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")

August 12, 2019

Office of the State Fire Marshal
Pipeline Safety Division
3780 Kilroy Airport Way, Suite 500
Long Beach, CA 90806

MEETING MINUTES

BOARD MEMBERS PRESENT:

Carl Voss, Chair
Jessica Arden, Vice Chair
Ron Bianchini
Randy Charland
Marjorie Del Toro
Bill Johns
Amparo Munoz

BOARD MEMBERS ABSENT: Marshall Johnson

STAFF:

Tony Marino, Executive Officer
Brittny Branaman, Policy and Budget Manager
Jeff Brooks, Attorney
Jason Corsey, Chief of Investigations
Anna Brown, Supervising Investigator

John Benane, Special Investigator
Daniel Briot, Special Investigator
Mandy Liao, Special Investigator
Diana Lopez, Special Investigator
Charley Park, Special Investigator
Kerstin Tomlinson, Education & Outreach Officer
Jenni Reed, Policy Analyst
Jeff McClenahan, Office Technician

August 12, 2019
9:00 a.m.

Office of the State Fire Marshal
Pipeline Safety Division
3780 Kilroy Airport Way, Suite 500
Long Beach, CA 90806

OPEN SESSION

Chair Voss called the meeting to order at 9:01 a.m.

Agenda Item No. 1: Executive Officer's Report

Executive Officer Tony Marino explained emergency procedures in the office.

Kerstin Tomlinson, Education and Outreach Officer, provided the Education and Outreach Report for the past month: a review of the recent California Regional Common Ground Alliance ("CARCGA") mock strike event in southern California, the upcoming Education & Outreach Meeting in September, and current participation in the Education and Outreach survey designed to identify stakeholder ideas on impactful educational methods and available outreach opportunities the Board could pursue.

Executive Officer Marino discussed the development of operational policies and procedures for staff.

Chair Voss asked for comments from the Board. There were none.

Chair Voss asked for comments from the public. There were none.

Agenda Item No. 2: Board Member Public Engagement Reports

Chair Voss asked for Board member engagement reports. There were none.

Chair Voss asked for comments from the public. There were none.

Agenda Item No. 3: Common Ground Alliance Presentation

Attendee: Michele Moe, Director, Infrastructure Resources

Ms. Moe presented on behalf of the Common Ground Alliance ("CGA") national conference on what to expect at the 2020 conference and the possibility for Board participation.

Board members and staff discussed potential topics to workshop, such as AB1166 and electronic positive response, and ticket response codes.

Chair Voss asked for an update on AB1166.

Executive Officer Marino reviewed the "Support if Amended" vote passed by the Board, next steps for the bill's progress, potential timeline facing the Board for regulating if the bill if passed.

Board Members, staff, and the representative for the CGA conference discussed timelines for the Board's involvement and framing of the topics.

Chair Voss asked for additional comments from the Board. There were none.

Chair Voss asked for comments from the public. There were none.

Agenda Item No. 4: Update on Education In-Lieu of Fines Course Development

Kerstin Tomlinson, Education and Outreach Officer, presented an update on the development of course in-lieu of fines, including background information on the course case studies, research performed by staff, course video development, and the timeline for completion.
Chair Voss asked for comments from the Board.

Members discussed the duration of the course in the classroom.

Vice Chair Arden and Executive Officer Tony Marino discussed looking into the possibility of Continuing Education Credits ("CEUs").

Chair Voss asked for additional comments from the Board. There were none.

Chair Voss asked for comments from the public. There were none.

(Meeting recessed at 10:10 a.m. and resumed at 10:27 a.m.)

Agenda Item No. 5: Presentation of Select Preliminary Investigations

Chief of Investigations Jason Corsey presented an issue of timely responses from stakeholders.

Charley Park, Special Investigator presented a preliminary case regarding a job installing guardrails, including the conditions of the day, operator response, unresponsiveness on the part of the excavator, and a timeline of repairs.

Chair Voss asked for comments from the Board.

Board members and staff discussed the extent of information in the timeline, photos of the incident, the structure and formatting of investigation reports, the types of incidents under investigation such as an incident of consequence as opposed to no-ticket/no response investigations, and the origin of the maps included in the presentation.

Chair Voss asked for additional comments from the Board. There were none.

Member Voss asked for comments from the public.

A member of the public commented on the National Transportation Safety Board ("NTSB") reviews and investigations.

Mandy Liao, Special Investigator, presented a preliminary case regarding a residential gas line hit, and a delay in an interview with the third-party locator and gas company that has been pursued unsuccessfully for 90 days.

Chief Corsey and Attorney Jeff Brooks discussed the delay in communications and the relevance of this fact in deliberating or referring a case.

Chair Voss asked for comments from the Board.

Members and Executive Officer Marino discussed the powers of the board in investigations, review of these issues by staff, the NTSB, expectations for cooperation with the Board, and questions of culpability in locate and marking activities.

Chair Voss asked for comments from the public. There were none.

(Meeting recessed at 11:50 a.m. and resumed at 1:30 p.m.)

John Benane, Special Investigator, presented a preliminary case regarding a gas line strike involving a facility with shallow cover, extreme weather conditions, a lack of ticket, and the practices of Fire Departments conducting excavation.

Chair Voss asked for comments from the Board.

Members and staff discussed the erosion of cover over the years, clarifications on specifics of the case, fire management practices, the relevance of a ticket to discovering the depth of cover, the accuracy of locating equipment to depth, field meetings, and the definition of excavation.

Chair Voss asked for comments from the public.

Members of the public commented on homeowner activities and tickets, high-priority lines and the involvement of multiple agencies, clarifications on 4216 with regard to homeowners, and challenges involved with shallow cover on facilities.

Board Members and staff discussed the jurisdictional framework of 4216, a homeowner functioning as a contractor, enforcement as opposed to education efforts, and the need for education regarding shallow cover and the definition of excavation.

Chair Voss asked for additional comments from the Board. There were none

Chair Voss asked for additional comments from the public. There were none.

Agenda Item No. 6: Discussion on Board Strategic Planning

Executive Officer Tony Marino presented an overview of strategic planning, the Government Reporting and Results Act, elements of strategic planning of the Board to date, a possibility to frame the discussion in terms of one's legacy, as well as topics with repeated frequency in Board discussions, such as mapping issues and overlooked influences on damage outcomes.

Board members discussed ideas concerning Public Service Announcements; outreach to specific sectors of the workforce; the evolution of educational programs and materials to maintain relevancy; media campaigns; outreach to cities; a loophole in the information in-lieu of markings section of 4216.3; the aging out of the labor force and their knowledge base being committed to an available documented resource; the Board's toolbox for compelling documents and support from stakeholders, specifically via timelines and consequences; communication and diligence on the part of project owners with respect to locating on maps and plans; visibility of the Board and it's mission; training of new excavators; identification of trends and issues through investigation; increasing public education; complaints and repeated violations of 4216; proactivity of the board in ideas of the group and stakeholders without having to go through the Legislature; concern for addressing ambiguities in 4216; the ticketing process with regard to permitting; possibility for the regional notification centers to be a public entity under the Board's authority; public recognition of the Board and it's functions; considerations of locator workload and the time to locate in the field; parameters that would encourage excavators and project owners to start the ticketing process earlier; concerns regarding monument destruction and the Board's authority over that; a list of repeat violators as an enforcement tool; technology potentials in ticketing workload; learning best practices from other states and countries with regard to the use of technologies without creating new problems.

Executive Officer Marino summarized the input provided by the Board.

Chair Voss asked for comments from the public.

A member of the public commented on related industry associations that may be resources.

Chair Voss asked for additional comments from the Board. There were none.

Chair Voss asked for additional comments from the public. There were none.

Other Business
None.

Public Comment
Chair Voss asked for comments from the public.

A representative from West Valley Construction inquired about the Board's meeting schedule for 2020.

Chair Voss asked for additional comments from the public. There were none.

Adjournment
The meeting adjourned at 3:04pm.

Respectfully submitted,

/s/ Tony Marino

Tony Marino
Executive Officer

Attest:

/s/ Carl Voss

Carl Voss
Chair