

CONCURRENCE IN SENATE AMENDMENTS

AB 1914 (Flora)

As Amended August 24, 2018

Majority vote

| | | | | |
|-----------|------------------|---------|------|-------------------|
| ASSEMBLY: | (April 19, 2018) | SENATE: | 38-0 | (August 28, 2018) |
|-----------|------------------|---------|------|-------------------|

(vote not relevant)

| | | | | |
|-----------------|------|-------------------|-----------------|--------|
| COMMITTEE VOTE: | 11-0 | (August 30, 2018) | RECOMMENDATION: | concur |
|-----------------|------|-------------------|-----------------|--------|

(U. & E.)

Original Committee Reference: **HUM. S.**

SUMMARY: This bill authorizes an excavator to use power-operated or boring equipment, as determined by the California Underground Facilities Safe Excavation Board (Board) beginning July 1, 2020, prior to determining the exact location of a subsurface facility, as specified

The Senate amendments strike the content of this bill in its entirety and address the use of power equipment during excavation near underground utility lines.

EXISTING LAW:

- 1) Requires a person planning to conduct an excavation to contact the appropriate regional notification center prior to commencing the excavation regardless of whether it will be conducted in an area that is known, or reasonably should be known, to contain subsurface installations. (Government Code Section 4216.2)
- 2) Requires an excavator to delineate the area to be excavated before notifying the regional notification center. Specifies the amount of time required for notification prior to an excavation. (Government Code Section 4216.2)
- 3) Establishes the Board, within the Office of the State Fire Marshall (OSFM), to investigate violations of the state's excavation and subsurface installation laws, coordinate education and outreach, and develop standards. (Government Code Section 4216.12)

FISCAL EFFECT:

According to the Senate Appropriations Committee, "According to CalFIRE, which houses the Underground Facilities Safe Excavation ("Dig Safe") Board, one-time \$138,935 (Safe Energy Infrastructure and Excavation Fund), specifically:

- 1) \$121,714 (Safe Energy Infrastructure and Excavation Fund) for 1.0 associate governmental program analyst to promulgate regulations (staff one public hearing, two stakeholder conferences, and up to three Board meetings).
- 2) \$17,221 (Safe Energy Infrastructure and Excavation Fund) for facility and travel costs for five staff and nine Board members for meetings in Sacramento and Los Angeles."

COMMENTS:

Every nine minutes a buried utility line is damaged because someone did not take proper safety measures before excavation. Dig-ins can affect myriad types of underground lines but natural gas pipelines are the greatest safety hazard.

The Dig Safe Act of 2016 (SB 661 (Hill), Chapter 809, Statutes of 2016) made several changes to the state's "call before you dig" law, including the creation of the Board and the elimination of a provision that allowed an excavator to use power tools with the permission of the subsurface installation owner. Therefore, many effective soil excavation tools are not allowed in the presence of a subsurface installation, reducing efficiency, and perhaps having unintended consequences to worker safety. Relatedly, the Dig Safe Act of 2016 required the Board to develop a standard as to what constitutes reasonable care in using hand tools around subsurface installations in the tolerance zone.

This bill requires the Board to adopt regulations to permit an excavator to use power-operated or boring equipment prior to determining the exact location of subsurface installations. The stated need for the bill is to address the use of hand tools under certain conditions in which the alternative is to use imprecise hand tools such as a pick shovel or digging bar. The mechanical advantage of power equipment is that it eliminates a significant amount of human bending, lifting, twisting and thrusting of tools into soil, all of which are drivers of injury and fatigue.

Analysis Prepared by: Edmond Cheung / U. & E. / (916) 319-2083

FN: 0005195