DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
Underground Facilities Safe Excavation Board
1131 S Street
SACRAMENTO, CA 95811
(916) 445-8200
Website: https://digsafe.fire.ca.gov

CA Underground Facilities Safe Excavation Board ("Dig Safe Board")

April 19, 2018
10:00 a.m.

Hilton, Catalina Room
701 West Ocean Blvd.
Long Beach, CA 90831

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

STAFF:

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

OPEN SESSION

Member Arden called the meeting to order at 10:20 a.m.

Agenda Item No. 1: Executive Officer's Report

Executive Officer Tony Marino introduced new board member Amparo Munoz.

Member Munoz gave a brief description of her professional background.

Executive Officer Tony Marino discussed reasonable care standards the board would need to create on road grading and underground infrastructure.

Executive Officer Tony Marino discussed the cancelation of the Salinas workshop on March 15, 2018. The workshop on grower experience working around buried infrastructure was canceled due to potential lack of public participation. It was discussed that having the meeting in Bakersfield in July may be better received by the farming community.

Chair Arden asked if there were any public comments. There were none.

Agenda Item No. 2: Resolution No. 18-04-01

Executive Officer Tony Marino explained an oversight that prohibits investigations by the board until July 1, 2020.

Members asked questions to clarify the resolution.

Member Voss stated he would abstain from voting on the resolution.

Members and staff discussed the process for investigations, including hiring of investigators, training content, and timelines.

Chair Arden asked for public comment.

A representative from the California Public Utilities Commission addressed their concern on a lack of clarity on what the investigations will entail.

An attendee asked how investigations will relate to OSHA investigations. Staff replied that interaction with other agencies have not yet been fully addressed.

A representative from the California Public Utilities Commission addressed their concern on incident reports they may receive from the board.

A Member had a question on having a workshop with staff and various entities to understand roles, identify issues and provide feedback to the board. Staff explained engagement thus far with other agencies.

Members and staff discussed investigator roles, training and defining what will be investigated.

Member Del Toro offered to assist with training.

Board Action

Motion to adopt Resolution No. 18-04-01, Resolution of the California Underground Facilities Safe Excavation Board in support of legislation to amend the statute to commence investigations prior to July 1, 2020; and pending legislative approval of the statutory amendment, staff shall begin conducting investigations upon approval by the Board.

MOTION: Chair Arden SECONDED: Member Bernacchi
AYES: Members Arden, Bernacchi, Bianchini, Charland, Del Toro, Johns, Johnson, Munoz
NOES: None

ABSTAIN: Member Voss
RECUSE: None

MOTION ADOPTED.

Agenda Item No. 3: Resolution No. 18-04-02

Executive Officer Tony Marino reviewed the Dig Safe Boards loan repayment timeline and potential benefit of a loan payment extension.

Chair Arden spoke of her support for the item.

Chair Arden asked for public comment. There were none.

Board Action

Motion to adopt Resolution No. 18-04-02, Resolution of the California Underground Facilities Safe Excavation Board in support of legislation to extend the repayment date for the loan from the California High-Cost Fund-B Administrative Committee Fund by two years, from July 1, 2019 to July 1, 2021.

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

MOTION ADOPTED.

Agenda Item No. 4: Resolution No. 18-04-03

Deborah Yang, legal counsel, gave a brief review of the rulemaking process and rulemaking schedule.

Executive Officer Tony Marino discussed the proposed regulation to collect fees from one-call members to cover the board's operational costs.

Chair Arden asked for public comment.

Board members, staff, and attendees discussed the definition of locate request transmission and billable transmissions.

Member Voss had a question about how continual excavation tickets will be impacted.

An attendee discussed requests to re-mark a site because other organizations had not marked initially.

A representative from the California Public Utilities Commission had a question about the regional call centers responsibility for delinquent payments to the Dig Safe Board.

Members and staff discussed the length of payment terms.

Staff and an attendee discussed if fee collection would start in 2019 or 2021. Staff answered that if the legislature adopts the fee proposal, collection would start in 2019.

Members, staff, and attendees discussed how the proposed fee would show on the bill from the regional call centers. Member Johnson expressed that payment due dates may differ among members of the regional notification centers. Legal counsel suggested that subdivision (c) of the proposed regulation be revised from "within 45 days of the date of the billing statement" to "by the due date in the billing statement".

A member of the public asked if members will be suspended from the regional call centers for not paying Dig Safe Board fees. Staff replied that not paying a Dig Safe Board fee will have no impact on a member's status with the regional call centers. A representative of a regional notification center expressed concern that the statute may impose civil recovery restrictions if a member did not pay the Dig Safe Board fees.

A representative from the California Public Utilities Commission asked about the legality of the regional call centers collecting Dig Safe Board fees. Staff replied that legal authority is in the statute.

Chair Arden asked Executive Officer Tony Marino to discuss the difference between fiscal and annual calendar years as it related to fee collection and ticket data.

Member Johnson had a question about items yet to be voted on at a regional call center meeting and how it would impact voting on this resolution item. Staff replied that if the board adopts the resolution and the regulation is approved, it will become law regardless of what a regional notification center votes to approve or not approve.

Member Bianchini, staff, and attendees discussed revising staff's proposed Resolution No. 18-04-03 to account for remarking responsibilities. It was discussed why remarking requests are sent to more than just those who need to remark. A regional call center representative replied that often times it cannot be determined who did not mark when speaking to someone looking at the marks requesting additional markings. Member Bianchini withdrew his request to revise staff's proposed Resolution No. 18-04-03.

Members, staff, and the public discussed the type of tickets that should be included in calculating Dig Safe Board fees. Differing terminology between the regional call centers was also discussed as it relates to determining what types of tickets should be billable.

Board Action

Motion to adopt Resolution No. 18-04-03, Resolution of the California Underground Facilities Safe Excavation Board approving the adoption of the regulation to establish fees pursuant to the Dig Safe Act of 2016 and authorizing rulemaking proceedings, with subdivision (c) of the proposed regulation presented by staff to be revised from "within 45 days of the date of the billing statement" to "by the due date in the billing statement".

MOTION: Chair Arden SECOND: Member Voss

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

MOTION ADOPTED.

The meeting recessed for lunch at 12:30 p.m., and resumed at 2:00 p.m.

Agenda Item No. 5: Education and Outreach (Government Code section 4216.17(a))

Chair Arden introduced the agenda item on education and outreach.

Staff presented a brief overview of the three topics required to be covered in the annual meeting. Staff shared their efforts to address the public, including creating a survey and discussing federal grants available from the Pipeline and Hazardous Materials Safety Administration ("PHMSA").

Members Del Toro and Bianchini discussed the survey.

Members discussed information that may not reach the workers in the field and referenced seeing mostly management at safety events.

A member discussed how New Mexico has classes by the 811 call center that can be completed in lieu of a penalty. It was asked if the regional notification centers in California would have the capability to do something similar.

A representative from a regional notification center wanted to know how they fit into the education component and discussed breakfast seminars. They also discussed direction from the board.

Chair Arden asked for public comment.

A representative from a utility company discussed their outreach efforts and the importance of company culture allowing workers to do something if they see something.

Members and attendees discussed most employees receiving their training from their employer; and discussed whether Dig Safe Board educational training would be better for employees than their companies' own training program and where educational efforts of the board should be directed.

Members discussed how some workers would feel more comfortable filling out a paper survey.

An attendee representing the Southern California Contractors Association discussed an apprentice training program and their interest in having Dig Safe Board curriculum in their training program.

A representative from a pipeline company discussed their school outreach program from kindergarten through high school. They discussed how they differentiate their outreach to students in different age groups.

A representative from the California Public Utilities Commission discussed the curriculum already available and having a mandate for workers to attend.

Members and attendees discussed training requirements and apprenticeship programs for union and non-union employees.

A member of the public asked about the Gold Shovel program content.

A member of the public asked if PG&E and Southern California Gas have been asked what is the number one cause of company asset damage.

Staff spoke about PG&E root cause data and outreach material given to staff and accident reports that were not given to staff.

An attendee asked how the board is reaching out to owners, operators, and excavators that meetings are taking place and how the regulation process is progressing. An attendee suggested distributing notices through the regional call centers. Staff replied that as part of the regulatory process, it is required to notify all affected stakeholders of the proposed rulemaking.

Members and staff discussed the timeline of notifications.

Representatives from the regional notification centers discussed their stakeholder contact lists and the ways it could potentially be used for the Dig Safe Board notification process.

Chair Arden suggested having another workshop including the regional notification centers to address items discussed.

Other Business
None.

Public Comment
Chair Arden asked for public comment. There were none.

Adjournment
The meeting adjourned at 3:30 p.m.

Respectfully submitted,

/s/ Tony Marino

Tony Marino
Executive Officer

Attest:

/s/ Jessica Arden

Jessica Arden
Chair