DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
Underground Facilities Safe Excavation Board
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Website: https://digsafe.fire.ca.gov

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

December 10-11, 2018

December 10, 2018
California State Capitol
Room 112

December 11, 2018
California State Capitol
Room 115

MEETING MINUTES

BOARD MEMBERS PRESENT:

Carl Voss, Chair
Vince Bernacchi
Ron Bianchini
Randy Charland
Marjorie Del Toro
Bill Johns
Amparo Munoz

BOARD MEMBERS ABSENT:

Jessica Arden
Marshall Johnson

STAFF:

Tony Marino, Executive Officer
Brittny Branaman, Policy and Budget Manager
Jason Corsey, Chief of Investigations
Carla Newman, Supervising Special Investigator
Jason Neyer, Policy Analyst
Misty Catano, Administrative Analyst
Kerstin Lock, Education and Outreach Officer
Deborah Yang, Legal Counsel

December 10, 2018
Room 112
10:00 a.m.

OPEN SESSION

Chair Voss called the meeting to order at 10:03 a.m.

Chair Voss thanked Senator Hill's office for arranging the venue for this meeting.

Agenda Item No. 1: Executive Officer's Report

Executive Officer Tony Marino announced the addition of new staff Special Investigator Diana Lopez. Mr. Marino provided an update on current staff trainings and the search for an office space in Southern California.

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

Chair Voss asked for public comments. There were none.

Agenda Item No. 2: Board Member Public Engagement Reports

Chair Voss asked for the Board to share any public engagement reports. There were none.

Chair Voss asked for public comments. There were none.

Agenda Item No. 3: Licensing requirements for engineers, land surveyors, geologists, and geologists. Presented by Laurie Racca, Board of Professional Engineers, Land Surveyors, and Geologists.

Chair Voss welcomed Ms. Racca.

Ms. Racca presented the Board of Professional Engineers, Land Surveyors, and Geologists (BPELSG) mission and explained the Board's role.

A representative from BPELSG defined land surveying. He discussed the importance of preserving and protecting monuments.

A representative from BPELSG discussed how BPELSG regulates actions, not tools.

Member Bianchini asked if a civil engineer need to be a licensed surveyor

A representative from BPELSG discussed the importance of educating rather than enforcing regulations.

A representative from USA North 811 presented concerns he would like the Dig Safe Board to consider. He discussed having monuments registered to be notified when someone is digging near the monument. He would like the Board to think about the time frame when a ticket should

be created, whether it's during the design phase for an engineer or right before a contractor begins digging.

Member Del Toro asked for clarification on monuments.

A representative from BPELSG defined a monument.

Member Del Toro asked about the accuracy of Ground Penetrating Radar (GPR) with excavation activities.

Ms. Racca from BPELSG discussed concerns with non-licensed surveyors.

Member Johns asked what BPELSG would like implemented by the Board.

Ms. Racca from BPELSG expressed that she would like the Board to inform people that licensing does apply in excavation activities.

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

Chair Voss asked for public comments. There were none.

Agenda Item No. 4: Baseline Safety Assessment: presentation and discussion of data comparability and risk management principles in gas pipeline safety data.

Executive Officer Tony Marino presented on Baseline Safety Assessment in three specific areas. He discussed comparing States and their damages per ticket number and other economic indicators, risk analysis in damage prevention, and event trees as models to predict success and failure.

Chair Voss asked for comments from Board members.

Member Munoz discussed the idea of looking at all excavation practices to determine where the highest risk levels are.

Executive Officer Tony Marino agreed that looking at different types of excavation practices will target stakeholder groups.

Chair Voss asked for public comments.

A representative from PG&E recommended mandatory recording of all damages to subsurface installations.

Executive Officer Tony Marino agreed that the Board will discuss recording of all damages again in the future.

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

Chair Voss asked for public comments. There were none.

(Meeting recessed for lunch at 12:10 p.m. and resumed at 1:31 p.m.)

Agenda Item No. 5: Targeted education and outreach strategies using risk analysis. Presented by Amy Rosenkrantz, Culver Company.

Chair Voss welcomed Ms. Rosenkrantz and asked if she was ready to present.

Amy Rosenkrantz from Culver Company provided background information on company. She emphasized the importance of safety and how it's not only the safety manager's responsibility, its everyone's responsibility to practice safety. She discussed concerns with the aging workforce, and aging infrastructures. Ms. Rosenkrantz recommended that the Board not only look at gas lines, but look at high hazard electrical lines. She also discussed effective communication can drive awareness and provoke desired behavior.

Chair Voss asked for comments from Board members.

Member Johns asked if the Culver Company has results and statistics on the public safety workshops held for students and teachers.

Ms. Rosenkrantz responded that she relies on the utility operators and Pipeline and Hazardous Materials Safety Administration (PHMSA) to share results and information received.

Chair Voss asked for public comments.

A representative from West Valley Construction asked if there were any plans to collect data to engage into the market place for homeowners and employees, and if there was any way to track the data collected.

Ms. Rosenkrantz discussed the possibility of doing a longitudinal study, however it would be tough to find an adult that is using workplace safety practices that he learned at a young age in elementary school.

A representative from BTI Environmental asked how contractors would go about getting this information?

Ms. Rosenkrantz replied they receive requests from contractors for information and frequently the Culver Company will do statewide outreach efforts.

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

Chair Voss thanked Amy Rosenkrantz for her presentation.

Agenda Item No. 6: Draft Regulations on Area of Continual Excavation, Investigation, and Enforcement.

Executive Officer Tony Marino discussed notifications and setting thresholds for damages depending on the infrastructure. He discussed the timeframe for notifying has not been decided. He proposed, if you need to call 911, you should immediately call 811 right after, pending on the time frame decided for notification. Mr. Marino discussed the grant from PHMSA that was awarded to DigAlert and USA North 811 to create a system that we will need to obtain necessary information on damages.

Legal Counsel Deborah Yang defined damage.

Member Munoz asked for more information on the grant provided to the one call centers, and if the one call centers are appropriately staffed to take the additional load of incoming calls.

A representative from DigAlert discussed having a web-based portal to submit tickets instead of calling in to submit a ticket. For an example if an excavator has a ticket, they will need to put in the additional information: what tools where used, any fatalities, and what utility was damaged.

Executive Officer Tony Marino asked DigAlert if there was an update on when the new tickets would go live.

A representative from DigAlert replied that the new tickets will go live in March 2019.

Member Bianchini asked about specific features on the web based portal and when information would be provided.

A representative from DigAlert explained that if the excavator has an existing ticket, the system will provide all information and the excavator will need to update it with specifics if there was a dig in. However, if the excavator did not put in a ticket before excavation began, they will need to start from the beginning with creating a ticket.

Member Del Toro proposed the idea of trying to find a way to alleviate the pressure of adding an additional step to call 811.

Member Johns asked DigAlert and USA North 811 to explain what happens if there is a dig-in accident over the weekend and who is notified?

A representative from USA North 811 explained what currently happens with after hours and weekend dig-ins. Most reports go straight to the facility owner USA North 811 is available 24 hours a day, 7 days a week. USA North 811 and Dig Alert expressed they would prefer for an online forum, rather than impact the call centers.

(Meeting recessed for a break at 2:57 p.m. and resumed at 3:16 p.m.)

Member Bianchini asked for clarification on gas leaks?

Executive Officer Tony Marino described that “high priority” natural gas pipelines are pressurized 60psi or above. There will not be many incidents that will be recorded as high priority. He asked Legal Counsel to explain the exemption for homeowners.

Legal Counsel Deborah Yang explained that homeowners are exempt under the Dig Safe Act.

Executive Officer Tony Marino clarified that homeowners are exempt, but businesses working on private property are not.

Chair Voss asked for comments from Board members.

Member Del Toro addressed Chief of Investigations, Jason Corsey to explain how he would like his department to handle dig in accidents.

Chief of Investigations Jason Corsey explained his goal for reporting incidents and trying to

obtain as much information as possible once investigators are on scene.

Member Munoz asked if there will be a shared database for the investigators to have access to, and have the ability to add investigation notes.

Chief of Investigations Jason Corsey discussed having the ability to have real-time access to the one call center database.

Chair Voss asked about how many hours we are going to give the excavator to notify, and how long do they have to get this part of the ruling approved?

Legal Counsel Deborah Yang reviewed the regulations timeline.

Chair Voss asked what would be considered a reasonable amount of time to provide the excavator to notify the operator? 4 hours or 8 hours?

Member Bernacchi expressed that it should be parallel to the Cal/OSHA guidelines, stating immediately but no longer than 8 hours.

Chair Voss emphasized that the idea of this recording function is to ensure that the investigators are notified so they can go out and investigate.

Member Bianchini asked Chief of Investigations Jason Corsey how quickly would the investigators be able to notify the operator and the excavator if they are going to conduct an investigation.

Chief of Investigations Jason Corsey replied the timeframe would depend on the severity of the incident and if the scene was preserved or not.

Member Bianchini expressed his concerns with the excavator and operator not being notified within a timely manner if an investigation is going to take place.

A representative from PG&E explained that first responders and fire are only there to make sure that the scene is secure and safe. PG&E will do most reports remotely because there is no need to drive 8 hours when questions can be asked over the phone.

Member Johns proposed the idea of having an option within a phone tree to contact the Dig Safe Board for damages.

A representative from USA North 811 explained that if the Board wants the calls to go directly to the Dig Safe Board staff, he can make that happen.

Executive Officer Tony Marino proposed the idea of having a voicemail that can go directly to Dig Safe Board Staff or the call center.

Member Munoz discussed the possibility of DigAlert becoming 24 hours a day, 7 days a week like USA North 811.

Executive Officer Tony Marino explained that DigAlert in the south has the ability to process tickets 24 hours a day, but not answering the phone.

A representative from DigAlert explained that there is no need for operators to have the option to call in when they can put it in the web. The representative offered the option for after-hours calls to be forwarded directly to the Dig Safe Board through their phone tree.

Member Johns asked for operators to provide us some details on the calls they receive.

A representative from PG&E explained that 70% of their calls are from the excavator or first responder directly.

Member Bernacchi asked PG&E if they are contacted directly, do they contact 811 after.

A representative from PG&E replied that they do not.

Chair Voss asked if 2 to 4 hours was a reasonable amount of time for the excavator to notify, or should the Board try 4 hours.

Executive Officer Tony Marino asked if the Board was okay with staff proposing a time frame, with justification for that time frame, at the January meeting.

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

Chair Voss asked for public comments. There were none.

Other Business
None.

Public Comment
Chair Voss asked for public comments. There were none.

Adjournment
Meeting adjourned at 4:56 p.m.

December 11, 2018
9:00 a.m.

California State Capitol
Room 115

MEETING MINUTES

MEMBERS PRESENT:	Carl Voss, Chair Ron Bianchini Vince Bernacchi Randy Charland Marjorie Del Toro Bill Johns Amparo Munoz
BOARD MEMBERS ABSENT:	Jessica Arden Marshall Johnson
STAFF:	Tony Marino, Executive Officer Brittny Branaman, Policy and Budget Manager Jason Corsey, Chief of Investigations Carla Newman, Supervising Special Investigator Jason Neyer, Government Analyst Misty Catano, Government Analyst Kerstin Lock, Education and Outreach Officer Deborah Yang, Legal Counsel

OPEN SESSION

Chair Voss called the meeting to order at 9:07 a.m.

Agenda Item No. 6: Draft Regulations on Area of Continual Excavation, Investigation, and Enforcement.

Chair Voss welcomed everyone back.

Education and Outreach Officer, Kerstin Lock presented on the Area of Continual Excavation (ACE); proposing the option for an annual excavation ticket for farmers. She discussed proposed regulations to address the field mark and locate requirements and onsite meeting requirements.

Chair Voss discussed the goal of the ACE ticket and what it would mean for the farmer and the operator. The farmer will have a detailed discussion on what type of activity will take place over the facility throughout the year, and at the end of the onsite meeting there will be a final decision made between the farmer and the operator.

Chair Voss asked for Board comments.

Member Charland expressed his concerns with verbal conversations not being recorded on paper. He likes the idea of having a form that explains everything that was agreed upon at the time of the onsite meeting.

Chair Voss explained the proposed idea of the ACE regulation rules, and how it will start the frame work for a larger picture.

Member Charland asked who would be qualified to go to these onsite meetings? Would it need to be a supervisor?

A representative from PG&E explained that typically locators have more knowledge than supervisors on locating the facility. If its required to have a pipeline engineer be present for the onsite meetings, that will be a staffing issue.

Member Charland expressed concerns for locators having the ability to sign off on field meetings.

A representative from PG&E asked why would locators be knowledgeable about to find the utilities, but they aren't considered qualified to sign off?

Member Johns discussed having someone at a senior level approving the one time a year tickets.

Chair Voss agreed that a supervisor or engineer can sign off on the tickets because they will meet once a year and determine activities that will take place throughout the year.

Member Charland discussed the issues of who will decide the time and date of the meetings.

Chair Voss discussed the idea of having the farmers make the initial step in placing the phone call for the ticket, and then the time and date should be mutually agreed upon.

Executive Officer Tony Marino discussed having a ticket and meeting scheduled close to the time that the farmers are to start operations.

Chair Voss asked for public comments.

A representative from the California Farm Bureau Federation requested that there should be a time frame to put a limit on when the meeting would take place, to ensure that meetings are scheduled out over a month and operations are not delayed.

A representative from USA North 811 discussed what should be included in the documentation. There should be a photograph, and both parties need to acknowledge where the line is that is in conflict.

A representative from PG&E asked for clarification on what type of meeting the Board is discussing. Is it a field meet for pot holing a transmission line, or type of farming activity over the next year because that will require two different conversations and a specialist to be present.

Member Munoz discussed having a set time frame, but also having the option to extend the time frame to something that is reasonable and mutually agreed upon as needed.

A representative from PG&E agreed that anything greater than a week is unnecessary for a scheduled meeting time.

A representative from SoCal Gas asked about contractors that are hired by the farmer to do any farming activity over their lands. Would they be under that same ticket?

Chair Voss explained that sub-contractors that work under the farmer and perform excavation work, are all covered under that ticket. The purpose of the meeting is to get the utility operator and the farmer to discuss what will take place on those lands throughout the year.

A representative from Sacramento Municipal Utilities District (SMUD) expressed concerns with farmers being honest about what activities they will be doing throughout the year.

Legal Counsel Deborah Yang discussed that the ACE ticket is an alternative to what is currently happening, and that the farmer is responsible to know what will happen for that entire year.

A representative from PG&E asked if it was an exemption?

Executive Officer Tony Marino replied that it is an alternative for agriculture land.

Member Del Toro asked if there was enforcement or penalties for those that do not follow the requirements.

Executive Officer Tony Marino explained that the Board does not have an enforcement policy for this just yet. If someone is doing something that they shouldn't be doing, the Board will ensure that they are aware and that they understand.

A representative from the Public Utilities Commission (PUC) asked if an operator will have the ability to void the contract if there is a violation between the operator and the excavator?

Executive Officer Tony Marino discussed either party having the ability to terminate, and that the Board will think about this later on.

Chair Voss asked for public comments.

A representative from the PUC asked about when there is 60 psi or less, if there would still need to be call made, and get a 28 day notice.

Executive Officer Tony Marino replied that if the subsurface installation is not high priority, the provisions state that they have to respond within two days or the mutual agreed upon time.

Legal Counsel Deborah Yang explained that the only difference between high priority and non-high priority is that high priority requires the onsite meeting.

A representative from PG&E asked for clarification on pot holing annually to confirm the depth of the high priority line.

Member Bianchini explained that the Board is trying to prevent having to pot hole over and over again because the operators don't have the records or knowledge of it just being done a few months ago.

A representative from PG&E discussed having proper documentation that the pot holing took place, not just taking someone's word.

Chair Voss discussed having qualified people that will sign off on those documents. The intent was to not have them pot holing over and over again.

(Meeting recessed for break at 11:24 a.m. and resumed at 11:40 a.m.)

A representative from SoCal Gas asked about flood control and what is it specific to?

Chair Voss asked for public comments. There were none.

Chair Voss closed the item on ACE and proposed that the Board move onto Investigations.

Legal Counsel Deborah Yang discussed the Board's investigators having the authority to conduct investigations, collecting data, records, and having the ability to look at facilities.

Member Bianchini proposed the idea of having something in writing that states when the investigators will arrive to the scene.

Legal Counsel Deborah Yang explained that this will be worked out with Chief of Investigations Jason Corsey. The Board understands that excavators need to cover holes to make situations and surroundings safe.

A representative from SMUD asked if education was the goal, and if there would be fines and licenses revoked?

Legal Counsel Deborah Yang explained that the Board only has the authority to issue fines, and corrective action.

Member Johns asked about Office of the State Fire Marshal (OSFM) and why they have the authority to carry fire arms?

Legal Counsel Deborah Yang explained that OSFM has the authority to have Peace Officers.

A representative from the PUC explained that it's hard to get an immediate response without having a gun and badge.

Chief of Investigations Jason Corsey discussed creating relationships with local law enforcement. He also discussed not having the resources to be everywhere in the state.

Chair Voss explained that we are focusing on the investigators authority and how they collect evidence.

Chief of Investigations Jason Corsey discussed needing to start conducting investigations in order to come back to the Board and let them know what needs to be focused on.

Chair Voss asked for Board comments. There were none.

Chair Voss asked for public comments. There were none.

Chair Voss introduced the last item on Enforcement.

Legal Counsel Deborah Yang discussed corrective action and how the Board has the flexibility to be more creative in this area.

Chair Voss asked for Board comments. There were none.

Chair Voss asked for public comments.

A representative from the PUC asked about equipment repair and replacement, and if the Board should give those requirements to the appropriate agencies.

Legal Counsel Deborah Yang explained that the Board understands Contractors State Licensing Board (CSLB), PUC, and OSFM have their own regulations.

A representative from SoCal Gas asked if the there was one incident or multiple, would the penalties be per violation?

Legal Counsel Deborah Yang responded yes.

Executive Officer Tony Marino explained that the investigators will build cases for multiple violations and provide it to the appropriate agency to help build their cases.

Legal Counsel Deborah Yang explained the Board authority and if the incident falls under the jurisdiction of another state agency, the Board can give a recommendation to other agencies.

A representative from SMUD asked about changing the timeframe for the response period.

Legal Counsel Deborah Yang discussed the 30-day timeframe.

A representative from the PUC asked for clarification on the respondent being given due process.

Legal Counsel Deborah Yang clarified that it’s a recommendation to other state agencies, and it is up to that other state agency to provide due process.

Chair Voss asked for public comments. There were none.

Legal Counsel Deborah Yang discussed maintaining contact information. The call centers will need to provide us with an updated list every year.

A representative from Dig Alert asked what the Board needed this information for, and how will it be used.

Legal Counsel Deborah Yang replied that per (California Code of Regulations Title 19. Division 4. Chapter 3. Article 2. Section 4257(a)), the Board will need valid and current contact information.

Chair Voss asked for Board comments. There were none.

Chair Voss asked for public comments. There were none.

Other Business

Chair Voss thanked the Board for having him as interim chair. He thanked the public for their participation and everyone for their presentations over the past two days. Chair Voss addressed Member Bernacchi on his service with the Board and discussed the ending of his term.

Member Bernacchi thanked everyone and explained that he has a busy year coming up and is unable to extend his term.

Public Comment
Chair Voss asked for public comments. There were none.

Adjournment
Meeting adjourned at 1:57 p.m.

Respectfully submitted,

/s/ Tony Marino

Tony Marino
Executive Officer

Attest:

/s/ Carl Voss

Carl Voss