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

December 9-10, 2019

Agenda Item No. 3 (Information Item) – Staff Report

Discussion on Receiving and Responding to Public Questions

PRESENTER
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BACKGROUND
At its October 7, 2019 meeting in Sacramento, the Dig Safe Board received three questions during public comment period. The questions are paraphrased here:

(1) Can an excavator begin work early if all operators have responded?
(2) Is there a waiting period for conducting work when renewing a ticket?
(3) Is it acceptable to pothole using ground penetrating radar?

These questions, like the concerns and questions stakeholders routinely provide to the Board, implicate matters of policy, technology, industry practice, and law.

The Board has made the free exchange of ideas with stakeholders a priority. Staff suggests that to maximize the value of these communications, the Board needs a way to consider stakeholder issues and to align those issues with the Board's strategic objectives.

DISCUSSION
The Board encourages feedback and questions from its stakeholders in pursuing this primary objective: To "improve public and worker safety by facilitating communication and learning among excavators and operators of subsurface installations." (Policy B-02.) The Board's values reflect the Board's commitment to "a culture of continuous learning based on the development and free exchange of safety information" and "inquiry into the facts of and context behind … latent safety-related conditions in the field." (Policy B-04.)

Questions like these are valuable because they raise awareness of issues facing industry players. And they assist the Board with coordinating education and outreach, which include these activities:

- Regulations & Standards Development—The Board encourages stakeholder feedback through surveys, webinars, workshops, and presentations used during outreach. Questions and comments received are considered in an effort to develop policy that is consistent with experience.

- Public Comment—Stakeholders are encouraged to share issues within the Board's jurisdiction that was not included on the agenda at the end of every Board meeting. Comments and questions received are recorded and considered by members and staff during strategic planning and regulation and standard development.

- Open Forums—The Board offers an annual forum designed to give stakeholders an opportunity to discuss any issues outside of the Board's work to meet its legislative requirements. Comments and questions received are discussed at one of the Board's meetings in the Spring.

- Education & Outreach Meetings—The Board holds an annual Education and Outreach Meeting designed to understand the industry's existing education and outreach needs. Stakeholders are encouraged to discuss how to best coordinate existing efforts. Comments and questions received are recorded and considered by members and staff in the development of the Board's future education and outreach efforts.

- Formal Correspondence—The Board encourages stakeholders to provide feedback and ask questions via email or standard mail. Comments and questions received are recorded and considered by members and staff during strategic planning and regulation and standards development. In some cases, at the discretion of the Board, certain correspondence is presented at a meeting for discussion.

The three questions may appear to be straightforward, but answering may require obtaining background information, clarification, and additional research. Finding answers, especially as applied to different situations, is not simple.

The information received through these avenues provides the Board with insight into problems and opportunities to work toward solutions. However, just as obtaining information requires resources, so too does acting on the information. Before the Board can take a position on a policy issue, interpret statute, adopt a regulation, develop a standard, or form an opinion about an industry practice, the Board needs to understand the factual, policy, and legal circumstances involved. That process will often require additional communication with affected stakeholders, research of policy and legal implications, collection and analysis of data, and discussion by the Board's members.

It is up to the Board to decide whether, and how, to act on any feedback it receives. And every decision will reflect a priority, if only in the dedication of resources to address one issue rather than another.

RECOMMENDATION

Staff recommends that the Board consider issues and stakeholder priorities in light of its strategic objectives so that it's best able to reach effective solutions.

The Board is considering these four strategic directions, as restated here, as a means by which to prioritize its efforts:

(1) Improve compliance by reaching parties in effective ways;

(2) Improve access to knowledge and understanding of buried infrastructure

location;

(3) Identify proximate and contributing causes to safety accidents and dig safe law violations; and

(4) Build Board operations to achieve compliance, reporting, and operational excellence in a resource-efficient manner.

Staff suggests that viewing stakeholder suggestions, concerns, and questions in light of these goals will permit the Board to effective prioritize its work and get the most from its resources.