



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")

June 21, 2018
10:00 a.m.

2251 Harvard Street
4th Floor
Sacramento, CA 95815

MEETING MINUTES

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

None (Marjorie Del Toro was absent for Agenda Item No. 5)

STAFF:

Tony Marino, Executive Officer
Brittney Branaman, Policy and Budget Manager
Zachary Trammell, Government Analyst
Jason Neyer, Government Analyst
Deborah Yang, Legal Counsel

OPEN SESSION

Chair Arden called the meeting to order at 10:00 a.m.

Agenda Item No. 1: Executive Officer's Report

Executive Officer Tony Marino discussed a letter from the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration ("PHMSA") to the Board dated May 18, 2018 regarding PHMSA's determination of inadequacy of California's damage prevention law due to California's lack of enforcement actions through civil penalties and/or other sanctions for violations of the excavation damage prevention law on regulated pipelines; as well as the Executive Officer's response letter to PHMSA. The Executive Officer also provided an update on legislation the Board voted to support on April 19, 2018, the regulatory process for the imposition of fees on members of regional notification centers, and an investigations plan.

Chair Arden asked for public comments. There were none.

Agenda Item No. 2: Board Member Public Engagement Reports

There were no public engagement reports from Board Members. Chair Arden asked for public comments. There were none.

Agenda Item No. 3: Election of Interim Chairperson (Government Code § 4216.14(e))

Chair Arden nominated Member Johnson to serve as interim chairperson during her absence.

Chair Arden asked for public comments. There were none.

Board Action

Motion to elect Member Johnson as interim chairperson during Chair Arden's absence.

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

MOTION ADOPTED.

Agenda Item No. 4: Discussion on Standards Relevant to Safety Practices in Excavating Around Subsurface Installations and Procedures and Guidance in Encouraging those Practices (Government Code § 4216.18)

The Executive Officer explained the Board's responsibility under the Dig Safe Act of 2016 to develop standards to determine the evidence necessary for excavators and operators to demonstrate compliance with delineation, locate and mark, and other requirements of the one-call law, the process an excavator should follow in using hand tools in the tolerance zone, and the process for determining the depth of underground facilities in grading activities; as well as provided a background on legislative intent and the meaning and application of standards. He presented four questions to the Board and public for discussion: 1) how should the standards balance between the needs to be understandable, auditable, and easily communicated with the need for each actor to customize standard implementation to their particular circumstances; 2) should standards developed by the Board be regulatory, and hence enforceable by the Board, or should they be non-regulatory; 3) what is the process by which these standards should be developed; and 4) what is the process by which the Board would entertain the development of standards in addition to those enumerated in statute. The Executive Director recommended that the standard development process be a different process from the regulatory process, being more stakeholder-led and less staff-led. The Board may be able to ask the California Regional Common Ground Alliance

("CARCGA") for recommendations on these standards and CARCGA may present its plan to provide the recommendations to the Board at a future Board meeting.

Chair Arden asked for Board and public comments.

Board members, staff, and members of the public discussed other entities that could provide the recommendations, wish for any advisory body that might be created by the Board to be well-represented and diversified, legal issues regarding state laws such as the Bagley-Keene Open Meeting Act, management and prescriptive expectations, Board and CARCGA resources, avoidance of overlap with existing laws, stakeholder meetings on standards, support for the Board to request CARCGA's advice, and possible CARCGA roles, responsibilities, and goals if it decides to provide advice to the Board.

Members Munoz and Bianchini volunteered to work with staff to develop standards.

Board members, staff, and members of the public discussed issues concerning abandoned lines; conflicts; nonresponsive operators on tickets; potholing standards such as depth, accuracy, tools used for potholing, and distances between potholes / potholing frequency; markings; changes in standards and underground facilities; micro-trenching and strata removal; standards among states and within California; guidance on rural areas and site conditions; risks associated with failing to identify requirements on telecommunication lines versus high pressure gas lines, visual guidance, field meets, and stand-by; employee safety and necessary equipment to do the work; and necessary data with detailed reports to keep track of reoccurring issues for the Board's attention.

(Meeting recessed for lunch at 12:15 p.m. and resumed at 1:56 p.m. Member Del Toro was absent for the remaining duration of the meeting.)

Agenda Item No. 5: Discussion on Proposed Draft Regulations on Investigations, Education/Training/Outreach, and Areas of Continual Excavation Pilot Program

Staff presented the draft regulations on investigations, education/training/outreach, and a pilot program for areas of continual excavation. Chair asked for Board and public comments.

Board members, staff, and members of the public discussed possible revisions to the draft regulations, including the definition of damage, addition of terms to define such as person and business day, damage notification and report submittal timeframes, feasibility of damage notifications by operators and excavators to regional notification centers, how to provide damage notifications and reports, content of damage notifications and reports, and complaint information and process.

(Meeting recessed from 3:30 p.m. to 3:50 p.m.)

Board members, staff, and members of the public continued to discuss possible revisions to the draft regulations.

Chair reminded the public that anyone with additional comments or questions on the draft regulations may submit them in writing to staff or attend a public workshop to be held in July.

Other Business

None.

Public Comment

Chair Arden asked for public comments. There were none.

Adjournment

Meeting adjourned at 5:20 p.m.

Respectfully submitted,

Attest:

/s/ Tony Marino

/s/ Jessica Arden

Tony Marino
Executive Officer

Jessica Arden
Chair