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")

November 8, 2018
10:00 a.m.

City of Fontana
Council Chambers
8353 Sierra Ave.
Fontana, CA 92335

MEETING MINUTES

BOARD MEMBERS PRESENT:

Carl Voss
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
Jason Corsey, Chief of Investigations
Carla Newman, Supervising Special Investigator
Anna Brown, Supervising Special Investigator
Jason Neyer, Policy Analyst
Kerstin Lock, Outreach Officer
Deborah Yang, Legal Counsel

OPEN SESSION

Chair Voss called the meeting to order at 10:01 a.m.

Agenda Item No. 1: Executive Officer's Report

Executive Officer Tony Marino asked Jason Corsey, Chief of Investigations, to introduce new staff: Ann Brown, Supervising Special Investigator. Mr. Marino discussed the dig-in accident in Roseville,

California. He also provided an update on Area of Continual Excavation ("ACE") outreach and survey closure, and plans for more upcoming outreach. He provided an update on the upcoming special investigator interviews and education course curriculum development.

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. He discussed the Kern County, and San Luis Obispo County Farm Bureau Presentation regarding ACE.

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

Chair Voss asked for public comments. There were none.

Agenda Item No. 3: Resolution No. 18-11-01: Approve Memorandum of Understanding with the Registrar of the Contractors State License Board and Authorize the Executive Officer to Execute the Memorandum of Understanding.

Legal counsel presented the Memorandum of Understanding ("MOU").

Chair Voss asked for comments from Board members.

Member Del Toro asked about the differences from the MOU with the California Public Utilities Commission ("CPUC").

Legal counsel explained the differences between the MOU with the CPUC and the MOU with the Contractors State License Board ("CSLB").

Chair Voss asked for public comments. There were none.

Board Action

Motion to approve Resolution No. 18-11-01 of the California Underground Facilities Safe Excavation Board Approving MOU with the CSLB and authorizing the Executive Officer to execute the MOU.

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

MOTION ADOPTED.

Agenda Item No. 4: CARCGA Update

Chair Voss introduced the item and invited the Subsurface Safety Incident Prevention ("SSIP") Committee to present.

A representative from SSIP provided an update on the development of standards.

Member Charland asked about potholing and digging an additional depth around all sides of the facility.

A representative from SSIP answered that an excavator is required to pothole to the limits of the tolerance zone as marked.

Member Charland asked if they feel that they have a good number of represented stakeholders.

A representative from SSIP stated they currently have 52 members from all over the industry.

A representative from SSIP discussed how operators make the decision on marking facilities.

Chair Voss asked for comments from Board members.

Executive Officer Tony Marino asked about requirements and standards and if there are a lot of things that people do in the field that are above the requirements of statute. He also asked if the operators are comfortable that that's sufficient, and if they aren't, whether they have opportunity to come in and provide more information.

A representative from SSIP replied that the operator should be notified and given the opportunity to respond and interface with the excavator to let them know that maybe they need to look somewhere else.

Member Bianchini expressed the concerns that it creates for the operator because the excavator should have the ability to explain to the operator that the facility was not found and it's not going to come in conflict.

A representative from SSIP discussed the limits of Government Code sections 4216.4(a) and 4216.4(b) and the requirements of the excavator to go looking for the facility.

Legal counsel discussed how Government Code section 4216.4(b) references 4216.4(a) to incorporate the phrase "in conflict" with the excavation.

A representative from SSIP discussed the use of power tools once the tolerance zone has been determined.

Executive Officer Tony Marino asked if it is better to positively confirm the location of subsurface installations with a smaller number of potholes.

A representative from SSIP discussed high-priority subsurface installation requirements. There is a field meet required, so they both understand the requirements and whether an observer needs to be there.

Member Del Toro expressed her concerns with how the excavator is responsible for digging the holes at their own expense, while it's the utility owner's infrastructure.

Member Bianchini suggested that contractors should add in the price to their bids when beginning a new project.

A representative from SSIP stated that good utility engineers would send out their own workers to pothole their lines to ensure the location.

Chair Voss asked for public comments. There were none.

Member Bianchini thanked CARCGA for their presentation.

Agenda Item No.5: Education - An update on the creation of in-house educational courses.

A representative from ehs international discussed the core curriculum and the elements of the course, including staff created video. She discussed the use of a third-party app to engage the classroom, and to review the requirements and emphasize lessons learned. She recommended to keep in mind the different generations in the room, and the different learning style for each student.

Member Del Toro expressed that the goal of this class is for students to learn and gain tools they can take back into their company.

Member Johns asked about the target audience.

Member Del Toro replied they are the people who would better benefit from education and training as a sanction, rather than a fine. She expressed that the message of the Board should be that the Board wants them home at the end of the day and this is the impact of the decisions that the Board is making and how they impact other people.

Member Charland asked if there is any part of the training that covers field markings.

Member Del Toro answered yes.

Chair Voss asked for other comments from Board members.

Member Del Toro thanked the representative from ehs international for her time and expertise.

Chair Voss asked for public comments.

A representative from Pacific Gas and Electric ("PG&E") asked about providing the course materials to other companies to use for education and outreach.

(Meeting recessed for lunch at 11:54 a.m. and resumed at 1:36 p.m.)

Agenda Item No.6: Discussion on confidential/anonymous reporting

Chair Voss introduced the item and turned it over to Member Munoz.

Member Munoz asked staff to provide a background on the method to use to get information from the workers.

Executive Officer Tony Marino discussed confidential and anonymous reporting.

Chair Voss asked for comments from Board members.

Members and the Executive Director discussed confidential reporting, opportunities for workers to voice their experiences, and how other agencies handle complaints.

Chair Voss asked for public comments. There were none.

Agenda Item No.7: Discussion on AB1914 (Flora) - Initial discussion on scoping implementation

Chair Voss introduced the item and turned it over to Executive Officer Tony Marino.

Executive Officer Tony Marino discussed the history of AB 1914 and the issues that came up during the legislative discussion.

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

Chair Voss asked for public comments.

A representative from PG&E discussed the vibration that causes the soil to move. He suggested that there are some best practices around pneumatic tool choice that may be better but we need to look at it all.

Member Bianchini discussed how a pneumatic tool is a penetrator not a vibrator. He discussed trying to determine the variables, and how to regulate that.

A representative from Torrance Logistics expressed his concern with boring equipment and the dangers if used incorrectly.

A representative from SoCal Gas discussed the possibility of damaging a line with hand tools. He expressed that we still need to be careful.

Chair Voss discussed how numerous tools can be used safely, but many tools can be used unsafely in uncaring hands.

Other Business
None.

Public Comment
Chair Voss asked for public comments.

A representative from DigAlert asked if the Office of Administrative Law ("OAL") approved the regulation on fees.

Legal Counsel replied that it's still in review at OAL and the deadline is November 30th.

Adjournment
Meeting adjourned at 2:32 p.m.

Respectfully submitted,

/s/ Tony Marino

Tony Marino
Executive Officer

Attest:

/s/ Carl Voss

Carl Voss