

THIRD ANNUAL REPORT

California Dig Safe

2019



For a hard copy of this report please contact the California Dig Safe Board at (916) 902-6000 or digboard@energysafety.ca.gov. This report may also be accessed on the Board's website:

<https://energysafety.ca.gov/what-we-do/underground-safety-board/>



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California Dig Safe Board

February 1, 2020

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Appointed by the Governor



Carl Voss
Chair



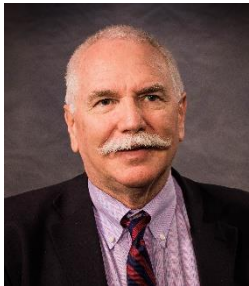
Jessica Arden
Vice Chair



Ron Bianchini



Marjorie Del Toro



William Johns



Marshall Johnson

Appointed by the Assembly Speaker



Amparo Muñoz

Appointed by the Senate Rules Committee



Randy Charland

Honorable Gavin Newsom, Governor of the State of California, and distinguished members of the California State Legislature,

Two thousand and nineteen was a busy year for the California Underground Facilities Safe Excavation (Dig Safe) Board. We continued to learn and grow in our roles, and we remain dedicated to the task you have laid out for us.

The Dig Safe Act of 2016 created the Board and charged it with coordinating the state's safe excavation education and outreach programs, developing standards where none currently exist, investigating "dig-in" accidents, and working to enforce the law with partners at the Contractors State License Board, the California Public Utilities Commission, and the Office of the State Fire Marshal.

In 2019, we continued building a program to fulfill these expectations by adopting an Annual Plan that contained four strategic objectives which included: creating an area of continual excavation process for agriculture, developing an education and enforcement program, developing a process for continual learning, and establishing a foundation for Board operations. The first section of this report looks back at the Board's 2019 accomplishments by summarizing the Board's progress towards achieving each of the strategic objectives identified in the 2019 Annual Plan and highlighting other important events that occurred during the year.

The second section of the report is forward-looking. It contains both an overview of the new strategic planning process that the Board conducted to guide its priorities for the next three years, as well as an outline of the 2020 Annual Plan which includes the key activities that the Board has identified for 2020.

Throughout the report you will see how our focus on developing a level playing field for all parties—including utility locators, contract excavators, and farmers—is fundamental to ensuring that everyone takes responsibility in providing a safe workplace to benefit all Californians. Ultimately, the success of these businesses and our agricultural industry is our state's economic lifeblood.

I hope you find this annual report informative. If you so choose, you may find further detail in our 2019 Results Report, 2020 Plan, and 2020 Strategic Plan available on our website: <https://energysafety.ca.gov/what-we-do/underground-safety-board/>.

Sincerely,



Chair, 2019-2020
California Dig Safe Board

Mission (Policy B-02)

The Dig Safe Board improves public and worker safety by facilitating communication and learning among excavators and the operators of subsurface installations, by investigating accidents to determine their causes, and by developing solutions to improve safety outcomes. The California Underground Facilities Safe Excavation Board strives to be a model regulatory and investigatory board for other states to emulate.

Vision (Policy B-03)

The Dig Safe Board seeks to effect a California in which the state's excavators and subsurface installation owners know and understand:

- how to identify the locations of subsurface installations,
- how to protect against dangerous contact with those installations,
- how to resolve unexpected situations that may arise, and

in which the state's excavators and subsurface installation owners exercise that knowledge and understanding to promote a culture of mutual respect and dedication to the cause that everyone goes home safe.



Values (Policy B-04)

The actions and decisions of the Dig Safe Board members and staff will be guided and informed by their commitments to:

- Respect for and attentiveness to the expression of differing backgrounds and perspectives of the Board's members, the public, and stakeholders, as well as for the missions of excavators, operators of subsurface installations, and other federal, state, and local agencies.
- A culture of continuous learning based on the development and free exchange of ideas.
- Inquiry into the facts of and context behind accidents, near misses, and latent safety-related conditions in the field.
- Accessibility to the public and stakeholders, within the bounds of the law, constitutional principles of due process, and ethical conduct.
- Integrity in serving in the public interest and devotion to maintaining the public's trust.

Enforcement Philosophy (Policy B-05)

The Dig Safe Board's founding statute and mission statement set forth enforcement and education as twin mandates driving the Board's approach to improving excavation safety.

Adopted in 2019, the Board's Enforcement Philosophy (Policy B-5) recognizes the critical role education and corrective action play in conducting enforcement activity in a manner that prioritizes safety benefits.

Key points from the enforcement policy are:

- Violations caused by unintentional error are best enforced through corrective action, such as mandatory education.
- Violations caused by reckless or willful non-compliance should be enforced through financial penalties.
- Board investigative staff should develop procedures to actively limit the influence of liability in determining what accidents and complaints to investigate.





January 16, 2015

Senate Bill 119 the “Dig Safe Act” introduced by Senator Jerry Hill.

April 17, 2015

Front-end loader hits 12-inch natural gas transmission line at Fresno Co. Sheriff's Department Shooting Range, killing one and injuring 13 others.

November 13, 2015

Six-foot ripper shank hits a 36-inch natural gas transmission line on agricultural land near Bakersfield, killing one and injuring two others.



January 7, 2016

Committee hearings for the Dig Safe Act (now SB 661) resume at the State Capitol.

August 31, 2016

Senate and Assembly vote to pass the Dig Safe Act and send to then Governor Jerry Brown for approval.



September 29, 2016

Governor Brown signs the Dig Safe Act into law.

July 1, 2017

Funding for the Board authorized by the Budget Act of 2017. Hiring begins for policy and administrative positions.

September 19, 2017

Senate Rules Committee appoints Randy Charland to the Board.



December 18, 2017

Governor Brown appoints seven members, to the Board: Jessica Arden, Vince Bernacchi, Ron Bianchini, Marjorie Del Toro, Bill Johns, Marshall Johnson, and Carl Voss.

April 11, 2018

The Speaker of the Assembly, Assemblymember Anthony Rendon, appoints ninth member, Amparo Muñoz, to the Board.

April 19, 2018

The Board approves the adoption of proposed draft regulations to establish a fee levied upon utility members of the regional notification centers.

The Board holds its first education and outreach meeting in Long Beach.

June 25, 2018

State lawmakers introduce Assembly Bill 1914, which would require the Board to adopt regulations to determine the type of power-operated equipment excavators may use to find the exact location of subsurface installations.

June 27, 2018

Governor Brown signs Legislative proposals extending the deadline for the Board to repay its two-year startup loan to July 1, 2021 and allowing Board investigations to begin in 2019.

July 1, 2018

The Board is authorized to begin hiring positions for its Investigations Division.

July 24, 2018

The Board holds an Area of Continual Excavation Workshop in Bakersfield with operator and agriculture stakeholders to discuss current onsite meeting process.

August 20, 2018

The Board provides final approval of regulations to establish a fee to fund its operations.

September 23, 2018

Governor Brown signs Assembly Bill 1914 (Flora) into law.

November 7, 2018

Following months of research, Board begins work developing its first education course.

November 30, 2018

Office of Administrative Law approves the Board's regulations to establish a fee.

December 10-11, 2018

The Board introduces draft regulations for area of continual excavation, investigations, and hearings.

January 2, 2019

Board Members Marjorie Del-Toro, Marshall Johnson, and Carl Voss are reappointed by Governor Brown to four-year terms on the Board.

February 11, 2019

The Board approves regulations on area of continual excavation, investigations, and hearings.

April 2019

The Board receives the first fee revenue payments.

October 2, 2019

Governor Newsom signs Assembly Bill 1166 (Levine) into law.

November 8, 2019

The Board presents its Legislative Review Report before a joint hearing of the Senate Subcommittee on Gas Electric, and Transportation Safety and the Senate Committee on Business, Professions, and Economic Development.

MILESTONES IN RESPONSE TO LEGISLATIVE REQUIREMENTS:



Began Investigations
in early 2019



Established a
funding source by
July 1, 2019



Drafted regulations for minimum standards for onsite meetings in areas of continual excavation and submitted them to the Office of Administrative Law for approval in 2020 (Gov't Code 4216.6)



Developed regulations for power tool use to find subsurface installations by July 1, 2020 (Gov't Code 4216.4)



Developed regulations that define "good cause" as it relates to extensions to compliance with electronic positive response requirements (Gov't Code 4216.3)

Began enforcement of Board jurisdictional actors on July 1, 2020 (Gov't Code 4216.6)





2019 IN REVIEW

In its second full year of operations, the Board executed its 2019 Annual Plan to continue development of program operations and to respond to unexpected challenges and opportunities the year presented. Throughout 2019, the Board expanded its knowledge and experience through meetings, stakeholder workshops, public outreach events, and investigations.

The Board's 2019 Annual Plan recognized four strategic objectives designed to fulfill its Legislative expectations and milestones. Each strategic objective had one or more associated strategic activities undertaken by the Board. While the strategic objectives were intended to span multiple years, strategic activities were designed to be completed within the one-year plan horizon.

Additional noteworthy events that occurred during the year are highlighted under the strategic objective and strategic activity with which they best align.

01

CREATE AN AREA OF CONTINUAL EXCAVATION PROCESS

02

DEVELOP AN EDUCATION AND ENFORCEMENT PROGRAM

03

CREATE A PROCESS FOR CONTINUAL LEARNING

04

ESTABLISH A FOUNDATION FOR BOARD OPERATIONS

Create an Area of Continual Excavation Process

As outlined in its 2019 Annual Plan, the Board finalized regulation language that establishes minimum standards for onsite meetings between farmers or flood control districts and underground facility owners. Throughout 2019, Board members and staff reviewed and analyzed data to draft area of continual excavation renewal requirement regulations. Both sets of regulations are estimated to become operative in 2020 and will require extensive education and outreach in the coming year to achieve compliance.

STUDY ON EXCAVATION TICKETS FOR FARMING ACTIVITIES

Staff studied whether significant stretches of the State's farmland have no buried facilities in the vicinity and thus might be excluded from notification requirements entirely. Results indicated that less than 0.01% of farmland parcels are outside known utility service areas, where no subsurface facilities are present. Based on these findings, staff recommended that no changes be made to the existing process requiring submission of an initial ticket request for areas of continual excavation such as farmland.

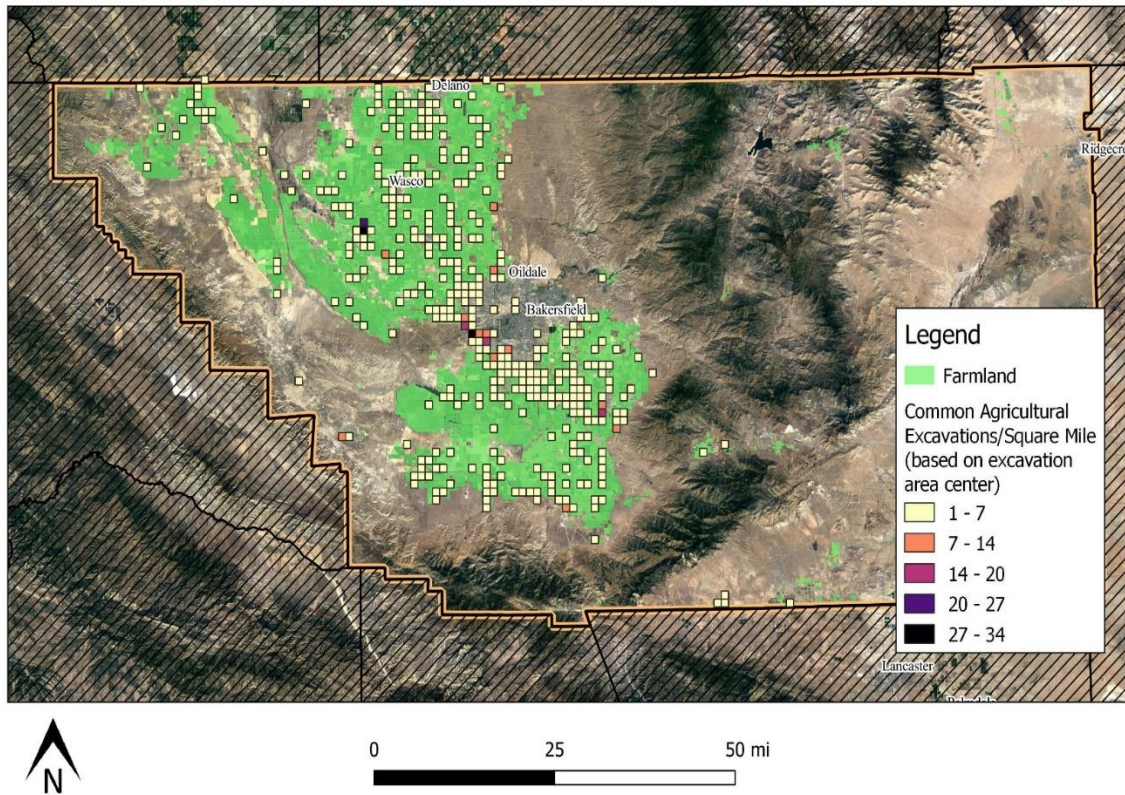


Figure 1: Estimated Volume of Excavation Tickets for Common Agricultural Practices from 2016-2018 in Kern County

Staff then determined the number of tickets currently requested for common agricultural activities, not including deep ripping, which is widely understood to require at ticket (see Figure 1). Data on the number of tickets submitted for areas of farmland in Kern County for the years 2016 through 2018 was obtained and compared with the number of parcels of farmland. Analysis showed that participation in the 8-1-1 notification process for common agricultural excavation activities was found to be approaching 0%, indicating a lack of compliance with the existing requirement. In an effort to ease farmer compliance after the first ticket was obtained, staff recommended requiring the one-call centers to offer an automated renewal message via email or text to make renewal as easy as the push of a button. The Board concurred with staff's recommendation and incorporated it into the draft regulations.



Develop an Education and Enforcement Program

The Board's 2019 Annual Plan called for members to create and approve regulations for an enforcement program that allows Board staff to investigate accidents and the Board to enforce safe excavation laws through recommending penalties such as referral to relevant education, including a Board-created educational course, or the imposition of fines.

Amid the development of its education course, the Board continued work building its investigation program, including the creation of its case management system. Throughout 2019, the Board hired and trained investigations staff, conducted preliminary investigations, and moved its regulations on incident notification and investigation and enforcement through the rulemaking process. Those regulations will be effective in 2020. Work in 2019 to develop standards for demonstrating compliance will continue into 2020.

INVESTIGATIONS

The Dig Safe investigations team participated in 257 investigations in calendar year 2019. Descriptions of two incidents in San Francisco and Murrieta highlight the dangers that following unsafe excavation practices have on the communities of California and present opportunities for future board enforcement, education, and outreach.

SAN FRANCISCO INCIDENT

On the afternoon of February 6, 2019, a third-party contractor using a mini-excavator to install conduit for a fiber-optic cable along Geary Blvd in San Francisco damaged a Pacific Gas & Electric Corporation natural gas line where it connected to the gas main. The damage caused a release of gas and an ignition led to a fire. While there were no injuries or fatalities, numerous structures were damaged, approximately 100 people were evacuated, and gas service was curtailed temporarily to 328 customers.

Upon receiving notice of the incident, investigators from the Board responded to the site. Upon arriving at the incident, the fire had been extinguished and the Board investigators met with a representative of the California Public Utilities Commission and began documenting the damage.

On February 8, 2019, Board investigators returned to San Francisco and coordinated with investigators from the National Transportation Safety Board (NTSB) who took over the investigation. As a party to the NTSB investigation, Board investigators worked with the NTSB and partner agencies collecting evidence, taking photographs, and interviewing witnesses. The investigation is ongoing.



Gas line strike on February 6, 2019 in San Francisco's Inner Richmond neighborhood. Source: San Francisco Chronicle

MURRIETA INCIDENT

Shortly after noon on July 15, 2019, an explosion in a residential neighborhood in the City of Murrieta killed a Southern California Gas Company gas service representative, injured three, and destroyed two homes. Preliminary media reports indicated that the explosion was caused by a residential rooftop solar installation contractor hitting a gas service line with a grounding rod. Board investigators arrived on-scene in the afternoon to collect evidence, take photographs, and interview witnesses. The incident is under investigation by the Board and other partner state agencies.

EDUCATION COURSE

Throughout the year, the Education Committee and staff worked to develop the Board's education in-lieu of fines course, including development of curriculum and multimedia content. Work to finish course development will wrap up in 2020.

Develop a Process for Continual Learning

One of the strategic objectives outlined in the Board's 2019 Annual Plan was to develop standards that promote communication between its various stakeholders. To meet this goal, the Board continued research into appropriate assessment and data management tools. The Board also held a public workshop discussing development of reasonable care standards and created regulation language addressing the use of power-operated or boring equipment in the tolerance zone prior to determining the exact location of subsurface installations. Those regulations will go into effect on July 1, 2020. Meanwhile, work to define and implement assessment and data management tools and further develop reasonable care standards will continue in 2020.

WORKSHOP ON POWER TOOL USE IN THE TOLERANCE ZONE

In March 2019, the Board held a public workshop in Sacramento to solicit comments from stakeholders regarding the implementation of AB 1914 (Flora) to establish requirements for power tool use in the tolerance zone.



Stakeholders gathered at the East End Complex in Sacramento for the Board's AB 1914 Workshop.

The primary goal of the workshop was to generate productive conversation among a representative cross-section of industry stakeholders. Seventy-five people participated, including many who traveled from Southern California, and at least 25 of whom participated via webcast. Attendees included third party excavators, representatives from all utility operator segments, as well as engineering and design professionals. Participants expressed their perspectives and acknowledged the sometimes-conflicting concerns of other stakeholders.

The conversation informed the Board's power tool regulations, which would address excavator needs while remaining mindful of safety, protecting the facilities in the ground, and enhancing excavator-operator communications.

WORKSHOP ON REASONABLE CARE STANDARDS

On April 24, 2019, the Board held a public workshop to solicit comments regarding development of reasonable care standards. The workshop was promoted at the Board's April meeting at DigAlert in Corona, at the two-day Sacramento Regional Builder's Exchange Expo where the Board had a booth set up, and via the Board's stakeholder email list. Representatives from utilities, labor, contractors, and engineering firms attended the workshop. The discussion highlighted the differences in what various stakeholder groups are looking for in standards put forth by the Board and the difficulty the Board faces in limiting the role liability plays in shaping the standards discussion.

Progress on reasonable care standards development has been slow, mainly due to the need to direct staff resources toward production of regulations subject to statutory deadlines. Stakeholders have nonetheless consistently emphasized standards as an area in need of the Board's attention.



Establish a Foundation for Board Operations

The final strategic objective outlined in the Board's 2019 Annual Plan required Board staff to develop internal and external policies to continue to establish a well-functioning government organization that promotes safe excavation throughout the state. As the Board is in its infancy, this objective will be ongoing and require continued work in 2020.

FEE ESTABLISHMENT

When the Board was funded in the 2017-18 Budget Act, the first two years of its operations were covered by a \$7,406,000 loan from the High-Cost Fund B (funded by a surcharge levied on communications providers) to be repaid by the first day of the Board's third year of operations—July 1, 2019. Staff recognized in fall of 2017 that the Board would not be able to institute a fee regulation until January 2019, leaving only six months to collect enough revenue to repay the loan, support fiscal year 2019-20 operations, and create a reasonable reserve. A fee levied on one-call center members to cover all these costs in the six-month timeframe would be massive, so staff worked with the Department of Finance to draft a Budget Change Proposal (BCP) to request an extension to loan repayment until July 1, 2021. The Legislature adopted this request in the 2018-19 Budget Act.

The Board decided that, in creating a regulatory fee using the one-call centers' existing billing infrastructures, it would not require the one-call centers to act as collection agencies or otherwise make them responsible for paying the Board's regulatory fee on behalf of members who didn't pay their bills. As such, the Board needs to have an accounting infrastructure capable of interacting with the one-call centers billing and collection information, tracking those members who haven't paid their fees, and sending notices to those delinquent members. The Board is continuing to work with CAL FIRE's accounting office to facilitate this process.

The fee regulation approved by the Board became operative on January 1, 2019, and in April and October of 2019, the Board received the first payments from the one-call centers. Staff continue to coordinate with the one-call centers and CAL FIRE accounting on determination and collection of late fees.

VEHICLES

In authorizing positions for investigators, the Board's foundational BCP also provided them vehicles, which were requested through CAL FIRE's vehicle acquisition process in fall 2017. Given that the majority of damages occur in urban areas, the Board acquired eight Ford Fusion plug-in hybrid sedans, supplementing them with five all-wheel drive Ford Explorers for investigations requiring vehicles that could operate off road. Those vehicles were made available to investigators in Spring 2019.

INVESTIGATIONS CASE MANAGEMENT SYSTEM

To efficiently manage the volume of investigations, respond timely to Public Records Act inquiries, and report data and statistics for business and oversight use, Board staff, with the assistance of CAL FIRE's information technology staff, engaged in contracting for an investigations case management system in late summer 2018. Staff contracted with MERP Systems, Inc. in June 2019, with full implementation expected in summer 2020.

SOUTHERN CALIFORNIA OFFICE SPACE

Two-thirds of the state's dig-ins occur in Southern California. Staff engaged with the Department of General Services (DGS) in September 2017 to acquire office space to house investigators based in Southern California. Southern California investigators were hosted temporarily by the Contractors State License Board in their Norwalk office, but in June 2019 moved into the Lakewood space formerly occupied by the CAL FIRE Office of the State Fire Marshal Pipeline Safety Division.

Work continued in 2019 to find a more permanent location that could also serve as a site for Board meetings and educational events. An office location has been identified in Southern California and staff are currently coordinating with DGS on the necessary tenant improvements. As it had been recognized during the 2017-18 fiscal year that lease execution would be a multi-year process, staff engaged with DGS to move approximately \$550,000 into the state's Architectural Revolving Fund to pay for tenant improvements when the lease was finally executed. Staff does not anticipate moving into a new building before fall of 2020.

2019 MEETINGS

Meeting Type	Date	City	Location
Board Meeting	January 14, 2019	Sacramento, CA	Office of the State Fire Marshal
Board Meeting	February 11, 2019	Bakersfield, CA	Kern Agricultural Pavilion
Board Meeting	April 15, 2019	Corona, CA	DigAlert
Board Meeting	May 13, 2019	San Francisco, CA	California Public Utilities Commission
Board Meeting	June 10, 2019	Sacramento, CA	Office of the State Fire Marshal
Board Meeting	July 15, 2019	Sacramento, CA	Office of the State Fire Marshal
Board Meeting	August 12, 2019	Long Beach, CA	Office of the State Fire Marshal
Board Meeting	September 9, 2019	Los Angeles, CA	LADWP Central District Yard
Education and Outreach	September 10, 2019	Los Angeles, CA	LADWP Central District Yard
Board Meeting	October 7, 2019	Sacramento, CA	Office of the State Fire Marshal
Board Meeting	December 9-10, 2019	Sacramento, CA	California State Capitol



THE FUTURE OF THE BOARD

In developing its initial priorities and establishing operating processes, the Board produced annual plans with the intent that they be compatible with a future strategic plan, should one be adopted by the Board. In planning Board operations, staff used the federal Government Program Results and Accountability Act (GPRA) as a framework. In general, GPRA requires federal agencies to develop strategic plans every four years and performance plans annually. These are mirrored in the Strategic Plan and Annual Plans the Board has adopted.

To plan and prioritize work specific to safety, the Board incorporated safety management system processes such as those used by the Federal Aviation Administration. A safety management system approach requires the Board to identify the safety problems that currently exist, determine their possible causes, analyze those causes, determine the possible solutions for dealing with the identified problems, and take action to implement solutions. Once action is taken, the Board will need to monitor the success of a safety intervention by performing audits, investigating incidents and accidents if they occur, and soliciting stakeholder feedback to determine whether any updates need to be made.

Understanding that the analysis and implementation phases are resource-intensive, the Board has developed procedures for prioritization of ideas before they reach those steps. One such way is the "Idea Register" which is expected to be adopted as part of the 2020 Strategic Plan as a way for the board to group ideas by strategic directive. The ideas would be prioritized and included in future annual plans. This process is described in more detail in the plans that follow.

01

2020 STRATEGIC PLAN

02

2020 ANNUAL PLAN



2020 Strategic Plan

Following the GPRA model, the strategic plan is not a “plan”, but an overarching set of directions by which the annual plans—the true planning documents—are developed.

STRATEGIC DIRECTIVES

In the fall of 2019, the Board began to develop its strategic plan by combining the goals of the GRPA and the safety management system approach. Through this process, the Board identified four directions to focus on over the next three years.

Improve Compliance by Reaching Parties in Effective Ways

The state's one-call law forms the bedrock of the state's relevant safety policy, and is characterized by the requirements for excavators to notify the one-call center before beginning work, for operators to accurately locate their buried infrastructure, and for excavators and operators to communicate and use reasonable care to maintain safe operations in the vicinity of that infrastructure. The experience of Board members and investigative staff supports the assertion that non-compliance with the law can be mainly attributed to a lack of understanding of the law's requirements and the risks associated with ignoring it. Ignorance is not, however, the only reason for unsafe practices, and effective outreach to knowledgeably non-compliant actors will require enforcement (Policy B-05, “Enforcement Philosophy,” p. 5).

Improve Accessibility of Buried Infrastructure Location Knowledge and Understanding

An operator's access to accurate information can be hampered by a multitude of ownership changes that have left original records in disarray, the original drawings referencing roads, trees, buildings, and parking lots that are either no longer present or have appreciably changed since facility installation, and abandoned line records that are either not kept or not changed to recognize the lines as abandoned. Different parties may be responsible for managing buried infrastructure in differing phases of a project, and the lack of consideration for buried infrastructure in the engineering phase may place excavator and operator in a conflict that could have been avoided. The transmission of available information may benefit from improvement—something that the recently enacted AB 1166 (Levine) intends to address. Additionally, the techniques used by excavators and operators alike—such as potholing—may need further standardization for a practitioner to know the extent to which he or she has taken reasonable care in determining the locations of buried lines.

Identify Proximate and Contributing Causes to Safety Accidents and Non-Compliance

The Legislature provided the Board with investigative staff and vehicles for them to use in the expectation that they would investigate accidents to determine their causes. The author of the Board's founding legislation stated in a legislative hearing that one of the great problems of the time was that conflicts over safety issues were

resolved by claims departments in settlements with non-disclosure agreements with both sides feeling they got the short side of the stick and the industry learning nothing, leaving the situation to repeat.¹

Build Board Operations to Achieve Compliance, Reporting, and Operational Excellence in a Resource-Efficient Manner

The State Leadership Accountability Act requires agencies to have effective internal controls to manage their operations, reporting, and compliance obligations. Given the Board's breadth of different functions (e.g. education, regulations, investigations, enforcement), the Board has a list of operations, reporting, and compliance requirements rare in state government for such a small staff to manage—a point exacerbated by the fact that it is still building its operational capabilities.

INCORPORATING THE STRATEGIC PLAN INTO BOARD OPERATIONS

Idea Register

In realizing the resource commitment that the problem analysis and solution implementation steps place on the Board, an idea register was adopted as part of the strategic plan as a way for the Board to document ideas and catalog them by the relevant strategic directive. The idea register will be used as a reference tool when determining the needs and priorities for inclusion in annual plans. Other tools that will be utilized in creation of annual plans include, but are not limited to: regulations, standards, education/outreach events, enforcement actions, and data acquisition. Following this process allows the board to best direct its resources to those ideas with which it has identified as the highest priorities while maintaining an ongoing record of all ideas it can readily refer to in the future.

One input tool that staff will develop is a form for stakeholders to complete to provide the Board with the information necessary to incorporate such ideas into the idea register. As the Board must have a clear understanding of the safety issue as well as the context to consider an idea for inclusion into an annual plan, the form will include targeted questions to assist stakeholders and the public in providing that important context. Questions under consideration for the form include:

- What is the problem?
- Who does the problem affect?
- Under what circumstances does the problem arise?
- What are possible solutions to address these hazards? And what are the possible arguments for or against these solutions?
- What new or residual hazards could be created in pursuing this idea?
- What information (data or qualitative) is necessary to make an informed decision on this issue?
- What organizations may be willing to assist in developing a solution?

¹ Friday, November 8, 2019: Joint Hearing Senate Subcommittee on Gas, Electric and Transportation Safety and Senate Business, Professions and Economic Development. The hearing can be viewed on the California State Senate's Website: <https://www.senate.ca.gov/media-archive>.

2020 Annual Plan

Annual plans articulate specific objectives of the Board, which include how the objective is planned to be achieved and who is responsible for undertaking it. Objectives are not subordinate to the strategic directions and goals in the strategic plan—that is, they are not under any one strategic direction in an organizational hierarchy—but they will instead advance one or, often, more than one strategic direction and goal. Annual results reports will articulate the outputs and outcomes of the previous year's annual plan and are inextricably linked to the development of the subsequent year's annual plan. Noteworthy topics, as well as a table including all the 2020 strategic objectives and activities, are provided in the following sections.

ELECTRONIC POSITIVE RESPONSE

Assembly Bill 1166 (Levine) was signed into law on October 3, 2019 and requires all utility operators to respond to locate requests with electronic positive responses through the one-call centers by January 1, 2021. With electronic positive response, the operator responds electronically to the one call center with the status of their response to the request to locate, which excavators can then look up. Electronic positive response closes the communications loop between operators and excavators by providing clear responses for the status of requests to locate. While operators have had the option of providing an electronic positive response since 2018, it was not required. The Board plans to implement regulations and conduct education and outreach to implement the statute.

AB 1166 authorized the Board, upon demonstration of good cause by a utility operator, to extend the time by which the operator is required to comply through December 31, 2021. The Board will need to draft, approve, and implement emergency regulations in 2020 to establish criteria for good cause and create the extension process. The Board began discussing these criteria in its December 2019 meeting.

To maximize compliance and thereby achieve the safety benefits of electronic positive response, the Board will need to design and implement an education and outreach plan supporting implementation of AB 1166. The plan will include the development of informational materials, meetings with industry associations, identification and engagement with cities through their staff and public officials, and coordination of technology events where utility operators may meet with ticket management system vendors. While the Board is still developing its approach to excavator outreach, this activity will likely emphasize engaging with various excavation industry associations and messaging through relevant publications and newsletters, in addition to providing written materials during Investigation Division field engagements.

FINALIZE AN EDUCATION AND OUTREACH COURSE

To offer relevant education, particularly for application in enforcement actions, the Board must finalize and implement its educational course. Course development will wrap up in the first half of 2020, allowing the Board to begin offering classes in July 2020. This activity is Board member led.

CONDUCT INVESTIGATIONS INTO ACCIDENTS AND VIOLATIONS

A vital tool for implementation of an investigation program is the case management system. MERP Systems, Inc. was contracted in June 2019 to build the system and assist with training, testing, and policy writing. These efforts will continue into 2020 as the Board moves toward bringing its case management system online in advance of full implementation of investigation and enforcement activities.

The Investigations Division will prioritize investigation of damage notifications and complaints using the following four categories:

- Consequence: Injury, Fatality, and Disruption.
- Public Interest: Visibility, Proximity to Locations of Interest Such as Schools, etc.
- Policy: Those issues of policy importance to the Board, such as power tool use in the tolerance zone.
- Workload: The extent to which investigative resources are already committed.



2020 STRATEGIC OBJECTIVES AND ACTIVITIES	
Foster Compliance with New and Existing Laws	Inform excavators and operators of new laws and regulations to foster compliance, build Board brand recognition, and finish the education in lieu of fines course.
<i>Strategic Activities</i>	<ul style="list-style-type: none"> • Finalize an Education Course • Targeted Education and Outreach for Area of Continual Excavation • Electronic Positive Response • Power Tool Use in the Tolerance Zone • Build Board Name Recognition Through Education & Outreach
Improve Excavation and Location Practice Safety	Develop standards for excavators to use in determining the location of buried infrastructure in specific circumstances, such as deep excavations and road building and grading activities, and develop standards for excavators and operators to demonstrate their compliance with the law.
<i>Strategic Activities</i>	<ul style="list-style-type: none"> • Develop Standards for Demonstrating Compliance • Reasonable Care Standards • Improve Reporting by Creating a Complaint Process • Conduct Investigations into Accidents and Violations
Build Foundation for Accident Cause Investigation	Investigate accidents and model their causes to develop sufficient understanding to allow the Board to prioritize and target its interventions.
<i>Strategic Activities</i>	<ul style="list-style-type: none"> • Conduct Investigations into Accidents and Violations • Tool Development for Assessment • Building Data Capture into Investigation Activities
Continue Building A Foundation for Board Operations	Develop internal and external policies to continue to establish a well-functioning government organization that promotes safe excavation throughout the state.
<i>Strategic Activities</i>	<ul style="list-style-type: none"> • Improve Reporting by Creating a Complaint Process • Build and Test Case Management System • Review of the Board's Fee Regulation • Policy and Procedure Development • Building the Enforcement Hearing Process • Enhance Strategic and Annual Planning Through the Creation of an Idea Register

2020 BOARD MEETING DATES

January 13-14, 2020

Office of the State Fire Marshal
Sacramento



February 10-11, 2020

Office of the State Fire Marshal,
Pipeline Safety Division
Long Beach

March 9-10, 2020

Location to be determined

April 13-14, 2020

Location to be determined



May 11-12, 2020

Location to be determined

June 8-9, 2020

Location to be determined

July 13-14, 2020

Location to be determined



August 10-11, 2020

Location to be determined

September 14-15, 2020

Location to be determined

October 19-20, 2020

Location to be determined

November 16-17, 2020

Location to be determined



Abandoned Line: Refers to a subsurface installation that is no longer in service and has been physically disconnected from a portion of the underground utility line that is in use for storage or conveyance of service.

Area of Continual Excavation Ticket: Also referred to as an "ACE" Ticket. This ticket can involve either a flood control or an agricultural facility and expires after one year, rather than 28 days.

Common Ground Alliance: Also known as CGA, this national non-profit was formed in 2000 and is dedicated to preventing damage to underground infrastructure by promoting effective damage prevention practices and shared responsibility among all stakeholders

CGA Best Practices: An annual guide released by the Common Ground Alliance and used as a resource in the industry for underground damage prevention.

Damage: Any impact on or removal of support from a subsurface installation as a result of excavation or demolition which according to the operating practices of the facility operator would necessitate repair.

Delineate: Used to describe when an excavator must mark the proposed work zone with white paint prior to an operator locating and marking any underground facilities within the work zone.

Dig-In: Colloquial term to describe when an underground facility is struck by a machine or tool during excavation.

Excavation: Any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced, in any way, by means of tools or explosives.

Hand Tool: Refers to a piece of excavation equipment that uses human power, and is not powered by any motor, engine, hydraulic, or pneumatic device.

Locate & Field Mark: At the location to be excavated, to find and mark the locations of subsurface utility installations before work begins. Methods for marking are outlined in Appendix B, "Uniform Color and Marking Guide" in the Common Ground Alliance publication "Guidelines for Operator Facility Field Delineation."

Locator: A representative from a utility or third-party contractor who locates and marks underground infrastructure in a proposed excavation zone, using flags, markers, or colored paint.

Notification: The completed delivery of information to the person or entity to be notified, and the receipt of same by such person in accordance with this chapter. The delivery of information includes, but is not limited to, the use of any electronic or technological means of data transfer.

Operator: Also known as a subsurface installation owner or utility owner, any person, corporation, public agency, or other entity that owns, operates, or maintains a subsurface installation.

Electronic Positive Response: A utility operator's electronic communication to an excavator, through a regional "811" call center, that indicates the status of an operator's response to a locate request.

Regional Notification Center: Also known as a "one-call center," this is a non-profit association of operators that takes notifications from excavators and transmits those notifications to operators so that they may locate and mark subsurface installations in the area. California has two regional notification centers: USA North 811 in Concord, CA covers Northern California, and Underground Service Alert of Southern California (DigAlert) covers Southern California.

Subsurface Installation: Also known as an "underground facility" or "underground infrastructure," this is any underground pipeline, conduit, duct, wire, or other structure, except non-pressurized sewer lines, non-pressurized storm drains, or other non-pressurized drain lines.

Tolerance Zone: Refers to a set distance from a subsurface installation that an excavator must use caution in digging, as the underground facility should be within the area. This is usually 24-inches, or two feet on either side of the subsurface installation, and is marked by the operator.

USA Ticket: More commonly known as a "ticket", this is a locate request submitted by an excavator through the regional notification centers prior to any excavation. Each locate request is issued a number. "USA" stands for Underground Service Alert.

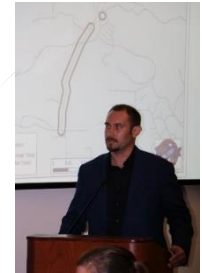
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