



OFFICE OF ENERGY INFRASTRUCTURE SAFETY
UNDERGROUND SAFETY BOARD

2024 WORKPLAN

JANUARY 2024

DRAFT



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ABOUT THIS REPORT

Every year the Underground Safety Board (Board) reviews its past accomplishments and the needs and risks of the industries it regulates to formulate a set of objectives and activities for the coming year. This report highlights these activities for 2024.

THE BOARD

The Board is composed of nine members, seven of whom are appointed by the Governor and one each is appointed by the Speaker of the Assembly and the Senate Rules Committee. The Board currently has two vacancies.

Members



Amparo Muñoz,
Chair



Bill Johns,
Vice Chair



Ron Bianchini



Randy Charland



Marjorie Del Toro



Marshall Johnson



Carl Voss



2024 PLAN

The Board identifies the following activities to pursue in 2024 to further its mission. Many are multi-year efforts and will continue into future years. Activities that the Board has identified as meriting attention, but which are not scheduled in the calendar year due to dependencies on the completion of other activities or resource constraints, are identified as “Looking Ahead.”

Work with Agricultural Associations to Deliver ACE User Guides

In 2020, the Board approved regulations outlining both the onsite meeting requirements of the area of continual excavation (ACE) ticket and the one-call center responsibility in providing renewal notifications. In 2022, Member Voss and Board staff completed guides for farmers to use to obtain ACE tickets online with both USA North and with DigAlert.

This year staff will work with agricultural associations to advertise and distribute these guides.

Marketing the Self-Paced Online Education Course

In 2020, staff completed the development of an education course that could be used by those found by the Board to be in violation of Dig Safe Laws. Building on this initiative, in 2023, the Board engaged a contractor to convert the content of this course into self-paced online versions of it in both English and Spanish. The course is expected to be complete in early 2024.

In 2024, staff will need to load the course into a learning management system and identify a funding source to allow the public to access it. Potential funding avenues include board fees, penalties, or grants. The Board and staff will then need to market the course to excavator groups and utility operators.

Establish a Framework for Coordinated State Education and Outreach

As demonstrated in the 2023 Education and Outreach Meeting, 811 notification centers, gas and petroleum pipeline companies, and other associations conduct education and outreach and see value in closer coordination. Effective coordination requires a common understanding of the learning needs of excavators and operators, a plan of how to conduct outreach to meet those needs, and a means of evaluating the success of that outreach.

In 2024, the Board and staff will work with stakeholders to conduct a learning needs assessment, identify a learning evaluation model, and begin developing an education and outreach plan consistent with that assessment and model. This coordinated effort aims to enhance the overall effectiveness and impact of education and outreach activities in the state.

Conduct the Annual Education and Outreach Meeting

Government Code § 4216.17 requires the Board to annually conduct an Education and Outreach Meeting. Scheduled in September, these meetings foster stakeholder engagement and information dissemination. Early planning and outreach to potential attendees, speakers, and panelists contributes to the success of the event.

The 2024 Education and Outreach Meeting is scheduled for September 9. Staff has initiated the planning process, including the search for a suitable venue. Staff plans to build from the ideas heard during the 2023 Education and Outreach Meeting to create themes and activities and use that work to identify panelists and presenters.

Develop a Planning and Design Ticket

Excavator and project owner decisions made prior to a one-call notification have a significant impact on the success or failure of an excavation, particularly in identifying the locations of existing subsurface installations. Excavators and project designers report challenges with receiving location information from utility operators, and utility operators report challenges related to designers requesting too much information and the significant time needed to respond to excavators requesting marks for design purposes.

To improve the project design process—and therefore the information excavators have in the field—and to ease the burden on utility locators, the Board's Planning and Design Committee plans to develop a planning and design ticket to allow project designers to send information requests to utility operators through the one-call centers in a standardized manner. To complete this activity, the Board will need to develop a design ticket framework.

Conduct Enforcement Audits

While many violation types are best determined through investigation, some can more quickly, efficiently, and inexpensively be determined and remedied through audits. In 2023, investigative staff sent advisory letters to 469 operators reported by DigAlert not to have provided electronic positive response at least 50% of the time they were required. The letters indicated to recipients that investigations staff intended to perform an electronic positive

response audit in 2024, and if they were not compliant at that time, they may be subject to a notice of probable violation.

In 2024, investigative staff plan to conduct one or more audits, which include electronic positive response compliance. In addition to encouraging compliance with the requirement, audits may inform operator code usage patterns, which may assist policy efforts in developing broadly useable electronic positive response and other areas such as ACE ticket usage.

Develop Broadly Useable Electronic Positive Response

Electronic positive response from a utility operator is intended to provide the excavator with the “status of an operator’s statutorily required response to a ticket” (Gov. Code, § 4216, subd. (e)). Many of the existing stock electronic response codes do not adequately provide the excavator with status information or a path forward, or they imply excavator obligations that do not exist.

The Board’s Ticket Process Committee intends to review the existing electronic positive response codes and revise as necessary to further the goal of effective communication between utility operators and the excavator. Furthermore, as notification center capabilities improve, the idea for two-way responses between excavators and operators is becoming feasible, and any changes to EPR should account for future two-way communication. Doing so will require significant study into how excavators and operators read and understand these communications.

Bring Together Design and Potholing Standards, and Add Draft Standards on Unmarked and Abandoned Lines

In 2023, the Board advanced draft standards for excavator and operator responsibility in potholing. Draft standards continue to be necessary for planning and design and for unmarked and abandoned lines. These standards should 1) identify what information project designers need at different stages of the process and understand how best utility operators can provide that information, and 2) explore how unmarked and abandoned line information discovered during excavation may be preserved for use by future excavators.

In 2024, the Board plans to incorporate draft planning and design and unmarked and abandoned lines standards into the existing draft potholing standards and present them for public review and comment.

Develop Notification Center Practices to Manage Locate Work Volatility

The workload of utility locators is determined by other parties—the excavators who provide notification to the one-call centers. This workload volume varies, which can make the locate and mark function difficult to adequately staff. This can in turn lead to excavators not receiving marks on time during high-volume periods. In the extreme, some utility operators have reported receiving tenfold increases in tickets from one month to another.

To address this challenge, the Board’s Ticket Process Committee intends to explore how notifications may be made further in advance of excavation, especially when the excavator is submitting a large number of notifications. This had been identified as an action in the 2023 Plan. It, however, required the completion of the Board’s ticket management information solution (see “Build Ticket Analysis Capabilities” in the 2023 Workplan). The completion of this project had been delayed until early 2024, and this effort is not expected to begin in earnest until early- to mid-2024.

Determine What New Facilities Need to be Incorporated into Utility Operator Geographic Information Systems

Senate Bill 865 amended Gov. Code § 4216.3 to require utility operators enter location data for newly-installed subsurface installations into a geographical information system (GIS), but the California Regional Common Ground Alliance, through a submission to the Board’s Idea Register, has identified an issue: utility operators are not clear on what constitutes a “new” subsurface installation.

This item was a “Looking Ahead” item in the 2023 Plan, but staff was able to begin work by developing GIS contacts and releasing a survey to understand how GIS is currently being used. The Board expects to begin developing standards and potentially regulatory language in the second half of 2024.

“No 811” Investigation Improvement

Common Ground Alliance’s 2022 DIRT Report identifies “no 811” as the root cause for 34% of damages in California. Without sufficient evidence provided at time of complaint, “no 811” investigations can be the most difficult to pursue, as the investigator needs to identify evidence of both the excavation and the identity of the excavator without relying on the presence of a ticket. In 2023, staff began developing information technology tools and process improvements to allow investigators to more quickly process these types of investigations.

In 2024, staff plans to pilot a “no 811” investigation process, the results of which will allow staff to determine what improvements may be implemented statewide in 2025.

Clarify Notification Center Termination Requirements

The law requires all operators to be members of an 811 notification center. Every year a handful of 811 notification center members terminate their memberships, but there is currently no mechanism to ensure that they are no longer operators. This absence burdens 811 notification centers to either allow membership termination without verification or conduct verification that isn't defined in law. Also, the notification centers terminate members for non-payment of notification center fees, but termination may be a poor outcome, as excavators may not be notified of unmarked lines in their area.

In 2024, the Board plans to develop regulatory language on member termination and initiate the rulemaking process.

Onboard New Staff

The Board has had a significant proportion of its legislatively-authorized positions vacant in 2022 and 2023. Now that the hiring process has begun to accelerate, the staff headcount may double in the first half of 2024. While the State of California had generalized trainings for new employees, little formalized training exists for the excavation and utility subject matter specific to Board regulation.

In 2024, staff plans to work with Board members and interested experienced individuals to provide training opportunities specific to excavation and utility industries.

Develop New Board Member Onboarding Program

All current Governor's appointees have completed the terms to which they have been appointed and are continuing their service into subsequent terms. The Governor may appoint as many as seven new members all at once in 2024 or 2025. A Board member onboarding program would ensure that new members can get up to speed as quickly as possible.

In 2024, staff plans to work with Board members and Energy Safety attorneys to determine what information new Board members need to be successful and develop relevant materials.

Looking Ahead: Translate Outreach Materials into Spanish

Thirty percent of Californians speak Spanish at home, and more than a third do not speak English very well, according to the 2019 American Community Survey. Given the high

prevalence of Spanish speakers in the state, existing and future Board outreach material and trainings should be developed in a Spanish language version.

The Board will begin contracting for this work in 2024 following the Governor's and Legislature's funding of the program in 2023.

Looking Ahead: Damage Notification Process Improvements

Complete and accurate documentation is vital to efficiently decide which complaints and damage notifications should be investigated and to reduce the time-consuming information requests that take place at the start of an investigation. Currently, most notifications have little to no relevant information to allow the Investigations Division to determine which incidents should be investigated. When the original damage investigation regulations were being developed, the goal was to ensure that an excavator could provide timely information that did not unduly interfere with their other damage mitigation efforts.

Staff hopes to review how damage reporters can best provide notification information to investigators. This review will also be informed by the "No 811" pilot discussed above. Following that review, staff plans to present process improvements to the Board, which may require modernizing reporting regulations.

2024 MEETING SCHEDULE

January 8-9:	Sacramento
April 8-9:	Riverside
July 8-9:	Sacramento
September 9-10:	Southern California
November 18-19:	Sacramento



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