July 1, 2020.

Discussion:

The Dig Safe Board is looking for input from farmers and utility operators on their experiences working with each other around buried infrastructure running through and alongside agricultural land.

The Board needs this information to create an annual one-call notification process for agricultural activities in lieu of monthly notifications. This will allow for year-long 811 excavation tickets to provide more flexibility for farmers and utility operators to determine how best to ensure safety when working around this infrastructure. With this flexibility, however, comes a great deal of discretion for the Board in developing regulations for this new annual ticket process.

As this type of notification process is new, the Board will pay significant attention to creating a system where compliance is well-suited to the business of agriculture. Doing so will require learning from agricultural operators of different varieties and testing ideas with agriculture, utility operators, and the one-call centers.

The Board needs to hear from farmers and utility operators to draft well-tailored regulations that promote safety and are consistent with experience and common sense.

Objectives of this workshop:

- Hear from farmers and utility operator representatives regarding their experiences working together around buried infrastructure in agricultural locations
- Discuss what makes for productive onsite field meetings
- Learn what agricultural methods and tools are used in the vicinity of utility lines
- Determine actions or activities required to verify the utility line location and to prevent damage