



Dig Safe Board

2020 Plan

January 13, 2020



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# Introduction

The California Underground Facilities Safe Excavation ("Dig Safe") Board is the State's lead agency addressing public policy and safety issues for excavation around buried infrastructure. Under the Dig Safe Act of 2016¹, the Board was established to coordinate the state's safe digging education and outreach, develop safe digging standards where none previously existed, investigate possible violations of the state's safe digging laws, and enforce the state's safe digging laws within its jurisdiction. These foundational Board functions have been implemented via the strategic objectives and supporting activities detailed within the Board's successive annual plans. Now entering its third year of operation and guided by the framework put forth in its newly published 2020 Strategic Plan, the Board's 2020 Annual Plan lays out the steps that will ensure near-term Board operations and activities are aligned with its mission, statutory requirements, and long-term strategic direction. The plan builds on the 2019 Results Report. Both the 2020 Strategic Plan and the 2019 Results Report may be found on the Board's website.

#### 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 California Underground Facilities Safe Excavation Board strives to be a model regulatory and investigatory board for other states to emulate.

### The Marriage of Education & Enforcement

The Board's founding statute<sup>2</sup> and mission statement set forth enforcement and education as complementary tools in the Board's approach to improving excavation safety. Adopted in 2019, the Board's Enforcement Philosophy (Policy B-5) recognizes the critical role education and corrective action play in conducting enforcement activity in a manner that prioritizes safety benefits:

- 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.
- Given lack of evidence of unintentional error and evidence of reckless or willful non-compliance, the Board should use fines as an enforcement tool.
- Board investigative staff should develop procedures to actively limit the influence of liability in determining what accidents and complaints to investigate.

<sup>&</sup>lt;sup>1</sup> SB 661 (Hill), Chapter 809, Statutes of 2016

<sup>&</sup>lt;sup>2</sup> Government Code § 4216.12

This interplay between provision of education and achievement of compliance within a context of open communication is reflected throughout the Board's approach to its 2020 workload.

#### Public Engagement

Each year, the Board conducts multiple public meetings to obtain recommendations and comments regarding the Board's work for the upcoming year. The public meetings provide an opportunity for persons, excavators and operators, to identify and prioritize their needs, recommend ways to enhance learning, and suggest safety improvements to the Board. The Board welcomes written and oral comments on the Annual Plan. This input will help the Board prepare its plan for Year 2021 and enhance its long-term efforts on behalf of excavation safety. A list of all planned 2020 public meetings can be found at the end of this plan.

#### 2019 Plan Review

The **2020 Annual Plan** includes strategic objectives that need to be continued from 2019. To understand the work that needs to be done in the Board's third year of operation, one must understand the work completed in the Board's second year of operation. The **2019 Plan** recognized four strategic objectives: Create an Area of Continual Excavation Process, Develop an Education and Enforcement Program, Develop Processes for Continual Learning, and Establish a Foundation for Board Operations.

Below is an outline of the 2019 strategic objectives, the work the Board completed, and the work the Board will need to continue in 2020. A more detailed discussion of this workload may be found in the **2019 Results Report**:

Create an Area of Continual Excavation Process: As outlined in its 2019 Plan, the Board finalized regulation language that establishes minimum standards for onsite meetings between farmers or flood control districts and underground facility owners. Throughout 2019, Board members and staff reviewed and analyzed data to better understand the existence of underground facilities on agricultural land. The information collected was used to create regulation language that establishes ticket renewal requirements for areas of continual excavation. Both sets of regulations are set to become operative on July 1, 2020 and will require extensive education and outreach in 2020 to achieve compliance.

Develop an Education and Enforcement Program: The Board's 2019 Plan called for members and staff to create and approve regulations for an enforcement program that allows Board staff to investigate accidents and the Board to enforce safe excavation laws through direction to relevant education and citations, including a Board-created educational course. Throughout the year, the Education Committee and staff worked to develop the Board's education in-lieu of fines course, including all curriculum and multimedia content. Work to complete development of the course will wrap up in 2020.

Amid the development of its education course, the Board continued work building an effective enforcement program, including the creation of its case management system. Throughout 2019, the Board hired and trained investigations staff, continued building its investigations division, conducted 257 investigations, issued 22 advisory letters, and moved its regulations on incident notification and investigation and enforcement through the rulemaking process. Both sets of regulations are set to become operative in 2020. Work to develop standards for demonstrating compliance continued in 2019 and will progress into 2020.

Develop Processes for Continual Learning: One of the strategic objectives outlined in the Board's 2019 Plan was to develop standards that promote communication between its various stakeholders and make recommendations to lawmakers for improvement in the industry. To meet this goal, the Board continued research into appropriate assessment and data management tools. The Board also held a public workshop discussing development of reasonable care standards and created regulation language addressing the use of power-operated or boring equipment in the tolerance zone prior to determining the exact location of subsurface installations which are set to become operative on July 1, 2020. Meanwhile work to define and implement assessment and data management tools and further develop reasonable care standards will continue in 2020.

Establish a Foundation for Board Operations: The final strategic objective outlined in the Board's 2019 Plan required Board staff to develop internal and external policies to continue to establish a well-functioning government organization that promotes safe excavation throughout the state. As the Board is in its infancy, this objective will be ongoing and require continued work in 2020.

Activities under the above objectives in the **2019 Plan** which were not complete by the end of the year will continue in 2020 and are outlined in the **2020 Plan** that follows.

#### 2020 Strategic Plan

During the second half of 2019, the Board met to develop a **2020 Strategic Plan**. The plan outlines the Board's four strategic directions.

**Strategic Direction #1**: Improve Compliance by Reaching Parties in Effective Ways

**Strategic Direction #2**: Improve Accessibility of Buried Infrastructure Location Knowledge and Understanding

**Strategic Direction #3**: Identify proximate and contributing causes to safety accidents and non-compliances

**Strategic Direction #4**: Build Board operations to achieve compliance, reporting, and operational excellence in a resource-efficient manner

These strategic directions guide the Board's priorities and are expected to be revisited in 2023. The strategic objectives in this plan are not subordinate to the strategic directions, but rather are a focused set of activities that supports one or more of the strategic directions.

The **2020 Strategic Plan** also outlined a process by which the Board would prioritize its work, in which it would accept "ideas" from the Legislature, Board members, stakeholders, and staff and would collect them all into an "idea register," from which the Board would annually determine its strategic objectives. The idea register process is not in place for the **2020 Plan**, though one of the Board's strategic activities is to develop it in time for use in creating the 2021 Plan.

## 2020 Plan

This annual plan recognizes four strategic objectives based on the Board's **2020 Strategic Plan** and on mandates outlined in the Dig Safe Act. While the objectives of the **2020 Plan** differ from those in 2019, many of the activities continue or extend from **2019 Plan** activities. The new objectives reflect the new thematic groupings of the **2020 Strategic Plan**. Also under each objective is a "Looking Ahead" section which reflects activities the Board hopes to pursue in the future but are not feasible in the calendar year due to dependencies on the completion of other activities or resource constraints.

The strategic objectives are as follows:

- Foster Compliance with New and Existing Laws: Inform excavators and operators of new laws and regulations to foster compliance, build Board brand recognition, and finish the education in lieu of fines course.
- Improve Excavation and Location Practice Safety: Develop standards for excavators to use in determining the location of buried infrastructure in specific circumstances, such as deep excavations and road building and grading activities, and develop standards for excavators and operators to demonstrate their compliance with the law.
- Build Foundation for Accident Cause Identification: Investigate
  accidents and model their causes to develop sufficient understanding to allow
  the Board to prioritize and target its interventions.
- Continue Building a Foundation for Board Operations: Develop internal and external policies to continue to establish a well-functioning government organization that promotes safe excavation throughout the state.

Below are the strategic activities proposed for the Board to undertake in 2020. The activities are organized under the four strategic objectives.

### Strategic Objective: Foster Compliance with New and Existing Laws Through Education and Outreach

Building primarily on Strategic Direction #1, the activities under this strategic objective focus on outreach to affected stakeholders on new laws and regulations, building bridges through the creation of Dig Safe brand recognition, and finishing the Board's education course that a person found in violation of the law may take in lieu of receiving a fine. In these efforts, members and staff will build capabilities consistent with Strategic Direction #4.

- 1. <u>Finalize an Education Course</u>: To offer relevant education, particularly for application in enforcement actions, the Board must finalize and implement its educational course. Course development will wrap up in the first half of 2020, allowing the Board to begin offering classes in July 2020. This will be Board member led.
- 2. Targeted Education and Outreach for Area of Continual Excavation: The Board will need to create targeted educational materials and visit areas of the state with the highest percentages of agricultural activity to build partnerships with county Farm Bureaus, trade organizations, and other agencies relevant to the farming community to maximize the effectiveness of its outreach efforts. Additionally, limited participation from flood control districts in the Board's activities will necessitate intensified efforts to elicit their engagement. This will be Board member led.
- 3. <u>Electronic Positive Response</u>: AB 1166 was signed into law on October 3, 2019 and requires all underground facility owners to provide electronic positive responses to the one-call centers beginning July 1, 2021.
  - a. Regulation Development: AB 1166 authorized the Board, upon demonstration of good cause by an underground facility owner, to extend the time by which the operator is required to comply through December 31, 2021. The Board will need to draft, approve, and implement emergency regulations in 2020 to establish criteria for good cause and create the extension process.
  - b. Education & Outreach: To maximize compliance and thereby achieve the safety benefits of electronic positive response, the Board will need to design and implement an education and outreach plan supporting implementation of AB 1166. The plan will include the development of informational materials, meeting with industry associations, identification and engagement with cities through their staff and public officials, and coordination of technology events where utility operators may meet with ticket management system vendors. While the Board is still developing its approach to excavator outreach, this activity will likely emphasize engaging with various excavation industry associations and messaging through relevant publications and newsletters, in addition to providing written materials during Investigation Division field engagements.

This activity will be Board member led.

- 4. <u>Power Tool Use in the Tolerance Zone</u>: AB 1914 was signed into law on September 23, 2018 and required the Board to adopt regulations to determine the type of power-operated equipment that may be used in the tolerance zone by July 1, 2020.
  - a. Completion of the Rulemaking: As the regulations exit the 45day public comment period heading into 2020, the Board will need to complete the rulemaking process to meet the Legislative deadline.
  - b. *Education & Outreach:* To make excavators and operators aware of the new requirements for using powered tools to determine the exact location of a subsurface installation, the Board will need to develop safety messaging and educational materials, and partner with industry groups to ensure targeted messaging reaches impacted stakeholders.

This activity will be Board member led.

- 5. Build Board Name Recognition Through Education & Outreach: A significant component to the Board's work to establish its program is in building name recognition, as members and staff cannot rely on established industry familiarity and communication pathways for implementing any of its objectives. A complete view of the Board's education and outreach goals are outlined in its 2019-2020 Education and Outreach Plan. While the Board has identified, and made in-roads with several stakeholder groups, there are still many disengaged groups that present opportunities for outreach and cooperative relationship building. The Board pursues these goals mindful of the need to efficiently utilize its resources in a manner that will have the greatest impact on safety.
  - a. *Targeted Outreach:* The Board plans to focus its outreach efforts on specific groups, topics, and audiences that present the greatest opportunity for safety improvements, especially those not currently engaged with the Board's processes and actions.
  - b. Annual Education & Outreach Meeting: In passing the Dig Safe Act, the Legislature directed the Board to meet annually to discuss education and outreach needs identified around the state. The Board plans to hold its annual meeting in September 2020.
  - c. Spring Open Forum: The Dig Safe Board's annual Spring Open Forum started in 2018 as an effort to allow for the free exchange of safety information through providing the Board's diverse

- stakeholders with an opportunity to discuss their concerns outside of the Board's rigorous work to meet specific legislative requirements. The Board plans to hold its annual Spring Open Forum in April 2020.
- d. Develop Online Educational Resources: The biggest tool the Board has available to build name recognition and increase awareness about Government Code 4216 and its regulations among all stakeholders is its website. To maximize the effectiveness of this tool, staff will work to create dedicated resource pages that provide centralized access to all Board-related materials, including regulation text, forms, and any educational materials created.

This activity is expected to be staff led.

- 6. <u>Looking Ahead</u>: The following items are unlikely to begin in 2020, but the Board encourages the public to consider and identify opportunities to start early.
  - a. Outreach to low-awareness excavator groups: It is widely believed that many excavator groups don't see themselves as excavators or don't know they need to notify the one-call centers before excavating. This problem persists despite extensive mass media campaigns by one-call centers and gas and petroleum pipeline companies. The Board will need to develop outreach tools and identify non-compliant stakeholder groups through investigations and data analysis before measurable success of Board efforts is feasible.

#### Strategic Objective: Improve Excavation and Location Practice Safety

The Legislature, in passing the Dig Safe Act of 2016, recognized the lack of clear direction the law provides in certain circumstances and authorize the Board to develop regulations and standards, directing the Board to create a standard or set of standards to address specific issues. The Board, in its first two years of activity, has noted additional places where practice improvements may lead to improved safety. Following Strategic Direction #2, the Board intends to pursue the following activities:

1. <u>Develop Standards for Demonstrating Compliance</u>: The Board will fully implement its investigations and enforcement process in 2020. With the initiation of enforcement, the Legislature anticipated the need for subsurface installation owners and excavators to have a clear understanding of how to demonstrate compliance with one-call notification, delineation, and locate and mark requirements, and required the Board to establish such standards. This

- activity will build on work performed in 2019, is non-regulatory and will be Board member led.
- 2. Reasonable Care Standards: In the Dig Safe Act, the Legislature tasked the Board with developing reasonable care standards, an activity that continues from 2019. While lawmakers did not limit the standards the Board may develop, those listed in 4216.18 are required. In 2020, the Board will continue to develop the following standards:
  - What constitutes reasonable care when excavating using hand tools within the tolerance zone of a subsurface installation.
  - What constitutes reasonable care in determining depth of underground facilities in grading activities.

This activity will be Board member led.

- 3. <u>Looking Ahead</u>: The following items are unlikely to begin in 2020, but the Board encourages the public to consider and identify opportunities to start early.
  - a. Developing a process for recording location information of lines prior to abandonment: Abandoned lines are prevalent safety hazards, as they may often be confused for active, marked lines. As subsurface infrastructure operators do not need information about abandoned lines for their asset management activities, records for these lines are rarely maintained and even more rarely identified through locate and mark activities. Developing a solution for recording abandoned lines would be a multijurisdictional effort.
  - b. Model scoping of underground work in public works projects: Conflicts between excavators and operators often arise in the two-day window between notification and the locate and mark deadline, when such conflicts could have been avoided by appropriate scoping of the underground work early in the project. Developing a model scope would require extensive workshops and include heavy civil contractors, civil engineers, city public works departments, and others.

#### Strategic Objective: Build Foundation for Accident Cause Identification

Excavation accidents have many causes, and few accidents have only one. Apart from identifying failure to call 811, existing excavation damage datasets do little to assist in identifying underlying causes, hence do not offer the Board direction on what activities to undertake to improve safety. This objective follows from Strategic Direction #3 and Strategic

Direction #4. To build a data-informed approach to prioritizing its work, the Board must complete the following activities:

- Conduct Investigations into Accidents and Violations: Accident investigations began in 2019, and their volume and complexity will increase in 2020. Investigations of damage notifications and complaints will be prioritized using the following four categories:
  - Consequence: Injury, fatality, and significant disruption
  - *Public Interest*: Newsworthy, visibility, proximity to locations of interest such as schools and hospitals
  - *Policy*: Issues of policy importance to the Board, such as power tool use in the tolerance zone.
  - *Workload*: The extent to which investigative resources are already committed.

This activity will be staff led.

- 2. <u>Tool Development for Assessment</u>: Continuing from 2019, Board staff will focus on building individual success measures into Board initiatives. Tools such as event trees, risk models, and data analysis can be used to integrate individual safety outcomes into an understanding of the whole system, but these tools need to be customized for Board use. As the Board's case management system comes online and mandatory incident reporting takes effect, staff will focus on building useful data sets and tools which can be used to evaluate the safety impacts of Board activities. This activity will be staff led.
- 3. <u>Building Data Capture into Investigation Activities</u>: Staff and MERP Systems, Incorporated are building a data collection module into the Board's investigation case management system, including tags that can identify field conditions as primary or contributing causes or identify them as mitigating factors. Continued experience will allow staff to develop procedures for the consistent identification of cause.
- 4. <u>Looking Ahead</u>: The following items are unlikely to begin in 2020, but the Board encourages the public to consider and identify opportunities to start early.
  - a. Accident data reporting: The Board had expressed interest in 2018 to collect information on all damages in the state, regardless of infrastructure type, and from both the excavator and the operator. At the time, there were challenges in developing an intake method for the expected tens of thousands

- of reports, and without the data modeling to be undertaken in #2, staff feared that the data would be of limited value to Board decision making.
- b. Integrating stakeholder input into data modeling: Analysis of quantitative data is often considered the only means of coming to objective conclusions. More sophisticated statistical approaches may, however, be used for the testing of stakeholder beliefs, which could open the way for more productive communication between stakeholder groups. Such approaches, however, require careful preparation of hypotheses and mature management of existing "hard" quantitative data.

# Strategic Objective: Continue Building a Foundation for Board Operations

As the Dig Safe Board continues to grow from its infancy as a new government program, it will need to continue directing significant focus toward organizing, developing, and addressing the policies and procedures that form the foundation upon which the Board operates. This is important for consistency, contingency management, and continuity of business operations while providing a frame for growth. This objective follows primarily from Strategic Direction #4. The following activities are planned to meet this objective:

- 1. <u>Improve Reporting by Creating a Complaint Process</u>: While notification of incidents will be required under Board regulations set to become operative in early 2020, the Board will need to provide a way for Californians to notify its Investigations Division of potential violations of the Dig Safe Act. This activity will be Board member led.
- 2. <u>Build and Test Case Management System</u>: Final configuration of the system developed in 2019 under contract with MERP Systems, Incorporated, along with training, testing, and policy writing will continue into 2020 as the Board moves toward bringing its case management system online in advance of full implementation of investigation and enforcement activities. This activity will be staff led.
- 3. Review of the Board's Fee Regulation: The Board began collecting its fee levied on members of the one call centers in 2019. The fee was established in regulations approved by the Board in 2018. The first year of implementation uncovered potential issues that could impact Board operations. A review of the regulation language is planned in 2020 and may result in changes. This activity is expected to be staff led.
- 4. <u>Policy and Procedure Development</u>: Continuing from 2019, the Board will work to develop policies and procedures for internal and external Board

- operations. These policies and procedures will be aligned with all federal and state laws, rules, regulations. This activity will be staff led.
- 5. Building the Enforcement Hearing Process: Draft regulations outlining the enforcement hearing process outline a multistep process with a complicated timeline and differing processes for regulated entities depending on their response choice to a Notice of Probable Violation and their enforcement jurisdiction. Hearing dates and locations must be integrated into the Board's schedule, and Notices of Probable Violation should be sent to coincide with hearing dates in the respondent's half of the state. This activity will be staff led.
- 6. Enhance Strategic and Annual Planning Through the Creation of an Idea Register: The Board's 2020 Strategic Plan identified potential benefits of an information register as an instrument to organize and catalog the input the Board receives through public comments, investigative reports, complaints, and other data points for use in identifying trends and areas of concerns. The register would be evaluated against the Board's strategic goals, objectives, and activities for prioritization and future planning purposes. The process and tools for managing this system will need to be developed in 2020. This activity will be staff led.
- 7. <u>Looking Ahead</u>: The following items are unlikely to begin in 2020, but the Board encourages the public to consider and identify opportunities to start early.
  - a. Business process tool development: While policies and procedures are necessary for defining roles and responsibilities for operations, they do not represent the whole of internal controls. Validation, reconciliation, and other processes may be automated using tools from enterprise information technology systems to well-crafted excel worksheet templates, freeing staff from performing error-prone manual processes to instead analyze the effectiveness of those controls and pursue further improvements and efficiencies.

#### 2020 Plan Implementation Timeline

Together these activities support the Board's Legislative expectations and the strategic objectives outlined in this **2020 Plan** and previous plans. The schedule set for the Board is aggressive, and due to limited resources, the Board will be required to prioritize certain tasks and may not be able to complete all tasks projected for the coming year.

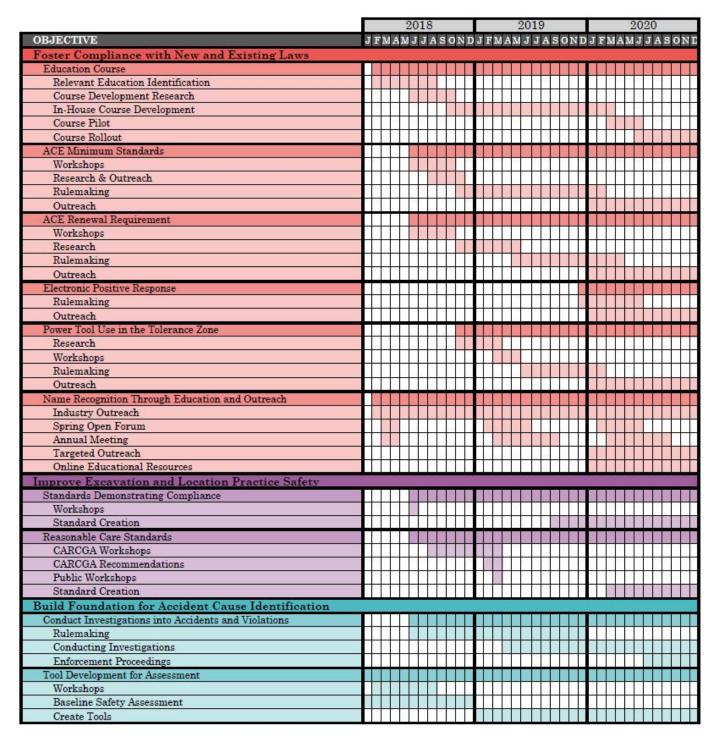


Table 1.1: 3-Year Schedule of Dig Safe Board Activities Supporting Strategic Activities

	2018			245	2019						2020									
OBJECTIVE	J F	M	ΑN	ΔJ	J A	SC	ND	JE	MA	MA	JJ.	A S	ON	DЈ	FM	ΑN	IJJ	A S	108	ID
Building Data Capture into Investigation Activities	2.82		. 9 . :	623		525 825	1 2 3	63	1433	535 8	1535			4		ija.		80 8		
Build Data into Case Management System	0.89			623		525 825	1-30	63	140	539 8	15.95					23		3843		100
Develop Excavator and Operator Activity Models	0.83			623		834 833	1 2	63	1400	859/8	1839	23 :		529		23		200	П	
Develop Mobile Tools for Data Capture	9.89			623		100	1.30	63	422	825.8	1000	23 :		80 -00				200		100
Develop Standard Procedures for Data Capture			338	63.0	8	38 83	100	e	880	388	38		39.5	9	38	483	101			
Continue Building a Foundation for Board Operations														-						11
Board Operations	2															4				100
Staff Hiring			10.0								100	955	50			355		02		000
Improve Reporting by Creating a Complaint Process																				
Rulemaking	18000									28	25	7.9	101	EN 1935	23	NG*		457.85	4	G VCS
Develop Tools for Complaint Submission	6				2					82.0										(65)
Build and Test Case Management System	2		-																	
Contract Development and Execution	0.0													-0				1000		
System Configuration		L		П															Ш	
Testing		L								881									Ш	
Training		Ц								200									П	
Policy Writing												20 1				143.7				
Review of the Board's Fee Regulation			U)																	
Fee Workshops																	Ш		Ш	
Fee Rulemaking		Ц		П			Ш												$\perp$	
Fee Outreach		Ц																	$\perp$	
Fee Collection		Ш		П	1		Ш												$\perp$	
Fee Regulation Review																				
Policy and Procedure Development																				
Internal and External Policies																		200		
Building the Enforcement Hearing Process			e).	400			100	45			(0)		(c)							
Rulemaking										250	444			8		23.	1	633		183
Training on Hearings	9.89			000			1 2	63		57.5	7.5					100		200		9
Conduct Hearings	1000			379		900	100	100		555		100		22	190	100				
Enhance Strategic and Annual Planning Through the Creation of an	12000		000			100		-4	1	100	100			2.8		(C)		10 2		188
Idea Register	33.00	$\sqcup$	-			40	-	4		0	-		(0)	(T. 12)	-0			6.00	4	
Strategic & Annual Planning	31/2	$\sqcup$				-	- 3			100							4	4	4	-
Input Register Creation	69.99		9,50	330	100	500 500	100	100	000	500	570	80	450	00	100	ribe -		1000		

Table 1.2: 3-Year Schedule of Dig Safe Board Activities Supporting Strategic Activities

Board member led activities include: Targeted education and outreach for areas of continual excavation, finalizing the Board's education course, developing standards for demonstrating compliance, improving reporting by creating a complaint process, electronic positive response, power tool use in the tolerance zone, and reasonable care standards. Board members will be organized into pairs to conduct these activities, with each pair presenting recommendations to the full Board for discussion and, where appropriate, approval.

#### Meetings Planned in 2020

The tentative Dig Safe Board meeting schedule for 2020 is as follows and includes topics of discussion outlined in this Plan.

DATE	LOCATION	TOPICS FOR DISCUSSION
January 13-14, 2020	Sacramento, CA	TBD
February 10-11, 2020	Location TBD	TBD
March 9-10, 2020	Location TBD	TBD
April 13-14, 2020	Location TBD	Spring Open Forum
May 11-12, 2020	Location TBD	TBD
June 8-9, 2020	Location TBD	TBD
July 13-14, 2020	Location TBD	TBD
August 10-11, 2020	Location TBD	TBD
September 14-15, 2020	Location TBD	Education and Outreach Meeting
October 19-20, 2020	Location TBD	TBD
November 16-17, 2020	Location TBD	TBD
December 14-15, 2020	Location TBD	TBD

Meeting dates and topics are subject to change, and locations will be posted to the Board's website, <a href="http://digsafe.fire.ca.gov">http://digsafe.fire.ca.gov</a>, as they are determined. If your city would like to host one of the Board's upcoming meetings, please contact our Education and Outreach Officer at (916) 568-2988.





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