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**California Underground Facilities Safe Excavation Board  
("Dig Safe Board")**

**May 13-14, 2019**

**Agenda Item No. 5 & 6 (Information Item) – Staff Report**

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

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**Part 1** – *Discussion of Draft Regulations on Area of Continual Excavation Ticket  
Renewal Requirement*

***Presenter***

Jon Goergen, GIS Specialist

***Background***

Government Code §4216.10 subdivision (e) tasks the California Underground Facilities Safe Excavation Board (the "Dig Safe Board") with developing through regulation a process by which the renewal requirement for a continual excavation ticket may be modified or eliminated in situations where no subsurface installations are present. In 2018 the Board solicited and received stakeholder feedback while preparing regulations governing the onsite meeting related to areas of continual excavation near high priority subsurface installations. During this process concerns relevant to Government Code §4216.10 subdivision (e) were brought to the attention of the Board. The main concern from farmers was with the mandate to submit an excavation ticket when they know their land is free of subsurface installation.

Research into ways to exempt agricultural and flood control facility excavators from the renewal requirements for continual excavation tickets in which no subsurface installations are present began in January 2019. The first approach to determine areas of continual excavation ("ACE") where a modified or automatic renewal ticket ("ART") would be feasible utilized statewide parcel data, spatial data on farmland derived from the National Land Cover Data Set, and the locations of high priority facilities covering transmission lines for oil, gas, and hazardous waste with a target accuracy of +/- 500 feet. The finding from this analysis estimated that perhaps as few as 5% of farmland parcels have high priority facilities present, leaving 95% of farmland parcels as potentially eligible for the ART process.

Given there are other types of subsurface infrastructure, the 95% figure is the theoretical upper limit. To find a more realistic figure, the regional notification centers provided Staff with anonymized service area polygons. Each operator of subsurface infrastructure

provides the regional notification centers with a shapefile<sup>1</sup> containing one or more polygons defining the areas for which operators want to be notified of excavation tickets, also known as an operator's service area polygon. The regional notification centers combined these service area polygons into one large continuous area, or "blob", removing the ability to decipher which, if any, portion belonged to any operator. Using these large continuous areas, or service area blobs, a second analysis was conducted using the same approach as performed previously but substituting the high priority transmission line location data with service area blobs to determine the number of farmland parcels where a request for an excavation ticket would result in no transmissions to an operator. The results of this second analysis found 0.082% of parcels containing farmland to be outside all service area polygons. This is a total of 454 parcels out of almost 556,000 parcels with farmland. Therefore, pre-approving agricultural areas outside of service area polygons for ART status would not be an effective process for implementing §4216.10, subdivision (e).

Due to the low number of candidate ART status properties identified outside of service area polygons, we currently cannot use technology to identify areas in which no buried infrastructure is present from a back office. Because of this finding, any modified or eliminated ticket renewal process for ACE would require an initial excavation ticket request. In theory, if this initial ACE ticket received positive responses indicating "no conflict" from all operators receiving notification it would be an ART candidate. Defining what "no conflict" would mean was discussed during the April Board Meeting. Factors such as the clarity of excavation area delineation, the buffering of excavation areas by regional notification centers, decision-making authority of locate and mark staff, the lack of mandated positive electronic response, and the lack of more nuanced positive response codes capable of capturing situations like "Clear – facilities located across the street from area of excavation" combined to make an automatic renewal ticket process impractical at this time. Instead, regulations related to §4216.10 subdivision (e) will need to focus on developing a modified renewal ticket process rather than an ART process.

### ***Discussion***

To supplement previous research on this topic an analysis was conducted to estimate the number of excavation tickets being submitted by farmers for common agricultural practices. The analysis looked at excavation ticket locations in Kern County submitted from January 1<sup>st</sup>, 2016 to December 31<sup>st</sup>, 2018. This included approximately 250,000 tickets. Of these 250,000 tickets, roughly 50,000 overlapped farm land based on data from the Farmland Mapping and Monitoring Program of California's Department of Conservation. By mining the text within the 'work type' field in the excavation ticket data approximately 900 tickets were identified as potential common agricultural tickets. A review of the 191 excavators accounting for these 900 excavation tickets identified 84 excavators unlikely to be agricultural excavators. These 84 excavators accounted for approximately 500 of the remaining 900 tickets, leaving only 400 tickets submitted over three years for common agricultural practices, roughly 133 tickets/year, in a county that had 1,731 farms<sup>2</sup> covering approximately 42,000 parcels.

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<sup>1</sup> A shapefile is a computer file containing information on the location of shapes, namely lines, points, and polygons

<sup>2</sup> 2017 Census of Agriculture. Volume 1, Geographic Area Series. Part 5, [Washington, D.C.] :United States Department of Agriculture, National Agricultural Statistics Service, 2019.

Given the low level of compliance with Government Code §4216.2 related to agricultural practices that these findings suggest, and that it is currently impractical for continual excavation tickets to automatically renew in areas with no subsurface installations, the draft language to implement §4216.10 (e) focuses on allowing all continual excavation tickets access to a modified renewal process to promote greater awareness of subsurface installations in the agricultural and flood control communities to reduce the risks associated with excavating and to minimize the regulatory burden on agricultural excavators and flood control facility excavators as per the spirit of §4216.10 subdivision (e).

Staff requests discussion from the Board and the public regarding the draft regulations now presented.

## ***Part 2 – Discussion of Draft Regulations on AB 1914 Implementation***

### ***Presenter***

Jennifer Reed, Policy Analyst

### ***Background***

AB 1914 was signed into law on September 23, 2018, amending Section 4216.4 of the Government Code to allow for the use of power-operated or boring equipment within the tolerance zone prior to determining the exact location of subsurface installations. The amendment requires the Board to adopt regulations specifying the circumstances and conditions under which this exception to hand tool use will be implemented. These regulations are to take effect beginning July 1, 2020.

### ***Discussion***

Following three months of workshopping and outreach efforts, including a public workshop, 99 total online survey responses, and two board meeting discussions, draft regulatory language is now presented for consideration by the Board and the public. This initial draft text is intended to provoke discussion and further refinement of these regulations toward the final version that will be presented to the Board for approval this July.