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*California Underground Facilities Safe Excavation Board*  
*(“Dig Safe Board”)*

**April 16, 2019**

**Agenda Item No. 8 (Information Item) – Staff Report**

*Discussion of Pending Legislation: AB 754 (Grayson), AB 1166 (Levine), AB 70 (Nielsen)*

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***Presenter***

Tony Marino, Executive Officer

***Summary***

Several measures related to the Board’s jurisdiction have been proposed in the Legislature, and staff seeks discussion from the Board to guide staff’s engagement with the bill’s authors and legislative committees.

***Background***

By the Legislature’s deadline of February 22, 2019 to introduce new bills, members of the Senate and the Assembly proposed a combined total of 2,620 new measures in policy areas as diverse as education, healthcare, elections, and energy. A few measures have relevance to the Board’s statutory charge.

To be presented to the Governor for signature, every bill must be heard and approved by one or more of dozens of policy committees, must be voted by the full membership of each house, and—often—by fiscal committees of each house, who evaluate the costs to the state of the measures. During this process, the bills’ authors, legislative committees, and other members gather information from a variety of sources to assist them in making decisions to approve, improve, or reject the measures. All measures passed in 2019 must be approved by September 13.

Concurrent with the legislative process, state agencies also gather information about the bills, form opinions on their policies, assess their fiscal impacts, and—to an extent idiosyncratic to each agency—engage with the author and the committees to assist in the Legislature’s decision making process. The work done by the agencies also informs the Governor, who is ultimately responsible for signing or vetoing every measure presented to him.

***Discussion***

To assist legislators with developing policy that benefits from the Board’s collective experience, understand the fiscal implications of proposed measures, and prepare the Governor in making a decision whether or not to sign relevant legislation, staff seeks discussion from the Board on three measures: AB 754 (Grayson), AB 1166 (Levine), and SB 70 (Nielsen). This discussion will assist staff in engaging with the bills’ authors. As this is an informational item, no vote to support, oppose, or recommend amendments will occur. Such action items may be appropriate for future meetings.

AB 754 (Grayson)

AB 754 would require the state's Department of Technology to provide access to GIS services to the state's one-call centers for purposes of determining whether those services can improve the center's accuracy in performing its responsibilities under the one-call law, and, if so, would authorize the centers to enter into a contract with the Department, which would provide for reimbursement for the contract, to receive GIS services.

While the contractual arrangements are with the Department of Technology, the policy affects the centers' functions under the one-call law. Staff recommends that it engage with the Department of Technology and other relevant state agencies to explore how to best improve one-call center accuracy.

AB 1166 (Levine)

AB 1166 would require operators of subsurface installations to use electronic positive response in fulfilling their responsibilities under Gov't Code 4216.3. The date of implementation is not yet determined in the bill, but must be determined before it can be passed by the Legislature. The Dig Safe Act of 2016 had previously mandated that the one-call centers have electronic positive response capability by January 1, 2018, but did not require operators to use the electronic positive response system.

The policy is directly related to the Board's mission, though it might create costs for other state agencies who are subsurface installation operators. Costs to state agencies affect the ability for a bill to pass the legislature differently than costs to local government, federal government, or the private sector, as state costs are considered directly in each house's Appropriations Committee. Staff requests a consensus of opinion on the policy of mandated electronic positive response.

SB 70 (Nielsen)

SB 70 directs the Public Utilities Commission to require undergrounding of electrical distribution infrastructure in certain situations, particularly in the replacement of infrastructure in very high fire hazard severity zones (as determined by CAL FIRE) that was destroyed as a result of a fire. The bill also creates an "Electrical Infrastructure Undergrounding Working Group" to promote undergrounding and a statewide joint trench policy and appropriates \$1,000,000 toward the working group's administration.

The costs, benefits, and policy considerations associated with undergrounding of electrical infrastructure fall mainly with CAL FIRE and with the Public Utilities Commission. The policy of joint trenching, however, falls within the Board's expertise. Staff requests discussion on the merits of a statewide joint trench policy.

*Attachments: AB 754 – Author's Fact Sheet  
Assembly Bill 754 (Grayson), as introduced on February 10, 2019  
AB 1166 – Author's Fact Sheet  
Assembly Bill 1166 (Levine), as amended in the Assembly on April 1, 2019  
SB 70 – Author's Fact Sheet  
Senate Bill 70 (Nielsen), as amended in the Senate on April 3, 2019*

**ASSEMBLY BILL**

**No. 754**

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**Introduced by Assembly Member Grayson**  
(Coauthor: Senator Hill)

February 19, 2019

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An act to add Section 11546.10 to the Government Code, relating to the Department of Technology.

LEGISLATIVE COUNSEL'S DIGEST

AB 754, as introduced, Grayson. Department of Technology: GIS data: regional notification centers.

Existing law establishes the Department of Technology within the Government Operations Agency, which is supervised by the Director of Technology. Existing law authorizes the director and the department to exercise various powers in creating and managing the information technology policy of the state. Existing law includes among the director's duties the duty to perform enterprise information technology functions and services, including, but not limited to, implementing Geographic Information Systems (GIS), shared services, applications, and program and project management activities in partnership with the owning agency or department.

Existing law requires every operator of a subsurface installation, including specified private entities and any state or local public agency except the Department of Transportation, to become a member of, participate in, and share in the costs of, a regional notification center, defined to mean a nonprofit association or other organization of operators of subsurface installations that provides advance warning of excavations or other work close to existing subsurface installations, for

the purpose of protecting those installations from damage, removal, relocation, or repair.

This bill would require the department to provide access to GIS services to a regional notification center for purposes of determining whether the GIS services can improve the regional notification center’s accuracy in performing its functions, and, if so, would authorize a regional notification center to enter into a contract with the department to receive GIS services. The bill would authorize the department to collect payment from a regional notification center for providing GIS services pursuant to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11546.10 is added to the Government
- 2 Code, to read:
- 3 11546.10. (a) Upon request by a regional notification center,
- 4 the department shall provide access to GIS services for the purpose
- 5 of making a determination as to whether the GIS services can
- 6 improve the regional notification center’s accuracy in performing
- 7 its functions under Article 2 (commencing with Section 4216) of
- 8 Chapter 3.1 of Division 5 of Title 1.
- 9 (b) Upon review of the GIS services, if the regional notification
- 10 center determines that the GIS services can improve the regional
- 11 notification center’s accuracy in performing its functions, the
- 12 regional notification center may enter into a contract with the
- 13 department to receive GIS services.
- 14 (c) The department may collect payment from a regional
- 15 notification center for providing GIS services pursuant to
- 16 subdivision (b) to be deposited into the Technology Services
- 17 Revolving Fund.

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**ASSEMBLYMEMBER TIM GRAYSON**  
**AB 754**  
**UNDERGROUND SERVICE ALERT DATA**

**Summary:**

AB 754 will require the Department of Technology Services to share its digital map (GIS) data with the “Contact 811 Before You Dig” regional notification centers to enable the 811 centers to accurately notify the owners of underground facilities about upcoming excavation activity in the vicinity of their subsurface installations.

**Background:**

The 811 notification centers are nonprofit mutual benefit corporations of owners of underground facilities; their members include 2,400 owners in California. Some are private-sector companies like AT&T, Sempra Energy, and PG&E; others are public-sector entities like cities, counties, special service districts, water districts and state agencies.

As described in Government Code Section [4216.2\(e\)](#), after an excavator calls 811 to describe his or her dig site location, the 811 center will provide details about the digging project to the facility owners that have underground lines in the vicinity. Each company will send a field technician to locate and mark its underground lines at the dig site using colored paint or flags to show their locations. The excavator can then use safe digging practices to avoid damaging the facilities.

Water, sewer, electric power, natural gas, telephone, cable television, and internet are some of the key utility services delivered to homes, businesses and government offices all day, every day. Other infrastructure types include storm drain, traffic signals, and oil and gas pipelines.

The greatest threat to underground utility lines is damage from excavation activity; damage can result in interrupted utility service, property damage, personal injury or even death.

**Problem:**

The 811 centers are nonprofit mutual benefit corporations; the Department of Technology currently restricts full access to its data to government agencies.

The 811 contact centers, like 911 contact centers, need the most current and correct map data available so dig site locations can be accurately and precisely found on the map and the appropriate facility owners can be notified. County and state GIS departments create the most current, accurate, and authoritative GIS map data, including addresses, roads, property boundaries, aerial photography, etc.

The 811 centers need this data to fulfill their statutorily-mandated responsibility to help protect California’s infrastructure by notifying facility owners about nearby excavation.

**Solution:**

AB 754 will require the Department of Technology Services to share its GIS map data with the 811 notification centers. This will benefit all stakeholders in damage prevention efforts by increasing efficiency in locating dig sites in the field and delivering information about digging projects to excavators through 811 centers.

AB 754 will protect the public from potential damage to underground lines with the most current, accurate mapping data available.

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AMENDED IN ASSEMBLY APRIL 1, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1166**

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**Introduced by Assembly Member Levine**

February 21, 2019

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An act to amend Section ~~4216.2~~ 4216.3 of the Government Code, relating to underground infrastructure.

LEGISLATIVE COUNSEL'S DIGEST

AB 1166, as amended, Levine. Public works: protection of underground infrastructure: ~~regional notification center system~~. *regional notification center system: electronic positive response.*

*Existing law requires an excavator planning to conduct an excavation to notify the appropriate regional notification center of the excavator's intent to excavate at least 2 working days, and not more than 14 calendar days, before beginning that excavation. Existing law requires the regional notification center to take the information and provide a ticket, and prohibits an excavator from beginning excavation until the excavator receives a response from all known operators of subsurface installations within the delineated boundaries of the proposed area of excavation, as provided. Existing law, commencing January 1, 2018, authorizes every operator to supply an electronic positive response through the regional notification center before the legal excavation start date and time, and requires the regional notification center to make those responses available to the excavator. Existing law defines an electronic positive response, for these purposes, to mean an electronic response from an operator to the regional notification center providing the status of an operator's statutorily required response to a ticket.*

*This bill would, instead, on and after January 1, \_\_\_\_\_, require every operator to supply an electronic positive response through the regional notification center before the legal excavation start date and time.*

~~Existing law requires an excavator planning to conduct an excavation to notify the appropriate regional notification center of the excavator’s intent to excavate at least 2 working days, and not more than 14 calendar days, before beginning that excavation. Existing law requires the regional notification center to take the information and to provide a ticket. Existing law defines a regional notification center, for these purposes, as a nonprofit association or other organization of operators of subsurface installations that provides advance warning of excavations or other work close to existing subsurface installations, for the purpose of protecting those installations from damage, removal, relocation, or repair, and defines a ticket as an excavation location request issued a number by the regional notification center.~~

~~This bill would require a regional notification center to report the issuance of tickets to the Public Utilities Commission, and would require the Public Utilities Commission to retain these records for 5 or more years.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4216.3 of the Government Code is
- 2 amended to read:
- 3 4216.3. (a) (1) (A) Unless the excavator and operator
- 4 mutually agree to a later start date and time, or otherwise agree to
- 5 the sequence and timeframe in which the operator will locate and
- 6 field mark, an operator shall do one of the following before the
- 7 legal excavation start date and time:
- 8 (i) Locate and field mark within the area delineated for
- 9 excavation and, where multiple subsurface installations of the same
- 10 type are known to exist together, mark the number of subsurface
- 11 installations.
- 12 (ii) To the extent and degree of accuracy that the information
- 13 is available, provide information to an excavator where the
- 14 operator’s active or inactive subsurface installations are located.
- 15 (iii) Advise the excavator it operates no subsurface installations
- 16 in the area delineated for excavation.

1 (B) An operator shall mark newly installed subsurface  
2 installations in areas with continuing excavation activity.

3 (C) An operator shall indicate with an “A” inside a circle the  
4 presence of any abandoned subsurface installations, if known,  
5 within the delineated area. The markings are to make an excavator  
6 aware that there are abandoned subsurface installations within that  
7 delineated work area.

8 (2) Only a qualified person shall perform subsurface installation  
9 locating activities.

10 (3) A qualified person performing subsurface installation  
11 locating activities on behalf of an operator shall use a minimum  
12 of a single-frequency utility locating device and shall have access  
13 to alternative sources for verification, if necessary.

14 (4) An operator shall amend, update, maintain, and preserve all  
15 plans and records for its subsurface installations as that information  
16 becomes known. If there is a change in ownership of a subsurface  
17 installation, the records shall be turned over to the new operator.  
18 Commencing January 1, 2017, records on abandoned subsurface  
19 installations, to the extent that those records exist, shall be retained.

20 (b) If the field marks are no longer reasonably visible, an  
21 excavator shall renotify the regional notification center with a  
22 request for remarks that can be for all or a portion of the  
23 excavation. Excavation shall cease in the area to be remarked. If  
24 the delineation markings are no longer reasonably visible, the  
25 excavator shall redelineate the area to be remarked. If remarks are  
26 requested, the operator shall have two working days, not including  
27 the date of request, to remark the subsurface installation. If the  
28 area to be remarked is not the full extent of the original excavation,  
29 the excavator shall delineate the portion to be remarked and provide  
30 a description of the area requested to be remarked on the ticket.  
31 The excavator shall provide a description for the area to be  
32 remarked that falls within the area of the original location request.

33 ~~(c) Commencing January 1, 2018, On and after January 1, \_\_\_\_\_,~~  
34 every operator ~~may~~ shall supply an electronic positive response  
35 through the regional notification center before the legal excavation  
36 start date and time. The regional notification center shall make  
37 those responses available to the excavator.

38 (d) The excavator shall notify the appropriate regional  
39 notification center of the failure of an operator to identify  
40 subsurface installations pursuant to subparagraph (A) or (B) of

1 paragraph (1) of subdivision (a), or subdivision (b). The notification  
2 shall include the ticket issued by the regional notification center.  
3 A record of all notifications received pursuant to this subdivision  
4 shall be maintained by the regional notification center for a period  
5 of not less than three years. The record shall be available for  
6 inspection pursuant to subdivision (f) of Section 4216.2.

7 (e) If an operator or local agency knows that it has a subsurface  
8 installation embedded or partially embedded in the pavement that  
9 is not visible from the surface, the operator or local agency shall  
10 contact the excavator before pavement removal to communicate  
11 and determine a plan of action to protect that subsurface installation  
12 and excavator.

13 ~~SECTION 1. Section 4216.2 of the Government Code is~~  
14 ~~amended to read:~~

15 ~~4216.2. (a) Before notifying the appropriate regional~~  
16 ~~notification center, an excavator planning to conduct an excavation~~  
17 ~~shall delineate the area to be excavated. If the area is not delineated,~~  
18 ~~an operator may, at the operator's discretion, choose not to locate~~  
19 ~~and field mark until the area to be excavated has been delineated.~~

20 ~~(b) Except in an emergency, an excavator planning to conduct~~  
21 ~~an excavation shall notify the appropriate regional notification~~  
22 ~~center of the excavator's intent to excavate at least two working~~  
23 ~~days, and not more than 14 calendar days, before beginning that~~  
24 ~~excavation. The date of the notification shall not count as part of~~  
25 ~~the two-working-day notice. If an excavator gives less notice than~~  
26 ~~the legal excavation start date and time and the excavation is not~~  
27 ~~an emergency, the regional notification center will take the~~  
28 ~~information and provide a ticket, but an operator has until the legal~~  
29 ~~excavation start date and time to respond. However, an excavator~~  
30 ~~and an operator may mutually agree to a different notice and start~~  
31 ~~date. The contact information for operators notified shall be~~  
32 ~~available to the excavator.~~

33 ~~(c) When the excavation is proposed within 10 feet of a high~~  
34 ~~priority subsurface installation, the operator of the high priority~~  
35 ~~subsurface installation shall notify the excavator of the existence~~  
36 ~~of the high priority subsurface installation to set up an onsite~~  
37 ~~meeting prior to the legal excavation start date and time or at a~~  
38 ~~mutually agreed upon time to determine actions or activities~~  
39 ~~required to verify the location and prevent damage to the high~~  
40 ~~priority subsurface installation. As part of the meeting, the~~

1 excavator shall discuss with the operator the method and tools that  
2 will be used during the excavation and the information the operator  
3 will provide to assist in verifying the location of the subsurface  
4 installation. The excavator shall not begin excavating until after  
5 the completion of the onsite meeting.

6 ~~(d) Except in an emergency, every excavator covered by Section  
7 4216.8 planning to conduct an excavation on private property that  
8 does not require an excavation permit may contact the appropriate  
9 regional notification center if the private property is known, or  
10 reasonably should be known, to contain a subsurface installation  
11 other than the underground facility owned or operated by the  
12 excavator. Before notifying the appropriate regional notification  
13 center, an excavator shall delineate the area to be excavated. Any  
14 temporary marking placed at the planned excavation location shall  
15 be clearly seen, functional, and considerate to surface aesthetics  
16 and the local community. An excavator shall check if any local  
17 ordinances apply to the placement of temporary markings.~~

18 ~~(e) The regional notification center shall provide a ticket to the  
19 person who contacts the center pursuant to this section and shall  
20 notify any member, if known, who has a subsurface installation  
21 in the area of the proposed excavation. A ticket shall be valid for  
22 28 days from the date of issuance. If work continues beyond 28  
23 days, the excavator shall renew the ticket either by accessing the  
24 center's internet website or by calling "811" by the end of the 28th  
25 day. The regional notification center shall report the issuance of  
26 tickets to the Public Utilities Commission, and the Public Utilities  
27 Commission shall retain these records for five or more years.~~

28 ~~(f) A record of all notifications by an excavator or operator to  
29 the regional notification center shall be maintained for a period of  
30 not less than three years. The record shall be available for  
31 inspection by the excavator and any member, or their  
32 representative, during normal working hours and according to  
33 guidelines for inspection as may be established by the regional  
34 notification centers.~~

35 ~~(g) Unless an emergency exists, an excavator shall not begin  
36 excavation until the excavator receives a response from all known  
37 operators of subsurface installations within the delineated  
38 boundaries of the proposed area of excavation pursuant to  
39 subdivision (a) of Section 4216.3 and until the completion of any  
40 onsite meeting, if required by subdivision (c).~~

- 1     ~~(h) If a site requires special access, an excavator shall request~~
- 2     ~~an operator to contact the excavator regarding that special access~~
- 3     ~~or give special instructions on the location request.~~
- 4     ~~(i) If a ticket obtained by an excavator expires but work is~~
- 5     ~~ongoing, the excavator shall contact the regional notification center~~
- 6     ~~and get a new ticket and wait a minimum of two working days,~~
- 7     ~~not including the date of the contact, before restarting excavation.~~
- 8     ~~All excavation shall cease during the waiting period.~~



## OFFICE OF ASSEMBLYMEMBER

**Marc Levine**

TENTH ASSEMBLY DISTRICT

### **AB 1166 - Dig Safe Notifications: Positive Response**

#### **SUMMARY**

In the wake of several gas pipeline disasters directly caused by excavators accidentally hitting gas pipelines, the Dig Safe Act of 2016 (Act) was enacted (Hill, SB 661). The Act addressed safety problems by creating the Safe Excavation Board (Board), an appointed board of excavation stakeholders, funded through fees on utilities. AB 1166 would improve the notification process regarding the location of subsurface pipelines by requiring utilities to provide an “electronic positive response” on the pipeline location status at a specific site before excavation can begin.

#### **EXISTING LAW/BACKGROUND**

In 2015, the year before the Dig Safe Act’s (Act) enactment two persons were killed and a dozen others injured when heavy machinery cut into two underground natural gas pipelines in both Fresno and Bakersfield. These were but two of the more than 5,000 natural gas pipelines struck in 2015.

The Act authorizes the Board to obtain funding for its operational expenses from fees charged to members of regional notification centers. These centers are not-for-profit public benefit corporations that are responsible for processing notifications of proposed excavation from excavators and transmitting those notifications to subsurface installation operators who may have subsurface installations in the area. Every operator of subsurface installations is required to participate with the regional notification centers

However, a recent report by the California Public Utilities Commission (PUC) found PG&E would sometimes record that it had reached an agreement with an excavator to delay the locating and marking of pipelines when, in reality, a company employee had left only a voice mail. That raised the possibility that construction could begin before

a crew knew where the pipes were located. The report identified other widespread instances in which pipeline location information was falsified. Former PUC commissioner Catherine Sandoval called the report’s findings “disgusting” and “deeply appalling.”

#### **THIS BILL**

To build on the good work done by the Board thus far, and to help address the egregious problems identified in the PUC report, this bill would require members (such as PG&E) of the regional notification centers to submit an electronic positive response through the center before the legal excavation start date and time.

Excavation law in California requires that all utility members respond to every request they receive by marking the site, notifying the excavator that the site is clear of their facilities, or providing information to the excavator regarding the location of the facilities. Positive Response goes one step further by having the utility member to then notify a center how they chose to respond to the request. The notification center will then publish these responses online.

Currently electronic positive response is voluntary in California. AB 1166 would *require* this response, which many other states already do.

#### **SUPPORT**

AMENDED IN SENATE APRIL 3, 2019  
AMENDED IN SENATE MARCH 19, 2019

**SENATE BILL**

**No. 70**

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**Introduced by Senator Nielsen**

January 9, 2019

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An act to add Section 764.7 to, and to add Division 2.2 (commencing with Section 5600) to, the Public Utilities Code, relating to electricity, making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 70, as amended, Nielsen. Electricity: undergrounding of electrical distribution infrastructure.

(1) Under existing law, the Public Utilities Commission has jurisdiction over public utilities, including electrical corporations. Under its existing authority, the commission requires certain electrical corporations to implement the California Overhead Conversion Program to provide financial assistance to local governments to facilitate projects that are in the public interest and that remove overhead infrastructure, replacing it with infrastructure in underground trenches. *Existing law requires each electrical corporation to annually prepare and submit a wildfire mitigation plan to the commission for review and approval, and requires the commission to conduct an annual review of each electrical corporation's compliance with its plan.*

This bill would require the commission, on and after January 1, 2021, to require each electrical ~~corporation~~ corporation, *except where it is physically infeasible to do so*, to replace overhead electrical distribution infrastructure in a very high fire hazard severity zone in the electrical corporation's territory that is destroyed as a result of fire with underground electrical distribution infrastructure, and to convert

overhead electrical distribution infrastructure that is removed due to an accident to underground electrical distribution infrastructure. The bill would prohibit an electrical corporation *that has not complied with its wildfire mitigation plans* from recovering from ratepayers the costs of complying with these ~~requirements~~. *infrastructure undergrounding requirements, except for those costs specifically related to the permitting process.*

This bill would establish the Electrical Infrastructure Undergrounding Working Group to promote the undergrounding of electrical infrastructure and the implementation of a statewide joint trenching policy. The bill would require the working group to focus on those areas of the state affected by wildfires from 2013 to 2020, inclusive, during the rebuilding and restoration phases of those areas, and to prioritize undergrounding along those streets and highways that serve as county-designated evacuation routes.

(2) This bill would appropriate \$1,000,000 to the working group in the 2019–20 fiscal year for its administration.

(3) Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because certain of the above provisions would be in the act and a violation of an order, decision, rule, direction, demand, or requirement of the commission implementing the above provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Underground electrical lines are better insulated than  
4 overhead electrical lines, are less likely to be affected by hazardous  
5 weather conditions or animals than overhead electrical lines, and  
6 are protected from wildfires.

1 (b) Underground electrical lines generally have a longer lifespan,  
2 *linesman*, and create less interference with other communication  
3 infrastructure, than overhead electrical lines.

4 (c) Underground electrical lines create less liability than  
5 overhead electrical lines because overhead electrical lines are prone  
6 to falling on buildings and into roadways, which may cause damage  
7 and sometimes spark wildfires.

8 (d) Wildfires disrupt electrical grid reliability and threaten the  
9 transmission and distribution of electricity.

10 (e) Most of the 2017 and 2018 wildfires in northern California  
11 started along highways or utility corridors, highlighting the clear  
12 need for fuel breaks on roads and safer utility infrastructure.

13 (f) Californians will need to harden structures and infrastructure,  
14 including utility infrastructure, in order to live with wildfires and  
15 to reduce the risk of future catastrophic wildfires.

16 SEC. 2. Section 764.7 is added to the Public Utilities Code, to  
17 read:

18 764.7. (a) ~~The~~ (1) *Except as provided in paragraph (2), the*  
19 *commission, on and after January 1, 2021, shall require each*  
20 *electrical corporation to do both of the following:*

21 ~~(1)~~

22 (A) Replace overhead electrical distribution infrastructure in a  
23 very high fire hazard severity zone, as determined by the  
24 Department of Forestry and Fire Protection, in the electrical  
25 corporation's territory that is destroyed as a result of fire with  
26 underground electrical distribution infrastructure.

27 ~~(2)~~

28 (B) Convert overhead electrical distribution infrastructure that  
29 is removed due to an accident to underground electrical distribution  
30 infrastructure.

31 (2) *The commission shall not require the construction of*  
32 *underground electrical distribution infrastructure where it finds*  
33 *that the construction of underground electrical distribution*  
34 *infrastructure is physically infeasible, including due to weather*  
35 *conditions such as the presence of heavy snow or terrain conditions*  
36 *such as the presence of bedrock, or if the commission finds that*  
37 *there is an immediate need to construct overhead electrical*  
38 *distribution infrastructure to restore electrical service following*  
39 *an outage.*

1 (b) ~~The~~An electrical corporation that has not complied with its  
 2 wildfire mitigation plans submitted pursuant to Section 8386 shall  
 3 not recover from ratepayers the costs of complying with the  
 4 requirements of this ~~section~~: section except for those costs  
 5 specifically related to the permitting process, including costs  
 6 relating to the California Environmental Quality Act (Division 13  
 7 (commencing with Section 21000) of the Public Resources Code),  
 8 staff time, permit fees, and consulting fees.

9 SEC. 3. Division 2.2 (commencing with Section 5600) is added  
 10 to the Public Utilities Code, to read:

11  
 12 DIVISION 2.2. ELECTRICAL INFRASTRUCTURE  
 13 UNDERGROUNDING WORKING GROUP  
 14

15 5600. For purposes of this division, the following definitions  
 16 apply:

17 (a) “Joint trenching” means the use of a preestablished corridor,  
 18 the position and spacing of which is based on established  
 19 engineering criteria and future maintenance requirements, designed  
 20 to accommodate multiple forms of subsurface infrastructure,  
 21 including for telecommunications, water, sewage, gas, electricity,  
 22 and pipelines, that are installed concurrently in a joint trench along  
 23 the corridor before the trench is surveyed and backfilled.  
 24 Excavation and backfill of a joint trench may be performed by a  
 25 single contractor.

26 (b) “Working group” means the Electrical Infrastructure  
 27 Undergrounding Working Group established pursuant to Section  
 28 5602.

29 5602. (a) The Electrical Infrastructure Undergrounding  
 30 Working Group is hereby established in state government to  
 31 promote the undergrounding of electrical infrastructure and the  
 32 implementation of a statewide joint trenching policy.

33 (b) The working group shall focus on those areas of the state  
 34 affected by wildfires from 2013 to 2020, inclusive, during the  
 35 rebuilding and restoration phases of those areas.

36 (c) The working group shall prioritize undergrounding along  
 37 those streets and highways that serve as county-designated  
 38 evacuation routes.

39 5604. The working group shall consist of representatives from  
 40 all of the following entities:

- 1 (a) The commission.
- 2 (b) The Department of Forestry and Fire Protection.
- 3 (c) The Office of Emergency Services.
- 4 (d) The Department of Transportation.
- 5 (e) The California State Association of Counties.
- 6 (f) The League of California Cities.
- 7 (g) The Rural County Representatives of California.

8 SEC. 4. The sum of one million dollars (\$1,000,000) is hereby  
9 appropriated from the General Fund to the Electrical Infrastructure  
10 Undergrounding Working Group in the 2019–20 fiscal year for its  
11 administration.

12 SEC. 5. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.



**Senator Jim Nielsen**  
Fourth District

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# **FACT SHEET**

## **Senate Bill 70**

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### **SUMMARY**

Senate Bill 70 requires electrical corporation to replace aboveground distribution infrastructure that has been damaged by wildfires with underground lines and creates a working group to assist in directing project implementation.

### **BACKGROUND**

In recent years, California's catastrophic wildfires have caused grave damage to aboveground electrical infrastructure, disrupting electrical grid reliability and threatening the transmission and distribution of electricity. More frequently, some of the most devastating fires have been ignited by the same aboveground infrastructure. Just a few of these fires include the Camp Fire, which ravaged the communities of Paradise, Magalia, and the Ridge in Butte County.

As a matter of public safety to California residents as well as electrical utility reliability, something must be done to address threatening aboveground lines in high fire hazard severity zones.

Undergrounding distribution lines may be the answer. Underground electrical lines have many benefits: they are better insulated than overhead electrical lines, are less likely to be affected by hazardous weather conditions and animals, and are better protected from wildfires.

Underground lines also generally have a longer lifespan and create less interference with other communication infrastructure, than overhead electrical lines.

Californians must harden their utility infrastructure, in order to live with wildfires and to reduce the risk of future catastrophic wildfires. Undergrounding is not just an investment in reliable infrastructure, but an investment in lives.

### **EXISTING LAW**

Existing law states the Public Utilities Commission (PUC) has jurisdiction over public utilities, including electrical corporations.

The PUC requires certain electrical corporations to implement the California Overhead Conversion Program to provide financial assistance to local governments to facilitate projects that are in the public interest and that remove overhead infrastructure, replacing it with infrastructure in underground trenches.

### **THIS BILL**

SB 70 requires electrical corporations to replace overhead electrical distribution infrastructure in very high fire hazard severity zones within their territory that have been damaged by wildfires. These corporations are also required to replace this type of infrastructure when it is otherwise damaged due to an accident.

This bill creates the Electrical Infrastructure Undergrounding Working Group and allocates \$1 million for administrative purposes. This group promotes the undergrounding of electrical infrastructure in wildfire-prone areas and the implementation of joint trenching when possible.

### **CONTACT**

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