



**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")**

May 13-14, 2019

California Public Utilities Commission  
Auditorium  
505 Van Ness Avenue  
San Francisco, CA 94102

**MEETING MINUTES**

**BOARD MEMBERS PRESENT:**

Carl Voss, Chair  
Jessica Arden, Vice Chair  
Ron Bianchini  
Randy Charland  
Bill Johns  
Marshall Johnson  
Amparo Muñoz

**BOARD MEMBERS ABSENT:**

Marjorie Del Toro

**STAFF:**

Tony Marino, Executive Officer  
Brittney Branaman, Policy and Budget Manager  
Jason Corsey, Chief of Investigations  
Carla Newman, Supervising Investigator  
Jon Barkley, Special Investigator  
Michael Ehrgott, Special Investigator  
Dennis Fenton, Special Investigator  
Kerstin Tomlinson, Education & Outreach Officer  
Jon Goergen, Research Specialist  
Jenni Reed, Policy Analyst  
Misty Catano, Administrative Analyst

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May 13, 2019  
9:00 a.m.

California Public Utilities Commission  
Auditorium  
505 Van Ness Avenue  
San Francisco, CA 94102

**OPEN SESSION**

Chair Voss called the meeting to order at 9:04 a.m.

**Agenda Item No. 1: Executive Officer's Report**

Executive Officer Tony Marino delivered the Executive Officer's report, and asked Public Utilities Commission (CPUC) staff to play an audio recording detailing the Commission's evacuation procedure.

The audio recording played.

Chief of Investigations Jason Corsey introduced the newest members of the Board's investigations staff, Daniel Briot and Michael Ehrgott, and gave a summary of their professional backgrounds.

Mr. Marino provided updates on the hiring process for the Board's new attorney, the acquisition process for the Board's case management system, and the public comment process for the proposed regulations the Board approved in February. He then discussed staff outreach efforts at the following events: Office of the State Fire Marshal (OSFM) Pipeline Safety Seminar, USA North 811 and DigAlert Annual Meetings, 2020 CGA Conference, United Contractor's Cornhole Tournament, and the National Association of Pipeline Safety Representatives (NAPSR) Conference.

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 Public Engagement Reports**

Chair Voss asked for Board Member engagement reports.

Chair Voss discussed attending a Kern County Farm Bureau meeting where Pacific Gas and Electric Company (PG&E) made a presentation about locating and marking. He also discussed an update on the Board's Area of Continual Excavation regulations he provided at the same meeting.

Member Muñoz discussed the Board's public workshop on Reasonable Care Standards she and Member Bianchini hosted on April 24, 2019 in Sacramento.

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. 3: Discussion on 2019 Spring Open Forum Results**

Education and Outreach Officer Kerstin Tomlinson delivered a presentation on the 2019 Spring Open Forum results, including the dates of the forum, how many responses were received, and the questions asked of participants. Ms. Tomlinson then read the first entry regarding a question about 4216 (o) from Tim Hayes of the San Jose-Santa Clara Regional Wastewater Facility.

Chair Voss asked for comments from the Board.

Member Johns discussed requests he has heard regarding exemptions to 811, specifically regarding Caltrans. He observed that the Spring Forum entry raises a good point in saying that calling 811 should apply to everyone.

Chair Voss asked Executive Officer Tony Marino about the current exemption, and requested clarification.

Mr. Marino clarified that there is not an 811 exemption for operators. He told the Board the referenced subsection defines an operator for the purposes of being a member of the regional notification (one-call) centers. Mr. Marino explained that if an operator exclusively controls facilities confined to their own property, they do not have to be a member of the one-call centers.

Vice Chair Arden discussed her understanding of not being a member of the one-call centers, but voiced her concern over not marking facilities.

Member Muñoz discussed her experience working with wastewater companies and being told calling 811 isn't necessary because the company owns the facilities.

Mr. Marino discussed one reason for this misconception might be because prior to the Dig Safe Act being passed, there was an exemption to calling 811 if the operator reasonably knew they were the only one with facilities present.

Member Muñoz described multiple ways she believed the exemption may be confusing and called for education targeted toward clearing up related misinterpretations.

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

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

Ms. Tomlinson read from the second Spring Forum entry, regarding issues the respondent encountered following changes made to the Underground Service Alert (USA) Ticket format released by USA North 811, from Don Simpson at Jerry's Trenching Service.

Chair Voss asked the representative from USA North 811 to discuss the format changes to the non-profit's USA Tickets.

The representative from USA North 811 stated that the issue described by the commenter was a bug that has since been fixed, and clarified that there was only a change in terminology, not in functionality.

Member Bianchini asked whether the bug fix meant a renewal would no longer reset the legal start date on the ticket.

The representative from USA North 811 confirmed that the legal start date does not change on a renewal, which means work can continue without a break.

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

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

Ms. Tomlinson read from the third Spring Forum entry, regarding the Board's proposed regulation language on the implementation of AB 1914 from David Guardino of PG&E.

Chair Voss mentioned that AB 1914 would be discussed later in the meeting and asked that the Board move to the next Spring Forum entry.

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

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

Ms. Tomlinson read the fourth Spring Forum entry, regarding a fencing company who did not call 811 prior to digging from Dan of Stomper Company Incorporated.

Chair Voss asked for comments from the Board.

Member Muñoz discussed how this Spring Forum entry highlighted the need for more education.

Chair Voss asked for comments from the public.

A representative from PG&E discussed the prevalence of complaints his company receives regarding this issue, and added that education is important.

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

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

Ms. Tomlinson read the final Spring Forum entry regarding the Board's implementation of AB 1914, from Fraser Campbell of the Los Angeles Department of Water and Power (LADWP).

Chair Voss asked for comments from the Board.

Member Muñoz discussed the Spring Forum entry and the need to promote more training.

Member Johns proposed the idea of learning more about the LADWP chipping school

mentioned in the Spring Forum entry.

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

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

Chair Voss asked if there were any issues the public would like the Board to consider for another date. There were none.

#### **Agenda Item No. 4: Discussion on Select Preliminary Investigations**

Chief of Investigations Jason Corsey presented a report on select preliminary investigations, giving background on Board approval to begin investigations, the cases staff began investigating, and the Board's direction to discuss preliminary investigations at future Board meetings.

Special Investigator Michael Ehrgott presented the first preliminary investigation involving an unmarked utility. He detailed the facts of the case, and discussed staff takeaways and lessons learned.

The Board, staff, and stakeholders discussed the investigation including inaccuracies in maps and drawings, peculiarities specific to excavation within railroad rights-of-way, potential impact of the design phase of projects, and the effects of multiple operators occupying a small area.

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

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

Special Investigator Dennis Fenton presented the second preliminary investigation involving an underground utility hit. He detailed the facts of the case, and discussed staff takeaways and lessons learned.

Board members, staff and stakeholders discussed the potential for miscommunications when excavators calling in tickets are trying to describe the work location to the one-call center customer service representatives and the importance of investigators circling back to work with the one-call centers to improve as needed. They also discussed best practices for taking photographs of delineation and markings.

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

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

(Meeting recessed at 10:51 a.m., and resumed at 11:13 a.m.)

Executive Officer Tony Marino discussed the investigations being presented to the Board, and the purpose of the information.

Special Investigator Jon Barkley presented the third preliminary investigation involving a damaged telephone line. He detailed the facts of the case, and discussed staff takeaways and lessons learned.

Board members, staff and stakeholders discussed language barrier impacts that may arise when non-native speakers call into the one-call centers, and reviewed procedures for damage tickets. Staff confirmed that the Board has two Spanish speaking investigators.

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

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

Chief Corsey presented the investigation plan to continue attending industry-related training events to build staff knowledge, and to continue investigating “No Ticket/No Response” reports. He also told the Board that staff will investigate any incidents of consequence as they come up.

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. 5: Draft Regulations on Area of Continual Excavation Ticket Renewal Requirement and AB 1914 Implementation**

Executive Officer Tony Marino discussed the timeline for the regulations, and suggested starting with the discussion on the Board’s implementation of AB 1914.

Policy Analyst Jenni Reed presented her report on the proposed draft regulation language, and included background on the effort to implement AB 1914.

Mr. Marino presented section 4003 regarding contact information for operators of subsurface installations.

Chair Voss asked for comments from the Board.

Member Johnson raised the question of whether there is a restriction in the one-call centers to only use a 10-digit phone number, and asked if the Board could change that.

Mr. Marino asked the one-call center representatives to speak to the restriction.

A representative from DigAlert explained that the center can put extension numbers with phone numbers in their system.

A representative from USA North 811 stated that both one-call centers have the same tickets, so his center can do the same things DigAlert can.

Member Muñoz asked Mr. Marino about operators changing their phone trees, and whether the requirements as written would give the Board what it needs to make operators update their contact information.

Mr. Marino told the Board that the language as written required the operators to keep their contact information current.

Chair Voss asked for comments from the public.

The representative of SSCA asked where in 4216 did the Board have the authority to compel the excavator or operator to give this information, and argued that the Board does not have the authority to impose such a requirement.

The representative from USA North 811 read from 4216(d), and argued in favor of the regulations considering that part of the law, wondering how parties can communicate without current contact information.

A representative from PG&E asked whether the Board's intention was for operators to provide a single point of contact for the entire locate and mark.

Mr. Marino asked the Board whether they felt it should be a single person, or whether the operator should have the flexibility to determine their own method for finding the right person, such as a phone tree.

Member Muñoz discussed the intent of the provision being to streamline effective communication.

Member Charland discussed the process for locators to contact utilities, and how they rarely reach one person who knows everything about the system. He told the Board a point of contact who can direct the caller to the right person would work best for locators.

Member Bianchini discussed the intention of the proposed language is to allow the caller to reach a relevant point of contact, and to keep the information current.

A representative from PG&E asked for clarification on whether the contact information being discussed was for the Board or the ticket.

Member Bianchini clarified that the contact information is meant to be on the ticket, so the excavator easily knows who to contact, without having to run through numerous ineffective phone numbers.

A representative from PG&E stated that the company keeps an updated list intentionally, which is something they could provide as needed. However, he expressed concern over the possibility of providing too much information on the ticket.

Member Johnson discussed that the Board is looking at contact information for vacuum, damage, after hours, and anything else that would be relevant for the excavator. He expressed concern over providing direct contact information, because that could overwhelm personnel whose positions are not set up to handle a large volume of incoming calls from the field.

Member Bianchini clarified that the Board is looking for the best operators can do, and the point is to improve communication between the parties.

A representative from the CPUC asked for more clarification on whether a contact person taking a vacation would mean their contact information is no longer valid, and whether a time frame for updating the information should be added.

Vice Chair Arden responded that an individual taking vacation should not invalidate contact

information, and expressed her understanding that the Board has indicated that the language be revised to more clearly reflect that.

A representative from LADWP stated that during regular business hours they have two desks which always have coverage to field calls, while off hours require an emergency number with limited access.

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

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

(Meeting recessed at 12:10 p.m., and resumed at 1:34 p.m.)

Mr. Marino introduced section 4401 regarding valid and current contact information for excavators. He read from the section, and asked whether representatives from the one-call centers would explain how their systems handle site contact information on the tickets.

A representative from DigAlert discussed the center's policy to ask excavators to provide a site contact for the ticket. She told the Board if that information gets updated, the update is sent out as an amendment to the operators.

Member Johnson asked about situations where the foreman is unknown, like an emergency. He expressed concern about after-hours scenarios, where an operator needing information may require immediate access to a knowledgeable person.

(Vice Chair Arden and Members Charland and Munoz arrived at 1:45 p.m.)

Chair Voss asked for public comment.

A representative of SCCA questioned the Board's authority to mandate the excavator contact information, expressed concern over the possibility that excavators might face enforcement actions for failing to provide an adequate site contact on the ticket, and requested that language be added explicitly stating that failure to fulfill this requirement would not trigger an enforcement action against an excavator.

Member Bianchini discussed the importance of both parties to provide relevant contact information.

Vice Chair Arden asked the Board to consider incorporating some type of requirement pertaining to response time, so that a party trying to reach the excavator would get a quick response from a knowledgeable person.

Member Johnson commented that the site contact should be a person who can speak to where the issue is to be addressed at that time of the situation.

Member Charland commented that, in his view, knowledge trumps responsiveness.

Member Bianchini stated that the knowledgeable person in his experience would be the supervisor, as the foreman is not necessarily selected at the time the ticket is called in.

Chair Voss asked for additional comments from the Board. There was none.

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

Mr. Marino introduced and read proposed Section 4500 regarding excavations around subsurface installations, and determining the tolerance zone when an operator's response does not include a locate and field mark. He referenced relevant portions of 4216 which illustrate that there currently is no definition for the tolerance zone when there is no field mark.

Chair Voss asked for Board comments.

Member Bianchini commented that, if a mark is not provided, it is his practice to request a field meet.

Member Johnson observed that most cities provide paper maps and will not provide marks.

Member Bianchini stated that, from an excavator standpoint, it's a question of risk management, and that if the excavator needs to interpret maps alone, as an excavator he would put the operator on notice that they have refused to mark and thereby have refused to create the tolerance zone, and for that reason any damage is on the operator.

Member Johns agreed that without having a mark you can't have a tolerance zone, reiterating that the operator needs to mark if they want to protect their asset.

Member Charland commented that accurately reading a map is a skill which requires training and experience.

Chair Voss commented that there is value in empowering the excavator and giving them the option to determine the tolerance zone based on the information they've been given.

Member Johnson responded that if the tolerance zone can't be determined, an excavator cannot use power tools.

Member Johns commented that, in his view, power tools do not become an option until a tolerance zone is defined.

Chair Voss asked for public comment.

A representative of LADWP commented that they would never have a locator reference only a map, rather their locators reference maps and use electronic devices to locate their facilities. The representative stated that this approach protects both the assets and the excavator.

A representative of USA North 811 commented that it is not uncommon for cities and some municipal agencies to refuse to provide field markings.

A representative from Sprint commented that they are not in favor of adopting the proposed language, stating that if the intent is to get the contractor and the facility owner to work together to locate the item, adopting the proposed language would allow the contractor to interpret the location alone and dig.

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

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

(Meeting recessed at 3:11 p.m., and resumed at 3:32 p.m.)

Mr. Marino introduced and read proposed Section 4501 regarding the use of equipment other than hand tools to determine the exact location of a subsurface installation.

Member Johnson commented that everything must be in place before an excavator can start using the power tool option.

Member Charland commented that he wants excavators to hand dig first, and if that doesn't work, then they can move to another tool.

Member Bianchini suggested defining soil conditions as type A or B, as determined by the competent person on site.

Ms. Reed summarized considerations that arise when approaching a reference to soil typing for defining conditions of power tool use.

Member Johns cautioned against using the OSHA soil classifications, because they're used for shoring.

Vice Chair Arden asked how the soil type would be determined in the field, specifically who makes the determination.

Member Bianchini responded that every crew is required to have a competent person on site before they can dig, and part of the competent person's role is to determine and document the soil type, including reclassifying the soil if conditions change.

Member Muñoz commented that referencing the competent person would be preferable to referencing the soil classifications.

A representative of West Valley Construction discussed his experience with soil classification in the field.

A representative of LADWP discussed soil classification and how they classify it, also stating that LADWP's interest in using the clay spades is mainly to get through slurry.

A representative from Sprint asked for confirmation that, under the proposed language, all the stated conditions would be required, but the indication of "orange category" facilities would preclude the use of anything other than hand tools.

Mr. Marino confirmed that is correct and that the option to use something beyond hand tools would only be under mutual agreement, as provided under proposed subdivision (c).

A representative of SCCA complemented the Board on the structure of the proposed regulation, expressing an opinion that the first part is neutral in not requiring mutual agreement and doesn't give an advantage one way or the other.

Education and Outreach Officer Kerstin Tomlinson read a web comment from a representative of SoCalGas: "Why is section (c) needed? The only tool we heard in the workshop was the

clay spade which would fall under section (b). Section (c) seems to lead the excavator into thinking other power tools would be a possible option if they ask the operator... What other power tools would be a safe alternative?"

Mr. Marino responded that the intent was that if some other tool was needed, subdivision (c) could function as a kind of catch-all under which the excavator would need to contact the operator to discuss options, adding that there are some restrictions.

Vice Chair Arden expressed concern that if facilities are damaged after a verbal agreement, it could be difficult for the Board to determine the facts of what was agreed to.

Member Johnson commented that, from an operator perspective, you want to have something in writing for the excavators' safety, as a record of how the operator believes the excavation may safely take place.

Chair Voss discussed paragraph five, then asked whether those present were ok with the use of the spade as described.

Member Bianchini commented that Policy Analyst Jenni Reed sourced the limits via tool research looking directly at the manufacturers' information.

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

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

#### **Other Business**

None.

#### **Public Comment**

Chair Voss asked for comments from the public.

Education and Outreach Officer Kerstin Tomlinson read a web comment from a representative of SoCalGas: "Have any investigations been conducted where there was no USA Ticket? If so, how many investigations have been conducted?"

Chief of Investigations Jason Corsey discussed the investigations staff have conducted.

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

#### **Adjournment**

Meeting adjourned at 4:54 p.m.

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May 14, 2019  
9:00 a.m.

California Public Utilities Commission  
Auditorium  
505 Van Ness Avenue  
San Francisco, CA 94102

**MEETING MINUTES**

**MEMBERS PRESENT:**

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**BOARD MEMBERS ABSENT:**

Randy Charland  
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Dennis Fenton, Special Investigator  
Kerstin Tomlinson, Education and Outreach Officer  
Jon Goergen, Research Specialist  
Jenni Reed, Policy Analyst  
Misty Catano, Administrative Analyst

**OPEN SESSION**

Chair Voss called the meeting to order at 9:02 a.m.

**Agenda Item No. 6: Draft Regulations on Area of Continual Excavation Ticket  
Renewal Requirement and AB 1914 Implementation**

Research Specialist Jon Goergen presented a report on the Area of Continual Excavation (ACE) Ticket Renewal Requirement, giving background information on staff research into

ways to exempt agricultural and flood control facility excavators from the renewal requirements, and the low compliance rates among the agricultural community.

Executive Officer Tony Marino gave an overview of the proposed regulation text regarding the ACE Ticket renewal requirement, and read the draft text for section 4301 pertaining to activities eligible for a continual excavation ticket.

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

Chair Voss asked for comments from the public.

Representatives from DigAlert, Shell Pipeline, and the California Public Utilities Commission (CPUC) discussed the importance of defining normal excavation activities for agricultural and flood control activities, and asked the Board to consider adding a definition.

Chair Voss reminded the Board and stakeholders that situations involving high priority facilities is already covered in the regulation language the Board approved back in February. He told them the proposed regulation language being discussed today is for non-high priority facilities and land that has no facilities present.

Board members and staff discussed the idea of defining agricultural and flood control excavation activities, the issues with defining activities, and why the Board might want to create standards instead of definitions.

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

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

Mr. Marino discussed section 4305 of the proposed regulation language regarding the scope of a valid continual excavation ticket, and read the draft text.

Board Members, staff, and stakeholders discussed the need to clarify the language pertaining to a plan for non-high priority facilities, where the excavator records the plan, what they are required to include and what is optional, and who must agree to the plan.

Member Johns proposed the idea of using the Underground Service Alert (USA) Ticket as the platform for the farmer and flood control operator to record their area of continual excavation plan.

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

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

Mr. Marino discussed section 4307 of the proposed regulation language regarding operator requirements in installing new subsurface installations in an area of continual excavation, and read the draft text.

Chair Voss discussed his experience with easements and told the Board underground infrastructure isn't installed on agricultural land without the land owner's knowledge.

Member Johnson agreed with Chair Voss, and discussed the steps taken to install underground infrastructure.

Member Bianchini proposed striking the section from the proposed regulation language.

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

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

Mr. Marino discussed section 4310 of the proposed regulation language regarding continual excavation ticket renewal reminder notifications, and read from the draft text.

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

Chair Voss asked for comments from the public.

A representative from DigAlert discussed her non-profit's notification system, and told the Board DigAlert cannot send out an email or SMS notification blast because it is considered spam. She recommended excavators sign up for the DigAlert app to get notifications about their tickets.

The Board asked whether USA North 811 had an app as well.

The representative from USA North 811 told the Board his non-profit was in the process of creating an app that would be released soon.

Vice Chair Arden voiced her support for the use of apps, but told the Board she would like the language to include future changes in technology.

Member Charland asked about renewal tickets, and the onsite meeting requirement for high priority facilities.

Mr. Marino clarified that for ACE Tickets, onsite meetings must occur once a year and that meeting must happen in two days or at a mutually agreed upon time. He discussed the lack of clarity in cases where the ticket is renewed, and asked the Board to consider what they would like to do.

Member Johns proposed the idea of an onsite meeting occurring prior to the end of the ticket, if the farmer is just renewing the ticket.

Board members, staff, and representatives from the one-call centers discussed the idea of ACE renewal tickets, and different timeframes for when the onsite meeting must occur. The Board asked staff to consider the discussion and make a recommendation at the Board's next meeting.

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

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

### **Other Business**

None.

**Public Comment**

Chair Voss asked for public comments. There were none.

**Adjournment**

Meeting adjourned at 11:33 a.m.

Respectfully submitted,

/s/ Tony Marino

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Tony Marino  
Executive Officer

Attest:

/s/ Carl Voss

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Carl Voss  
Chair