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## California Underground Facilities Safe Excavation Board

January 9-10, 2023

Agenda Item No. 7 (Information Item) – Staff Report

*Distinctions Between Unmarked and Abandoned Lines*

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### PRESENTER

Tony Marino, Executive Officer

### SUMMARY

In prior meetings, the Board had expressed a desire to develop a definition of an “abandoned” lines. In pursuing this goal, staff has found that facilities identified as “abandoned” lines are not the biggest challenge for the excavator; rather, the safety risks and process challenges exist prior to determining whether an unmarked line is active or inactive. Staff therefore recommends that that the Abandoned Lines Committee review its use of the word “abandoned” and as necessary propose changes to the naming practices of Board work products.

### STRATEGIC PLAN

2020 Strategic Plan Direction: Improve Accessibility of Buried Infrastructure Location Knowledge and Understanding

Strategic Activity: Develop Processes to Assist Excavators in Identifying Unmarked and Abandoned Lines

### BACKGROUND

Statute requires operators to retain records of abandoned facilities and amend and update that information as it becomes known.<sup>1</sup> It also requires that operators mark the presence of known abandoned underground facilities in the delineated area with an “A” in a circle.<sup>2</sup> However, statute does not define what constitutes an “abandoned” line.

When an excavator finds an unmarked line, they must presume that it is active,<sup>3</sup> and the only recourse the excavator has is to notify the one-call center that an operator failed to mark its

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<sup>1</sup> [Cal. Gov. Code § 4216.3\(a\)\(4\)](#)

<sup>2</sup> [Cal. Gov. Code § 4216.3\(a\)\(1\)\(C\)](#)

<sup>3</sup> [Cal. Gov. Code § 4216.4\(a\)\(3\)](#)

line.<sup>4</sup> However, with an unknown operator, there is no one to inform the excavator whether the unmarked facility is alone or part of a bank of facilities, whether the line is active, inactive, or referenced by an inaccurate mark in another location. Current law does not address the obligations of parties to determine the ownership, identity, and/or status of a facility.

During its September 2022 meeting, Board members expressed a continued desire to define “abandoned” for the breadth of subsurface installations and identified the need for, but problem with, finding the operator of a facility to confirm that it is abandoned.

## **DISCUSSION**

In discussions in this body, the Common Ground Alliance, and other state and national entities struggling to promote the safe and efficient excavation around buried facilities, we often refer to “abandoned” lines as a challenge. From a certain perspective this is accurate. For over 100 years utility operators across the country have “abandoned” (in the vernacular, imprecise use of the term) facilities, in many cases prior to standards or laws specifying how to properly abandon a facility or requirements to maintain records on these facilities.<sup>5</sup>

From an excavator’s perspective, however, “abandoned” lines are not the problem; unmarked lines are the problem. If an excavator knows a line to be abandoned, then the excavator knows who the operator is and together they can determine the lines status and how to proceed with that facility. More often, however, an excavator does not know the operator and thus the status of an unmarked line and must therefore undertake a process to discover the operator and status.

### **Process Basis for Determining an Abandoned Line: Natural Gas and Petroleum Pipelines**

In the natural gas and hazardous liquid pipeline industries, “abandoned” is defined not by the state of whether or not product is moved through the pipe but by the process by which a pipeline is taken out of service.

Federal regulations define “abandoned” natural gas and hazardous liquid pipelines as “permanently removed from service,”<sup>6</sup> but also provide a process for abandoning pipelines, which includes safe disconnection, purging of combustibles, sealing the pipelines, and reporting information to the National Pipeline Mapping System. Those federal regulations have specific procedures related to disconnection of natural gas service lines from the distribution system and the customer.<sup>7</sup> The federal Pipeline and Hazardous Materials Safety Administration (PHMSA) has further identified in an Advisory Bulletin that pipelines can only be classified as “active” or “abandoned” and owners and operators must not slack in their

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<sup>4</sup> Cal. Gov. Code 4216.3(e).

<sup>5</sup> The Dig Safe Act requirement to maintain records on abandoned lines was only codified by [Government Code § 4216.3\(a\)\(4\)](#) in 2016, though requirements for different facility types have existed in other portions of law.

<sup>6</sup> Sections [192.3](#) and [195.2](#) of Title 49 of The Federal Code of Regulations.

<sup>7</sup> 49 CFR [192.727](#), [195.402\(c\)\(10\)](#), and [195.59](#).

responsibilities to maintain a pipeline that has not gone through an abandonment process.<sup>8</sup> In the Advisory Bulletin, PHMSA noted that

*“some pipelines may have been abandoned prior to the effective date of the abandonment regulations. Companies may not have access to records relating to where these pipelines are located or whether they were properly purged of combustibles and sealed. Owners and operators have a responsibility to assure facilities for which they are responsible or last owned do not present a hazard to people, property or the environment.”*

By virtue of federally-mandated abandonment procedures, an excavator can know that a natural gas or hazardous liquid pipeline has been permanently removed from service if informed by the operator that the line is abandoned.

### **Process Need for an Excavator to Determine the Status of an Unmarked Line**

However, an excavator finding an unmarked line in the field does not have access to information that would enable them to identify a natural gas or hazardous liquid line as permanently removed from service. Rather, the excavator is required by statute to presume all buried facilities are active. All the excavator may initially conclude about an unmarked line is that it is unmarked. “Abandonment,” for the excavator, is therefore also defined by a process: the process by which the excavator determines the status of the pipeline.

When an excavator encounters an unmarked line, they do not yet know its status. The excavator must then notify the one-call center that a utility operator has failed to identify the line.<sup>9</sup> To do this, an excavator may provide the notification to the one-call center via an “Exposed” ticket, which DigAlert defines as

*“When the excavator states there is an unmarked exposed line and requests the members to respond to be identified.”<sup>10</sup>*

Excavators have described in previous workshops that they face challenges in finding operators to claim unmarked facilities and that there is no standard process to document, identify, and verify the status of these unmarked lines.<sup>11</sup> The problem they face is therefore in the process to determine the active, inactive, or abandoned status of the line. During this process, the line can only be definitively said to be “unmarked.”

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<sup>8</sup> [“Advisory Bulletin 2016-0075,” Federal Register, Vol. 81, No. 158, August 16, 2016](#)

<sup>9</sup> [Cal. Gov. Code § 4216.3\(e\)](#)

<sup>10</sup> [“2023 DigAlert Ticket Types, Headers & Explanations.”](#) Note that the “exposed” ticket type did not exist prior to January 1, 2023. Instead, it was combined with damages as a single “damage/exposed” or “DMEX” ticket. As of January 1, 2023, DigAlert and USA North 811 have separate “damage” and “exposed” tickets.

<sup>11</sup> [Workshop on Safe Excavation Around Abandoned Lines, April 26, 2022.](#)

## **RECOMMENDATION**

In developing solutions to the “abandoned lines” problem, the Board should consider whether those solutions help the excavator clarify the status of unmarked lines in the field. Staff recommends that the Board direct staff and the Abandoned Lines Committee to review their use of the word “abandoned” and as necessary propose changes to the naming practices of Board work products.