

2016 Changes to Excavation Law SB 661 - Methods to comply when drilling/excavating

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What is SB 661?

- ▶ Senate Bill 661 Protection of subsurface installations also known as the “Dig Safe Act of 2016”
- ▶ The bill approves amendments to California Government Code Section 4216; 4216 defines the:
 - ▶ Law
 - ▶ Definitions
 - ▶ Requirements
 - ▶ Responsibilities
 - ▶ Penalties



Timeline

- ▶ SB 661 was approved by California Governor and filed with the Secretary of State on September, 29, 2016.
- ▶ November 1, 2017 – the bill took effect
- ▶ July 1, 2018 -- the bill requires an appointed board to investigate possible violations



Objective of 4216

Protect:

1. Underground infrastructure:
 1. \$1.5B 2016 USA
 2. 379,000 Incidents
2. Life



Pipeline Incident Trend 2010 - 2016

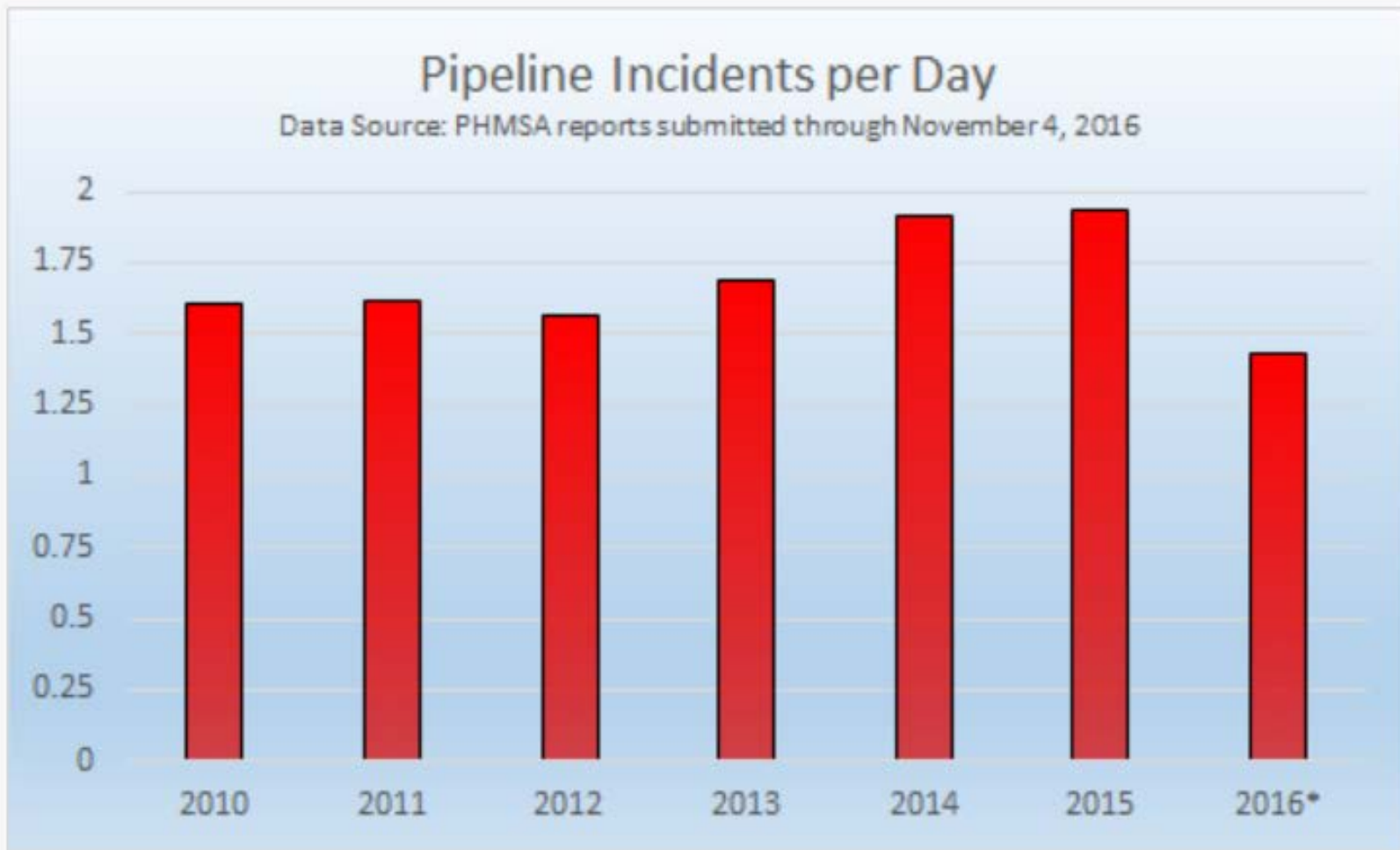


Figure 2: Pipeline incidents per day for years between 2010 and 2016. Incidents after October 4, 2016 may not be included in these figures.

Cause of Pipeline Incidents

PHMSA Incident Reports Received January 1, 2010 Through November 4, 2016

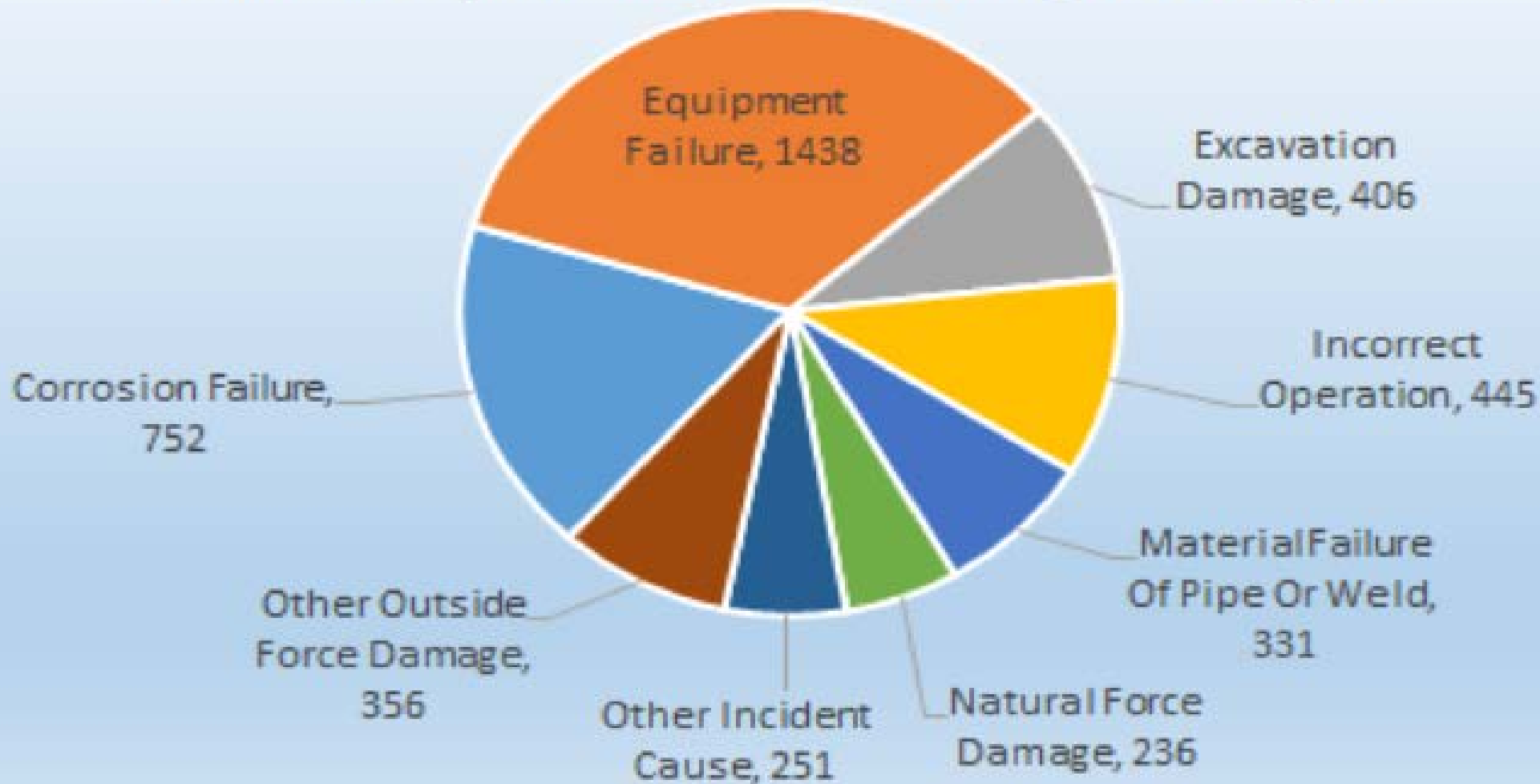


Figure 3: Cause of pipeline incidents for all reports received from January 1, 2010 through November 4, 2016.

Definitions

- ▶ Excavator – Anyone that excavates
- ▶ Operator – Responsible for operation of utilities
- ▶ Regional Notification Center – Call center for excavations
- ▶ Department of Transportation – Caltrans (50k miles Hwy)
- ▶ Subsurface Installations – All underground infrastructure
- ▶ Public Utilities Commission...
- ▶ State Fire Marshall...

CA Public Utilities Commission Mission

Regulates services and utilities, protects consumers, safeguards the environment, and assures Californians' access to safe and reliable utility infrastructure and services. Regulates:

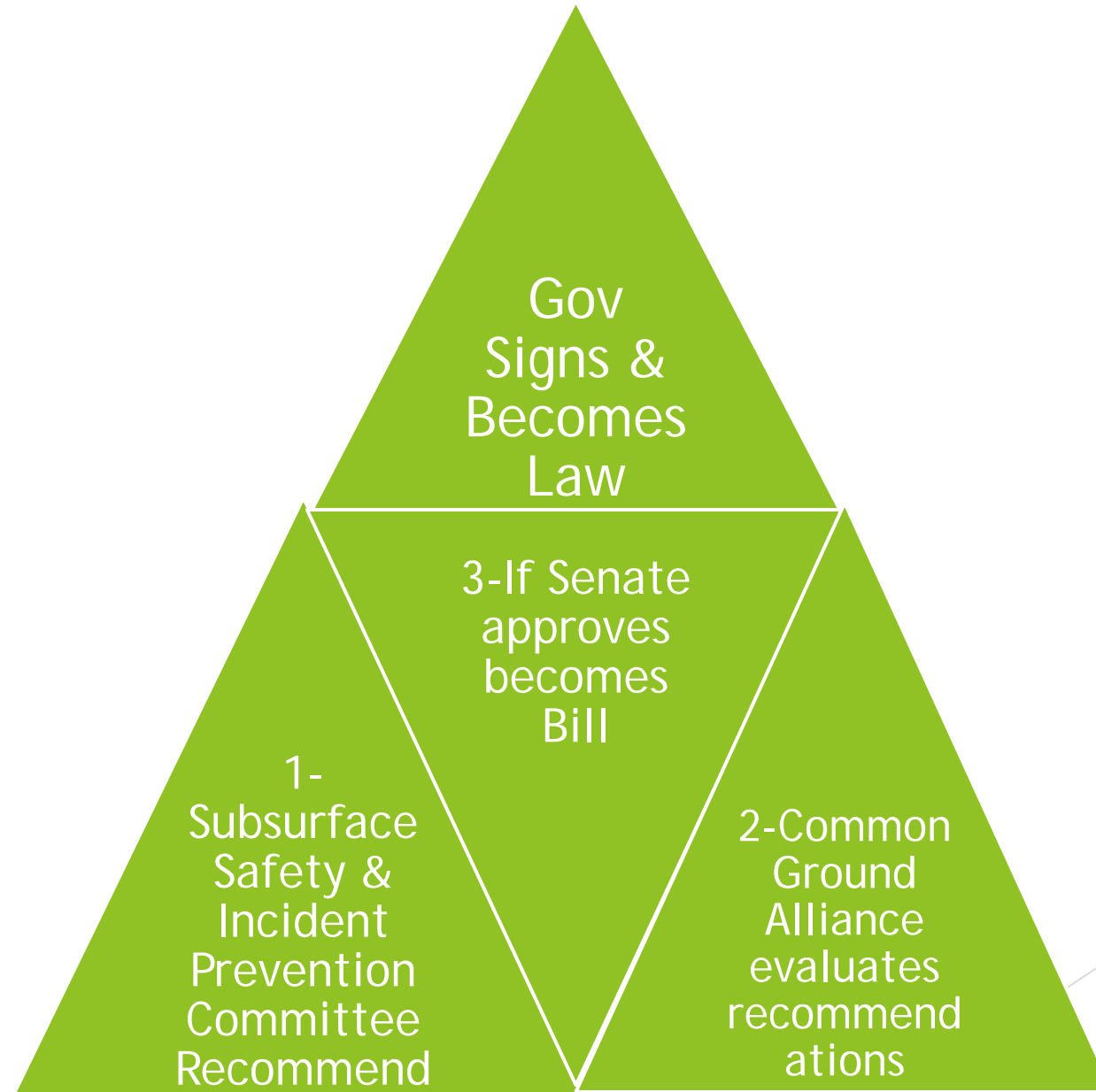
- ▶ Electric
- ▶ Natural Gas
- ▶ Telecommunications
- ▶ Water
- ▶ Railroad, Rail Transit, & Passenger Transportation companies

PUC Code is highest Law in California regulation

State Fire Marshal Mission

- ▶ To protect life and property through the development and application of fire prevention engineering, education and enforcement
- ▶ Has the power to shut down private, public or any entity in violation of fire code
- ▶ Has power to arrest

Excavation Law Process



Requirements

4216 Requires the Public Utilities Commission and the State Fire Marshal to **enforce** the requirement to locate and field mark subsurface installations against operators of corporations :

1. Gas
2. Electric
3. Water
4. Operators of hazardous liquid pipeline facilities
5. Local Agencies

4216 Requirements

1. Requires an **excavator** planning excavation to delineate in white paint the area to be excavated before notifying the regional notification center to obtain a USA ticket
2. Requires an **operator** to locate and field mark within the delineation, its subsurface installations before the legal start date. “Abandoned Utilities”
3. Requires an **operator** of a subsurface installation that has failed to comply to be liable to the excavator for damages, costs, and expenses
4. Any **operator or excavator** who knowingly and willfully violates this law is subject to a civil penalty not to exceed \$50,000
5. Requires the board to investigate possible violations and submit results and recommended penalty to the state or local agency with jurisdiction over the business in violation

HOW TO COMPLY EXCAVATOR

Delineate In
White Paint

- Then Call 811
& Obtain USA
Ticket

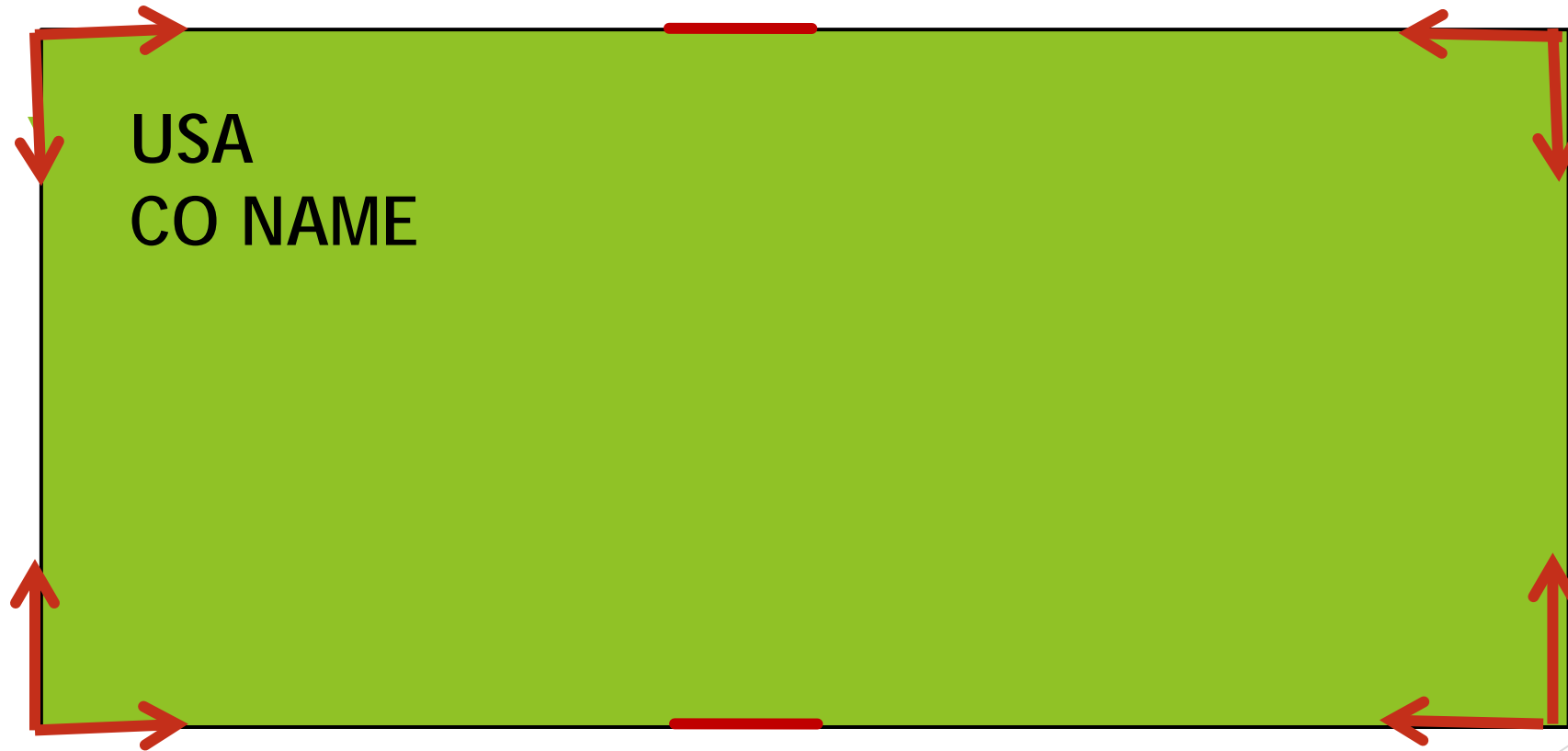
Wait 2
business days

- Clock Starts
next day 7 AM

Excavate
*60

- Hand Dig any utilities
within 4 feet (10 Ft.
High Priority) of
Excavation

Delineation in White Paint Sample



How to handle last minute excavation & be in compliance?

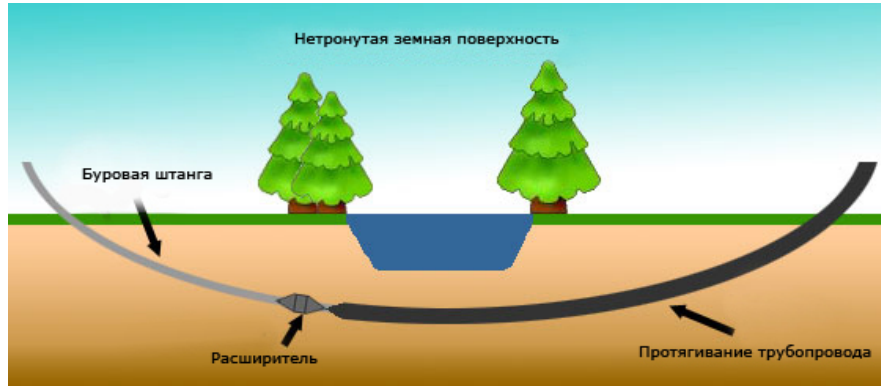
- ▶ What is excavation?
- ▶ Short Call!



Operator Compliance

- ▶ Operator must mark within 2 business days in color paint any utilities within the delineation
- ▶ *Abandoned Utilities?
- ▶ High Priority Utilities-Mtg.
- ▶ Private Property?
- ▶ Caltrans?





Directional Boring – Half Moon Bay

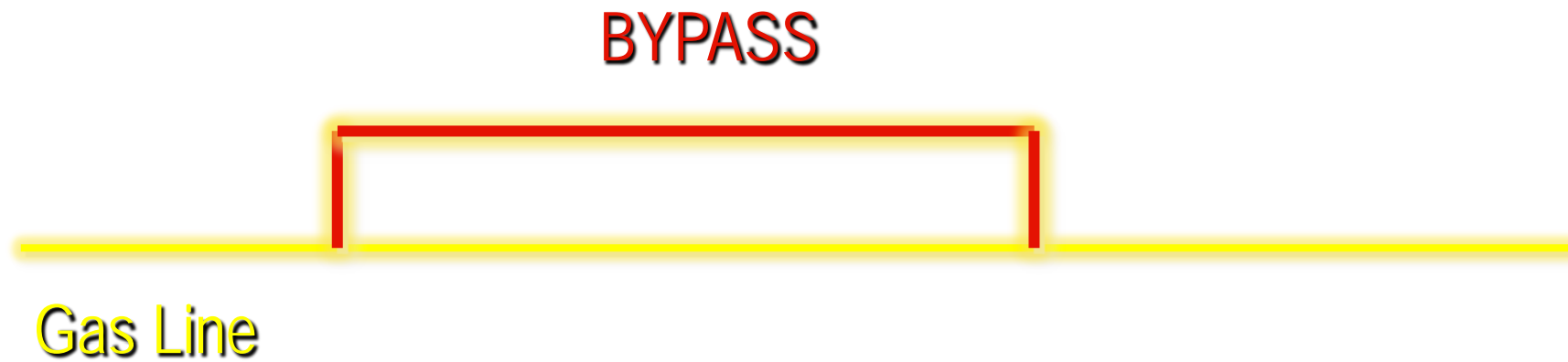
- *Force main installing – lost alignment
- *Need to tie into force main
- *Went through live telephone line
- *Partial alignment follows telephone line
- *Abandoned telephone marked; but not live line

Avoiding Potential traps

- ▶ USA - subcontractor
- ▶ Locate/mark alignment (20') by electronic detection (ED)
- ▶ Run GPR (Ground Penetrating Radar) if connection point not available for ED
- ▶ Critical Utilities-Obtain depth



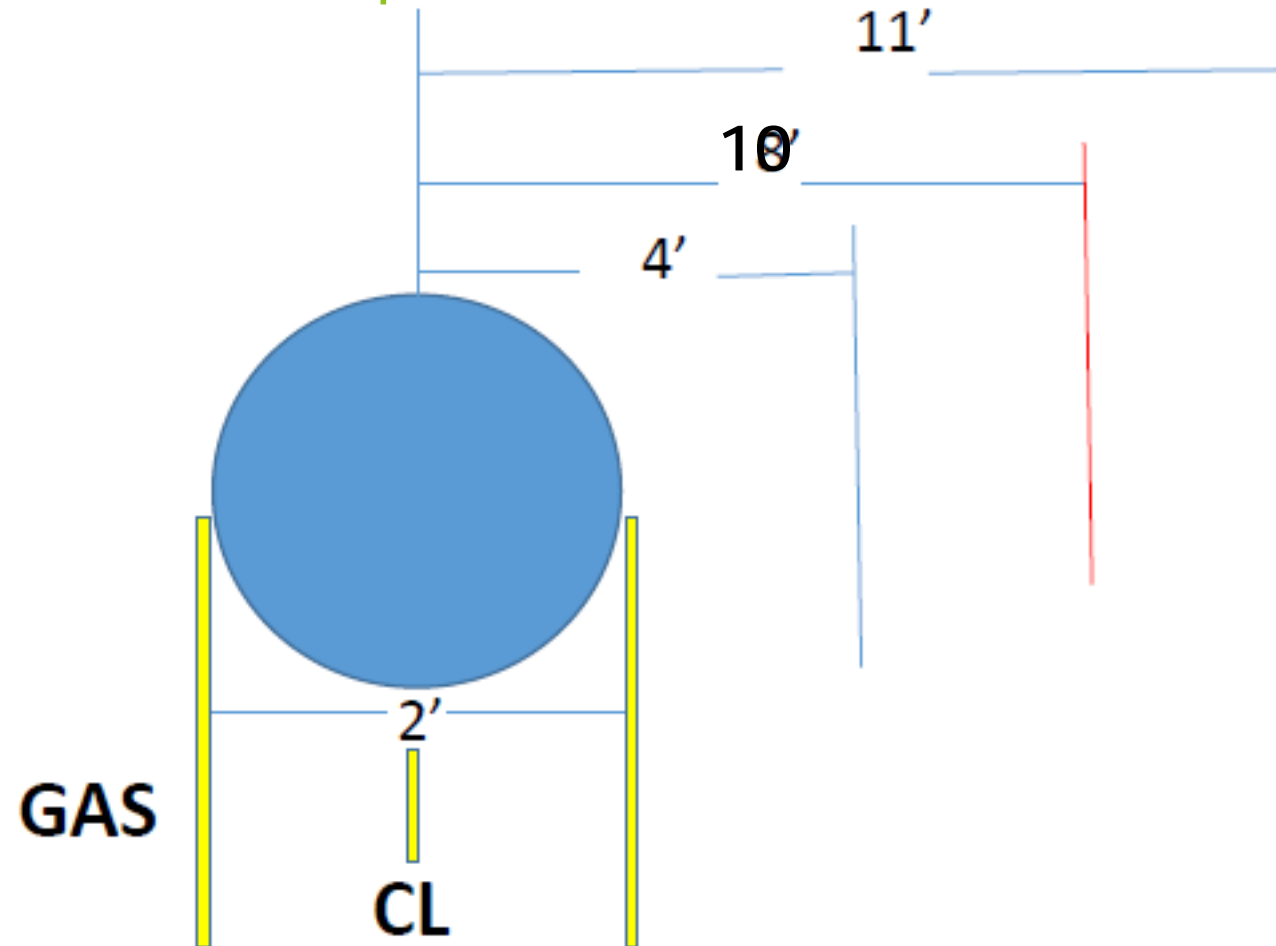
Configurations to keep in mind...



Configurations to keep in mind...



What distance must be maintained to avoid daylighting a High Priority gas line and be in compliance?



SB 661 Summary

- ▶ November 1, 2017 Senate Bill 661 took effect
- ▶ July 1, 2018 investigation of possible violations / penalties \$50k
- ▶ CPUC and Fire Marshall are enforcers
- ▶ Caltrans is exempt
- ▶ USA ticket is valid 2 business days after calling 811
- ▶ Expose utilities by hand digging 4 ft. & 10 ft. (high priority)
- ▶ Use Electronic detection when feasible to trace alignment
- ▶ Utilities deviate from installation design vertical & horizontally

~BE SAFE~



- ▶ **RESOURCES**
- ▶ <http://commongroundalliance.com/>
- ▶ <https://www.phmsa.dot.gov>
- ▶ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB661
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