

SENATE THIRD READING
SB 865 (Hill)
As Amended August 24, 2020
Majority vote

SUMMARY:

Among other things, this bill renames the California Underground Facilities Safe Excavation Board to the "Dig Safe Board"; requires as of January 1, 2023, new subsurface installations be tagged with geographic information systems coordinates, as specified; and on or after January 1, 2022, the Board shall be moved to the Office of Energy Infrastructure Safety.

Major Provisions

This bill includes several provisions that affect the California Underground Facilities Safe Excavation Board. Specifically, this bill, among other things:

- 1) Gives the California Underground Facilities Safe Excavation Board the official nickname of the "Dig Safe Board (Board)."
- 2) On or after January 1, 2022, moves the board from the Office of the State Fire Marshall to the Office of Energy Infrastructure Safety within the Natural Resources Agency.
- 3) Requires, starting January 1, 2023, all new subsurface installations, with certain exceptions, be mapped using a geographic information system (GIS) and maintained as permanent records of the operator of the installation.
- 4) Requires an excavator to notify the regional notification center (RNC) within 48 hours of discovering or causing damage to a subsurface installation. Nothing in the section preempts or impedes the board's authority to impose more restrictive notification windows.
- 5) Provides that this article may also be enforced by specific agencies, following a recommendation of the Board.
- 6) On or after January 1, 2020, the Board shall be subject to review by the appropriate policy committees of the Legislature at least once every three years.
- 7) Requires an RNC to provide records of notification of planned excavation to the board quarterly and notification to the board of damage to a subsurface installation within five business days of receipt.
- 8) Provides that violations, which are neither egregious nor persistent, the Board shall offer violators the option of completing an educational course in lieu of paying a fine.
- 9) Requires an excavator to call 911 emergency services upon discovering or causing damage to a gas pipeline subsurface installation in which the damage results in the escape of any flammable, toxic or corrosive gas or liquid.

COMMENTS:

Office of Energy Infrastructure Safety. This bill renames the "California Underground Facilities Safe Excavation Board" as the "Dig Safe Board" and moves the Dig Safe Board from the Office of the State Fire Marshal to the Office of Energy Infrastructure Safety (OEIS). Existing law moves the Wildfire Safety Division out of the CPUC and into the OEIS on July 1, 2021. The OEIS had not been created at the time the CA Underground Facilities Safe Excavation Board was established. As prescribed in this bill, commencing on January 1, 2022 – the Dig Safe Board will also come under the Office of Energy Infrastructure Safety within the Natural Resources Agency. The purpose of the Office of Energy Infrastructure Safety aligns with the Board's mission and operational functions including overseeing the safety of excavation around buried utilities, investigating accidents to determine their causes, setting standards for safe excavation, and ensuring the state's safe excavation laws are followed.

Geographic information systems. This bill adds the requirement, commencing January 1, 2023, that all new subsurface installations be tagged with GIS coordinates and maintained as permanent records of the operator. This measure exempts from the new GIS tagging and record keeping requirements oil and gas flowlines three inches or less in diameter that are located within the administrative boundaries of an oil field. Small diameter flowlines located in active oil fields are frequently moved to accommodate new drilling and facility installation, which could result in the development of a database with outdated and inaccurate information, thus increasing the potential for incidents to occur.

GIS is a system of computer software, hardware, data, procedures, and personnel combined to help manipulate, analyze, and present information tied to a geographic location. This information provides organizations and individuals the ability to analyze, visualize, manage, disseminate, and interpret geographical data, and the complex geographic relationship between them. RNCs must be able to accurately and precisely identify the dig site location, which often includes areas of recent construction. Under the provisions of this measure, commencing January 1, 2023, all new subsurface installations must be tagged with GIS coordinates and maintained as permanent records of the operator.

Proactive vs Reactive. Currently, the Board does not have ready access to comprehensive ticket data to develop regulations and targeted educational tools to carry out their fundamental duties to protect the safety of workers and the public. As provided in this measure, the Board will have a comprehensive ticket data to determine who is and is not calling in tickets. The additional information will equip the Board to analyze economic, industry, and land-use information to understand what companies should be showing up on tickets. If companies do not appear at the levels predicted, that is likely an indication of an excavator group that lacks awareness of one-call laws. Electricians, plumbers, heating, ventilation and air conditioning (HVAC) installers, concrete and hardscape specialists, carpenters, fencers, irrigation installers, and landscapers are examples of less obvious excavator types the Board expects should be—but may not be—calling in tickets.

According to the Author:

"SB 865 builds upon my previous work to strengthen safe excavation practices in our state. When a pipeline exploded in San Bruno, in my district, nearly ten years ago – claiming eight lives and injuring 58 others – it became clear that our state's infrastructure safety was grossly

inadequate. I have spent my time in the legislature pushing for real reform in utility operator oversight, and creating a forum for cooperative safety in the excavation community.

Despite these efforts, there is still work to be done to position our state agencies in a way that protects the public, utility operators, and excavators alike. Excavation safety relies on the cooperation of many different individuals, and there are common-sense reforms we can enact to better facilitate that cooperation and communication. Most importantly, these simple reforms will save lives."

Arguments in Support:

The League of California Cities (League) writes that SB 865: "will strengthen safe excavation practices by increasing collaboration between excavators and operators, requiring data sharing amongst key stakeholders, and moving the Dig Safe Board to the Office of Energy Infrastructure Safety.

Arguments in Opposition:

Underground Service Alert of Southern California writes: "Combined with the regional notification center in Northern California, SB 865 would require the Underground Facilities Safe Excavation Board to receive around 17 million "notification records" every year. This volume of information is unnecessary and DigAlert recommends a more cooperative and partnering approach to sharing information."

FISCAL COMMENTS:

According to Assembly Appropriations, minor one-time costs of approximately \$75,000 to \$150,000 (special fund) for the board in the first year to acquire a GIS software subscription service and annual costs thereafter of approximately \$75,000 to maintain the service.

VOTES:

SENATE FLOOR: 39-0-1

YES: Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Melendez, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Jones

ASM UTILITIES AND ENERGY: 14-0-1

YES: Holden, Patterson, Burke, Carrillo, Cunningham, Aguiar-Curry, Cristina Garcia, Eduardo Garcia, Mayes, Muratsuchi, Quirk, Reyes, Santiago, Ting

ABS, ABST OR NV: Chen

ASM APPROPRIATIONS: 18-0-0

YES: Gonzalez, Bigelow, Bauer-Kahan, Bloom, Bonta, Calderon, Carrillo, Chau, Megan Dahle, Diep, Eggman, Fong, Gabriel, Eduardo Garcia, Petrie-Norris, Quirk, Robert Rivas, Voepel

UPDATED:

VERSION: August 24, 2020

CONSULTANT: Mary McDonald / U. & E. / (916) 319-2083

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