Mandatory EPR is Almost Here

When 4216 was amended in 2017, it allowed for members to voluntarily submit their positive response to a ticket back through DigAlert beginning in January 2018. DigAlert started allowing responses to be made November 2017. In 2019 when 4216 was amended again, it made the response on a ticket mandatory beginning on January 1, 2021. The Dig Safe Board has granted about 60 extensions to members to the end of 2021 on the requirement to provide the response through DigAlert. If you are a member who has not yet gotten your Electronic Positive Response (EPR) login, contact Sue at sue@digalert.org. If you need more information about the requirements for EPR visit docs.digalert.org. Many times, members run into issues in marking lines and will communicate that information through EPR. You can check responses with our FREE DigAlert app or online at digalert.org to see if a member has issues responding to your ticket. Once the legal excavation start date and time has passed, you will receive a copy of your ticket by email and/or text (if you have provided permission to do so) with all the responses that have been posted. If the member has been given an extension the response will read: “Member has been granted an extension from the EPR requirement by the Dig Safe Board through 12/31/2021.” Remember EPR is mandatory January 1, 2021.
2020 Ron Olitsky Extra Mile Awarded to Olympian Cliff Meidel

In 1986, Cliff was operating a jackhammer and hit 3 live electrical cables. This instantly sent him into cardiac arrest. He had severe burns and exit wounds over 15% of his body with major damage to both knees and toes. The doctors wanted to amputate, but Cliff’s family sought different opinions. They found a doctor that was using an innovative procedure that saved his legs. Cliff’s road to recovery was long and painful.

After the tragedy, Cliff, who was a natural born athlete, took up sprint kayaking. He became so good at the sport that 10 years later as a member of the USA Olympic Kayaking team he marched in the Opening Ceremonies of the Centennial Olympic Games. Four years later he was asked to carry the United States flag during the Opening Ceremony at the Sydney Olympics. He was named as one of the 20 all-time inspirational Olympians for the “Olympian Hero’s Series”.

Cliff utilizes his accident to help teach others the importance of safety. He spends his vacation time away from his property management job spreading the word of safe digging. He has been a huge part of DigAlert’s safety message starting in 2015 when he helped do media interviews and rode on the Rose Parade float. In 2018 and 2019 he was again a media spokesperson and float rider for DigAlert in the Rose Parade. In the 2020 Rose Parade Cliff decided to pass on riding but still was at the warehouse every morning where he would do media interviews before heading into the office for his normal day.

Cliff’s dedication to DigAlert and to the entire 811 process is what the Ron Olitsky Extra Mile Award is all about.

19 Million and Counting

Keeping your ticket active while your excavation is ongoing is the law! It’s no wonder that Carlos Garcia from Petrelli Electric received the award for taking the 19 millionth ticket. What with 96% of renewals begin done online, the odds that he would get the 19 millionth ticket were with him. Before the 19 millionth ticket he had done over 200 renewals online. He knew that using DigAlert Direct is the fastest way to remain in compliance with the law. There were only about 14 months between the 18th and 19th millionth ticket. Will you be the 20th million ticket? Odds are in your favor if you get a ticket every time you dig.

DigAlert Direct

Introduced in 2019, DigAlert Direct has had a huge impact on the percentage of tickets done online. 2019 ended with about 56% of tickets being done online, 2020 looks to end the year around 66%. Don’t think DigAlert Direct is for you because it’s too techie? There are how-to videos and even a new training module to help you input your tickets online. Don’t be intimidated! Try it today!
SB865 Makes Changes to California Government Code 4216

On September 29th, 2020, Governor Newsom signed SB 865 that amends California Government Code Section 4216. Unless otherwise noted the changes go into effect 1/1/2021. Here are a few of the highlights:

Record Retention (Gov’t Code § 4216.2 f)
- Regional notification center shall provide notification records to Dig Safe Board quarterly
- Regional notification center shall provide notifications of damage to the Dig Safe Board within 5 business days

Mapping New Lines (Gov’t Code § 4216.3 a 5)
- Beginning 1/1/2023 all new lines mapped using GIS and maintained as permanent records – exemption for oil & gas flowlines 3 inches and less located within an oil field.

Causing/Discovering Damage (Gov’t Code § 4216.4 c)
- Excavator discovering or causing damage notifies center within 48 hours
- Dig safe board could impose more restrictive notification requirements

Penalties/Incident Events (Gov’t Code § 4216.6 c, d, e, g)
- Dig Safe Board may collect monetary penalties imposed on those they have jurisdiction
- Annual California DIRT Report that is posted on centers website made available to the Dig Safe Board upon request

Dig Safe Board set up and review (Gov’t Code § 4216.12)
- 1/1/2022 Dig Safe Board becomes part of Office of Energy Infrastructure safety within the Natural Resources Agency
- Dig Safe Board subject to legislative review at least once every 3 years

Dig Safe Board Education/Outreach (Gov’t Code § 4216.17)
- Dig Safe Board to offer educational course instead of a fine if violation is neither egregious nor persistent
- Monies in the Safe Energy Infrastructure and Excavation Fund available to fund educational course developed for the in lieu of fines education course

To read the law in its entirety when you're on the go download the FREE DigAlert App or visit www.digalert.org. After January 1, 2021 FREE 2021 Excavator/Law & Regulations Handbooks can also be ordered from our website.

Dig Safe Board Adds New Regulations

Since its first meeting in 2018, the Dig Safe Board has been working on regulations for fees, excavator damage notifications, investigations, sanctions, enforcement, area of continual excavation and pre-excavation responsibilities. The latest two regulations that were approved in September are briefly highlighted below:

Valid/Current Contact For Excavators (19 CCR 4401)
- The contact information shall include a name, telephone number, and an email address.
- The contact information shall be accurate during the period in which the ticket is valid. If either the person knowledgeable in the proposed excavation activities or the contact information for the person knowledgeable in the proposed excavation activities changes during the period in which the ticket is valid, the excavator shall provide updated contact information to the regional notification center.

Hand Tool Exception (19 CCR 4501)
- 5 conditions must be met before use can be considered
- Equipment must meet certain configurations and specifications
- Equipment must be used in accordance to manufacturers instructions and placed parallel to orientation of line as indicated by the field mark

All of the Title 19 Division 4 Regulations that have been approved can be found in the Free 2021 California excavation Law & Regulations/Excavator Handbook.
When working on private property I don’t need a ticket – **Myth**. All contractors must get a ticket before excavating no matter the right of way. Homeowners that are working on their property if a permit is required must get a ticket.

Facility operators won’t mark on private property – **Myth**. Facility operators will mark what they own and maintain – usually to the meter or demarcation and if that’s on private property they will mark it – just not past the meter/demarcation.

DigAlert comes out to mark the lines, that’s why I contact them at 811 or at direct.digalert.org – **Myth**. DigAlert is what’s known as a one-call center – you contact 1 place and DigAlert will notify all members in your proposed area of excavation, so that they can go out and mark their lines. But it is a fact you can contact us at direct.digalert.org to input your ticket or call 811.

I’ve waited 2 days after I got my ticket so I can begin digging – **MYTH**. You must receive a positive response from all members notified on your ticket before you can begin digging.

Getting a ticket every time I am digging reduces the likelihood of damaging an underground line – **FACT**. Always getting a DigAlert ticket before every excavation reduces your chance of striking a line resulting in project delays, costs and even injuries.

Don’t let the pandemic keep you from having a FREE virtual training session about the changes in California Government Code Section 4216 and the new California Code of Regulations in Title 19 Division 4 about safe excavations. The hour presentation with Amber Dahl, Safety Awareness Director, includes the 5 steps to a safe excavation, updated information about the Dig Safe Board investigations and enforcement actions as well as answers to your questions. Contact her at amber@digalert.org to schedule a presentation.

Did you know that as an excavator if you cause a damage to natural gas, hazardous liquid pipeline or high priority subsurface installation, a damage causing injury that requires treatment at a medical facility, or a damage that causes a death, after contacting 911 but no longer than 2 hours after the excavators knowledge of the damage that it must be reported? It can be reported at DigAlert.org or on our app or on the Dig Safe Board’s website. The portal also allows other violations of 4216 to be reported like inaccurate marks, excavation without a ticket, failure to use reasonable care or failure to respond.
While 2020 was supposed to be the year of vision, instead 2020 has turned out to be more challenges than visions. With safer-at-home orders, schools shutting down, personnel having to quarantine, protests, record heat, fires, and winds the 811 process suffered. The 5 steps to a safe excavation had many tests this year. Excavators might not have been able to delineate before the excavation; facility owners might not have been able to get their lines marked by the legal start date and time.

Now that the Dig Safe Board has issued 12 Notices of Probable Violation (NOPV), enforcement has begun in earnest. What this means for both Excavators and Owner/Operators of underground lines is both parties will be held responsible for their shared responsibility in the excavation process. With Electronic Positive Response (EPR), one hopes that the communication link can become more of a loop. The current EPR allows the facilities owners to add comments and include pictures. This will allow the facility owner to get information to the excavator in a timelier manner.

Some of the challenges in 2020 were a continuation of years of adversarial relationships between excavators and operators. The number 1 complaint we hear from both excavators and facility owners is, “I’ve tried all the numbers and emails available and I can’t reach anyone.” The Dig Safe Board has regulations for both facility owners and excavators that they must have current and valid contact information. Facility operators must have the contact information listed with the notification center and excavators must have current/valid contact information for the entire time the ticket is active. Excavators, when delineating, should mark where your proposed excavation will be not where it could be once the lines are marked. The 811 process is for planned excavations, for work that will begin within 14 calendar days. Facility owners should mark the area delineated with the most accurate information they have by the legal start date and time.

James Cash (JC) Penney said, “the best teamwork comes from men who are working independently, toward one goal in unison.” When that goal is to make sure everyone goes home at the end of the day, all stakeholders have shared in their responsibility of safe digging.

Stats thru 11/30/2020

Ever wonder where the most tickets are taken in the 9 Southern California counties that are in the DigAlert area? Check out the map to the right to see what county has had the most tickets.

The chart below shows the size of new tickets taken through the end of November. 99.64% of DigAlert tickets are 1/4 mile or less.
Founded in 1976, Underground Service Alert of Southern California is a state mandated regional notification center for anyone planning to excavate in Inyo, Imperial, Los Angeles, Orange, Riverside, San Diego, San Bernardino, Santa Barbara or Ventura counties.

Our mission is to prevent damage to underground infrastructure through advocacy, education and operation of an effective, efficient communications link between excavators and owners of underground infrastructure.

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**No 2021 Rose Parade**

While we are sad to not have the Rose Parade on January 1, 2021 we hope to have another entry in the 2022 Parade. Here's a picture of the January 1, 2020 float.