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")

February 10th, 2020
Office of the State Fire Marshal
Pipeline Safety Division
McKittrick Conference Room, Room 511
3780 Kilroy Airport Way, Suite 500
Long Beach, CA 90806

MEETING MINUTES

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3780 Kilroy Airport Way, Suite 500
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OPEN SESSION

Chair Voss called the meeting to order at 10:07 a.m.

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT: None

STAFF PRESENT:

Tony Marino, Executive Officer
Jeff Brooks, Attorney

Jason Corsey, Chief of Investigations
Anna Brown, Supervising Investigator
John Benane, Special Investigator
Mandy Liao, Special Investigator
Diana Lopez, Special Investigator

Brittny Branaman, Policy and Budget Manager
Kerstin Tomlinson, Education and Outreach Officer
Jenni Reed, Policy and Data Analyst
Jeff McClenahan, Policy Analyst

Executive Officer Tony Marino reviewed safety procedures for the building.

(Member Johns joined the meeting at 10:08 a.m.)

Agenda Item No. 1: Executive Officers Report

Mr. Marino provided an update on the return of staff to the Lakewood office following repairs to the building.

Education and Outreach Officer Kerstin Tomlinson provided the Education and Outreach update: Ms. Tomlinson reported on her attendance at the board meetings of Underground Service Alert of Southern California ("DigAlert") and Underground Service Alert of Northern California ("USA North 811"), an interview with Mr. Marino conducted by KQED, upcoming networking at the World Ag Expo in Tulare on February 13th, an upcoming presentation to the agricultural community of Fresno, CA on February 28th, the upcoming presentations by staff and members of the Board at the national Common Ground Alliance ("CGA") symposium, and upcoming proposals to present at the annual State Fire Marshal Pipeline Safety Conference on April 15th and 16th.

Mr. Marino discussed the newly introduced bill SB 865 by Senator Hill that addresses changes to Gov't Code 4216 in multiple sections and announced an upcoming stakeholder meeting with Senator Hill's office on February 24th.

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 Engagement Reports

Member Del Toro reported on an upcoming speaking engagement at the Orange County Water Association SafetyFest in Santa Ana.

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

Agenda Item No. 3: Resolution No. 20-02-01 Approval of the Adoption of the Regulations for Investigation, Enforcement, and Area of Continual Excavation and to continue with Rulemaking Proceedings.

Attorney Jeff Brooks presented the staff report on Resolution No. 20-02-01 following the 15-day comment period and discussed the one public comment received from Mr. William Price.

Members of the Board thanked Mr. Price for the comment on this regulation package.

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

Board Action
Motion to approve Resolutions Nos. 20-02-01.

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

MOTION APPROVED.

Agenda Item No. 4: Strategic Planning

Policy and Data Analyst Jenni Reed presented the staff report on the draft idea submission form and implementation of the idea register.

Board members and staff discussed the accessibility and specific content of the idea register submission form.

Accessibility

There was discussion on acceptability of a form submission with impartial answers or blank sections, accessibility of the form on the website, the addition of attachments to the form and making those attachments accessible, the media of the attachments and compatibility with the website, an end disclaimer on the form and language to explain the purpose of the form, and software options to manage communication around the form.

Terminology and Categories

There was discussion of a reference or record number of each idea, the language of the term of a submission around either a “problem” or a “concern,” the types and scope of questions to be included on the form, the location of questions on benefits and costs toward the end of the form, and the display of the ideas actively being worked on by the Board.

Chair Voss asked for comments from the public.

Members of the public discussed transparency of the idea register, communication with submitters to attend later meetings that include discussion of their idea, a category on the form

for submitters to indicate the location in statute where there is a concern, and the usefulness of contact information with submissions for contact by a third-party to discuss the idea.

Agenda Item No. 5: Discussion on Development of Emergency Regulations Allowing Electronic Positive Response Good Cause Extension Applications (AB 1166): Staff will present on the results of the online operator survey.

Ms. Tomlinson presented the staff report on the results of the online survey on good cause for extensions to compliance with AB 1166. Ms. Tomlinson presented on a widespread lack of awareness of and confusion on how to comply with AB 1166 from survey respondents, widespread use of manual processes for processing and assigning tickets, and obstacles to providing electronic positive response in terms of technology, personnel, finances, and procurement practices.

Board members and staff discussed the periodic value in running surveys again or continuously along with data management of those results, degree of respondents to the survey and the other members that may not know of AB 1166, stakeholder awareness of electronic positive response ("EPR"), and the urgency of communication to stakeholders on EPR.

(Chair Voss called for recess at 11:21 a.m. and reconvened the meeting at 11:37 a.m.)

Presentations by representatives of the two one-call centers:

James Wingate, USA North 811
Ann Diamond, DigAlert

Mr. Wingate presented on the USA North 811 EPR capabilities provided through the web based Newtin software suite, member code splitting at USA North 811, the visual output of communication from the software, and documentation on EPR on the USA North 811 website.

Board members and the representatives of the one-call centers discussed billing calculations to members of the one-call centers, shape files of the general area of member facilities with respect to member code splitting, comments on tickets for EPR as opposed to response codes, degree of members splitting their codes by facility, safety around EPR in comment boxes and whether members will read that text area.

(Chair Voss called for a lunch recess at 12:00 p.m. and reconvened the meeting at 1:31 p.m.)

Board members and the representatives of the one-call centers discussed the option for separate contact information for each member code split, the effect of member code splitting on EPR participation, the types of contact information the one-call centers maintain, the speed of communication of EPR, and the viability of the web based software for utilities of different scales.

Ms. Diamond presented on DigAlert EPR capabilities through the web based Newtin software, documentation on EPR on the DigAlert website,

Board members and the representatives of the one-call centers discussed communication to members of the one-call centers about EPR, ticket management software available for purchase that is capable of transmitting EPR, and possible means of outreach on EPR.

Chair Voss asked for comments from the public.

A representative of West Valley Construction commented on reaching out to other states for data and ideas on communication as well as software vendors.

Board members and the representatives of the one-call center discussed one-call center membership and reception of tickets by the entity with the membership agreement, and cases in which a third party may split membership from another organization.

Attorney Jeff Brooks presented on questions before the Board in defining what constitutes good cause for extensions to compliance with AB 1166.

Board members and staff discussed circumstances beyond the control of organizations with respect to the four categories included in the survey, interest in extensions reported in the survey, whether a lack of knowledge of the law is good cause for extension, the percentage of compliance with the Board regulatory fee, the duration of the extension, and the obstacle to compliance for organizations that use manual ticket management systems.

(Chair Voss called for recess at 3:24 p.m. and reconvened the meeting at 3:41 p.m.)

Board members and staff discussed the distinction between choosing not to comply and not being capable of compliance and the ability of compliance through the web-based systems demonstrated by the representatives of the one-call centers.

Chair Voss asked for comments from the public.

A representative of West Valley Construction commented on engagement with software vendors to drive communication to decision makers.

Board members and staff discussed the manner of submission of applications, the deadline for submissions, the timeline for this emergency regulation and the application window, and the process of review of the applications.

Other Business

None.

Public Comment

A representative of USA North 811 commented on a change to USA North 811 billing based only on new tickets.

Adjournment

The meeting adjourned at 4:08 p.m.

Respectfully submitted,

/s/ Tony Marino

Tony Marino
Executive Officer

Attest:

/s/ Carl Voss

Carl Voss
Chair