
California Underground Facilities Safe Excavation Board

October 15, 2018

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

Discussion on Proposed Draft Regulations on Notification and Investigations

Presenters

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Background

After conferring with the regional notification centers in California, one call centers in all other states (excluding Hawaii and Alaska), and Board members Charland and Bernacchi, staff drafted recommendations that include notification of “no ticket” damages and “no response” tickets. “No ticket” violations are a primary concern as they are the leading cause of damages nationwide. “No response” instances have historically been difficult to track because most states’ one-call centers either do not record “no response” tickets or have lumped “no response” notifications into a “follow up” ticket category which includes other notification types. Staff seeks Board and public input on recommendations listed at the end of this report.

Discussion

Pursuant to Government Code section 4216.3(d), excavators shall notify the appropriate regional notification center of the failure of an operator to identify subsurface installations. It is difficult to quantify these instances, as most states categorize no response notifications as a “follow up” ticket which also includes remark requests, ticket modifications, and information regarding damaged or exposed lines. Currently, the regional notification centers in California do not have a standardized ticket type for “no response”; instead, these notifications are combined into a category with all other “follow up” notifications. California’s regional notification centers nonetheless estimate that there were approximately 30,000 “no response” notifications in 2017. States that track “no response” instances report similarly large numbers. The regional notification centers project that “no response” tickets will be standardized and categorized separately from other “follow up” tickets by March 1, 2019. As excavators are prohibited from beginning excavation until they receive a positive response, operators that fail to respond cause work delays, costing excavators time and money, and in turn these pressures undermine trust in the state’s one-call centers and can induce excavators to take unnecessary safety risks. Once the “no response” ticket is standardized and categorized separately from other “follow up” tickets, the Board will be able to investigate “no response” violations. These types of investigations can be done while the notification requirements, discussed during the Board’s June meeting, continue through the regulatory process.

Per the Common Ground Alliance’s (CGA) 2016 Damage Information Reporting Tool (“DIRT”) interactive report, the national average of damages due to excavators not having a ticket is 16%. This percentage varies by state, with California having 10,074 reported damages in 2016, 45% percent of which involved excavators not having a ticket (see Appendix A). These damages must be reported to the subsurface installation operator (Government Code section 4216.4(c)(1)). If the board receives notification from operators about “no ticket” damages on a regular basis, the Board will be able to investigate these incidents in a timely manner. These instances will also be relatively straightforward to investigate for the Board’s new investigative staff to pursue and can build a base of experience upon which to engage in more complex investigations.

Investigating damage “no ticket” and “no response” instances will support a positive safety culture consistent with the proposed enforcement philosophy. Should a subsurface installation operator be willing to provide “no ticket” damage notifications to the Board, that operator should provide all notifications instead of pre-screening them so that the operator cannot be accused of picking and choosing who to “turn in” for an investigation. These efforts will not supplant the notification requirements expected to be operative as regulations in 2020.

Recommendation

Staff recommends the Board provide direction to Staff to engage with willing operators to provide information pertaining to all damages stemming from “no ticket” violations on a regular basis. Staff also recommends the Board provide direction to investigate “no response” tickets once they become available in March 2019.

Appendix A

Required Notification to One-Call			
State	Reported Damages	No Ticket Damage	No Response
Colorado	12660	15%	13642
Florida	10661	17%	not tracked
Georgia	37562	10%	did not respond
Idaho	967	33%	not tracked
Illinois	21293	11%	did not respond
Indiana	12278	13%	did not respond
Mississippi	1563	29%	6425
Missouri	14868	12%	not tracked
Montana	145	22%	not tracked
Nebraska	2860	15%	not tracked
New Hampshire	3	0%	not tracked
New Mexico	33356	14%	223013
New York	3697	25%	not tracked
North Carolina	23283	13%	772202
South Carolina	7992	16%	13946
South Dakota	552	14%	not tracked
Texas	53899	14%	52503
Washington	3798	20%	did not respond
West Virginia	255	19%	not tracked
Wyoming	383	17%	not tracked

California	10074	45%	31907
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CGA 2016 DIRT Report

<http://commongroundalliance.com/dirt-2016-interactive-report>

All states combined have 16% of damages occur due to no ticket.

Notification Not Required to One-Call			
State	Reported Damages	No Ticket Damage	No Response
Alabama	4821	12%	did not respond
Arizona	1308	23%	did not respond
Arkansas	1806	23%	8494
Connecticut	561	19%	not tracked
Delaware	293	9%	did not respond
Iowa	5003	12%	not tracked
Kansas	4650	18%	did not respond
Kentucky	3927	18%	13411
Louisiana	2102	9%	not tracked
Maine	no data	no data	not tracked
Maryland	2582	18%	did not respond
Massachusetts	668	21%	not tracked
Michigan	6235	20%	141667
Minnesota	3520	13%	not tracked
Nevada	418	26%	1721
New Jersey	1693	27%	did not respond
North Dakota	290	26%	not tracked
Ohio	14535	13%	did not respond
Oklahoma	5246	14%	12102
Oregon	1851	26%	not tracked
Pennsylvania	7983	17%	not tracked
Rhode Island	no data	no data	not tracked
Tennessee	7580	24%	155
Utah	1624	26%	10728
Vermont	100	14%	not tracked
Virginia	4273	17%	73339
Wisconsin	3425	15%	not tracked

Average % of no ticket damages	
Required	Not Required
16%	18%