

Budget Change Proposal - Cover Sheet

Fiscal Year: 2020-21

Business Unit: 3540

Department: Forestry and Fire Protection

Priority Number: [Click or tap here to enter text.](#)

Budget Request Name: 3540-051-BCP-2020-GB

Program: 2461-Office of the State Fire Marshal

Subprogram: 2461019 California Underground Facilities Safe Excavation Board

Budget Request Description: Electronic Positive Response (Protection of Underground Infrastructure) (AB 1166)

Budget Request Summary: The Department of Forestry and Fire Protection (CAL FIRE) requests \$356,000 California Underground Facilities Safe Excavation (Dig Safe) Fund and one position starting in fiscal year 2020-21, \$335,000 Dig Safe Fund in 2021-22, and \$175,000 Dig Safe Fund in 2022-23 and ongoing to support implementation of and meet the statutory requirements set forth by Chapter 453, Statutes of 2019 (AB 1166).

Requires Legislation: Yes No

Code Section(s) to be Added/Amended/Repealed: [Click or tap here to enter text.](#)

Does this BCP contain information technology (IT) components? Yes No

If yes, departmental Chief Information Officer must sign.

Department CIO Name: [Click or tap here to enter text.](#)

Department CIO Signature:

Signed On Date: [Click or tap here to enter text.](#)

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.

Project Number: Click or tap here to enter text.

Project Approval Document: Click or tap here to enter text.

Approval Date: Click or tap here to enter text.

If proposal affects another department, does other department concur with proposal?

Yes No

Attach comments of affected department, signed and dated by the department director or designee.

Prepared By: Click or tap here to enter text.

Date: Click or tap here to enter text.

Reviewed By: M. Gamer

Date: 12/31/2019

Department Director: T. Porter

Date: 12/31/2019

Agency Secretary: W. Crowfoot

Date: 1/2/2020

Department of Finance Use Only

Additional Reviews: Capital Outlay: ITCU: FSCU: OSAE:

Department of Technology:

PPBA: Stephen Benson

Date submitted to the Legislature: January 10, 2020

A. Budget Request Summary

The Department of Forestry and Fire Protection (CAL FIRE) requests \$356,000 California Underground Facilities Safe Excavation (Dig Safe) Fund and one position starting in fiscal year 2020-21, \$335,000 Dig Safe Fund in 2021-22, and \$175,000 Dig Safe Fund in 2022-23 and ongoing to support implementation of and meet the statutory requirements set forth by Chapter 453, Statutes of 2019 (AB 1166).

B. Background/History

The state's One-Call Law (Government Code (GC) section 4216 et. seq.) requires anyone planning to perform excavation activities anywhere in the state, with few exceptions, to contact a regional notification center, also known as a one-call center, before doing so. The one-call center then notifies any utility operators with buried infrastructure in the area of the proposed excavation. Under current law, a utility operator is responsible to receive these notifications, identify whether buried infrastructure exists in the area of proposed excavation, and within 48 hours, either: (1) mark the locations of the infrastructure using paint or other means to delineate for the excavator where the infrastructure is located, or (2) inform the excavator that none of its infrastructure is present in the area of proposed excavation.

Prior to the Dig Safe Act of 2016 (Chapter 809, Statutes of 2016 (SB 661)), the one-call centers were only responsible for transmitting information about the excavator's proposed excavation area to the utility operator. From that point forward, all further communication occurred solely between the utility operator and the excavator. However, the Dig Safe Act of 2016, required the state's two one-call centers to be capable of processing electronic positive response, which is a system through which the utility operator responds back to the one-call center electronically with a confirmation that the buried infrastructure was marked or that there is no such infrastructure present in the path of excavation. While the one-call centers were required to accept electronic positive response, and pass those responses to the excavator, utility operators were not previously required to use the system.

The state's largest utility operator, AT&T, uses electronic positive response, but few of the more than 2,000 other utility operators do. At the heart of the state's compliance challenge is the wide diversity of utility operators, defined broadly as to include any person who owns utility infrastructure not fully contained within the bounds of that person's property (GC section 4216). Each of the state's one-call centers offer an online tool to facilitate compliance by smaller operators, but such a solution would be unworkable for medium-to-large utility operators, who will instead need to contract with a Ticket Management System (TMS) service to implement the new law's requirements.

The Dig Safe Act of 2016 also created the Dig Safe Board (Board) to coordinate the

state's education and outreach efforts concerning safe excavation in the vicinity of buried infrastructure, to develop standards, to investigate accidents, and to facilitate enforcement of the One-Call Law with partner state agencies. The Board held its first meeting in January 2018, began investigating accidents in March 2019, and is expected to conduct its first enforcement hearings in early 2020.

C. State Level Considerations

This proposal is also consistent with CAL FIRE's 2019 Strategic Plan:

Goal #1: Improve our core capabilities.

Objective (1): Analyze and integrate core operations functions at all levels of the Department.

Objective (3): Expand forestry and fire prevention through effective natural resource management programs, education inspections, and land use planning.

Goal #2: Enhance internal operations.

Objective (4): Create a secure, responsive, integrated user-centric technology culture.

Goal #3: Ensure health and safety.

Objective (2): Promote the safety of Department employees, partners, and the public.

This proposal is also consistent with CAL FIRE's 2018 Strategic Fire Plan:

Goal #2: Promote and support local land use planning processes as they relate to: (a) protection of life, property, and natural resources from risks associated with wildland fire, and (b) individual landowner objectives and responsibilities.

Objective (d): Collaborate with other agencies to assemble and distribute required and other supporting data for local land use planning.

Goal #3: Support and participate in the collaborative development and implementation of local, county, and regional plans that address fire protection and landowner objectives.

Objective (e): Maximize available resources to strengthen planning and increase implementation efforts through the development of public/private partnerships.

Objective (f): Develop and utilize available fire risk mitigation treatment decision support tools to assist in project planning, design, implementation, and validation.

Goal #6: Determine the level of resources necessary to effectively identify, plan, and implement fire prevention using adaptive management strategies.

Objective (d): Evaluate and develop the use of science, data, and innovative technology to implement fire prevention in a more collaborative and efficient manner.

D. Justification

The implementation of electronic positive response will have wide-ranging safety and efficiency benefits, including: (1) improving the safety communications between utility operators and excavators; (2) expanding compliance monitoring capabilities for both utility operators and the Board; and (3) promoting the development of excavator process management tools to upload, coordinate, and distribute safety-critical business information within their organizations. However, to implement such a powerful tool, many utility operators will need to bridge a significant technology and process gap.

Widespread, if not universal, compliance with the electronic positive response requirement is necessary to see the full benefits of the requirement. Today, only a few operators, such as AT&T, use electronic positive response, and they report that excavators routinely place follow-up calls to learn the status of tickets that are posted online. There is also a significant unknown risk associated with how an excavator could read or interpret the lack of an electronic positive response, including making the assumption that the lack of a response means that no buried facilities exist in the planned area of excavation.

Technology is a moving target, and utility and excavation industries have begun discussing “enhanced electronic positive response.” This next level of positive response is differentiated from baseline “electronic positive response” in that it would allow two-way communication, potentially including file sharing, between an excavator and an operator through the one-call center. Currently no standard exists as to how such communication should be “enhanced”, but AB 1166 requires the one-call centers to annually report to the Board on their continual technological development.

To facilitate the industry’s transition to electronic positive response and enforce compliance with the requirements of AB 1166, the Board requires funding and position authority for one Associate Governmental Program Analyst (AGPA). Additionally, the Board is requesting two-year limited-term funding to help the Board design and implement an outreach plan to help achieve statewide compliance with the requirements of AB 1166.

AB 1166 requires the Board to adopt regulations to allow operators to apply for an extension of up to one year to implement electronic positive response, and AB 1166 authorizes the Board to do so through emergency regulations. One AGPA position will be required for three compliance phases:

1. Extension application: Accept, review, track, and present to the Board an estimated several hundred requests from utility operators for extensions to the January 1, 2021 compliance deadline; produce official notices of Board decisions, and respond to

applicant questions.

2. Extension tracking, compliance, and regulations: Track applicant compliance plans and deadlines; develop a process for using one-call ticket data to identify non-compliant operators that did not apply for an extension; research, propose, and manage (non-emergency) regulations on electronic positive response codes and allowances for late responses in areas without connectivity.

3. Ongoing compliance tracking, enforcement, and technology development: Analyze one-call ticket data for compliance; develop notices of probable violation for Board's Chief of Investigations to use in initiating enforcement proceedings; develop and monitor corrective action plan criteria for non-compliant operators; assess utility operator compliance plan progress, monitor one-call center technological development; review one-call center annual report on continual technological development.

E. Outcomes and Accountability

The Board is subject to Legislative review, under Government Code section 4216.12(c). The Board also produces a "Results Report" annually, which details the Board's work during the prior year and the Board's execution of its published annual plan. Outcomes will be measurable following the development of a system to track compliance of the more than 2,000 utility operators with electronic positive response through one-call tickets.

F. Analysis of All Feasible Alternatives

Alternative 1: Approve \$356,000 Dig Safe Fund and one position starting in 2020-21, \$335,000 Dig Safe Fund in 2021-2022, and \$175,000 Dig Safe Fund in 2022-23, and ongoing to meet the statutory requirements set forth by AB 1166.

The advantages for Alternative 1 are:

- 1) Operators will be proactively educated on changes in statute and will be more likely to comply, maximizing the enhancement to safety and accountability offered by electronic positive response;
- 2) The Board will have the resources needed to help operators achieve compliance with AB 1166;
- 3) The Board will be able to track and enforce the requirements of AB 1166, including by developing corrective action to require of non-compliant operators;

4) Excavators will be proactively educated on changes in statute and will be more likely to understand and rely on the electronic positive response codes provided by operators; and

5) The Board will be able to monitor and oversee coordination with the regional notification centers regarding their continual technological development to ensure it is consistent with state policy.

The disadvantage for Alternative 1 is that it will increase the annual fees paid by the members of the regional notification centers to support the Board's annual operating costs.

Alternative 2: Do not approve \$356,000 Dig Safe Fund and one position starting in 2020-21, \$335,000 Dig Safe Fund in 2021-2022, and \$175,000 Dig Safe Fund in 2022-23 and ongoing to meet the statutory requirements set forth by AB 1166.

The advantage for Alternative 2 is that it would not result in fee increases for the members of the regional notification centers.

The disadvantages for Alternative 2 are:

1) In order to meet the statutory obligations of AB 1166, the Board will have to redirect staff from other mission critical activities, which may impact its ability to support successful implementation of AB 1166 and meet its other statutory obligations;

2) The Board may not have the capacity to proactively educate utility operators, which could result in lesser rates of compliance or operators taking longer to comply with the requirements of AB 1166, thereby resulting in reduction or delay of enhancements to safety and accountability;

3) The burden on enforcement resources will increase due to a lack of proactive engagement with operators; and

4) The Board's ability to provide ongoing coordination with the regional notification centers regarding their continual technological development would be reduced and would come at the expense of other mission-critical Board priorities, such as successful roll-out of the Board's other forthcoming regulations.

G. Implementation Plan

In May 2020, CAL FIRE will advertise for the position from this request through CalCareers and other recruitment outlets. All list eligible, lateral/transfer, and/or SROA

candidates will be considered. CAL FIRE will make job offers contingent upon enactment of the Budget Act of 2020, with staff starting in their positions by July 2020.

Efforts to develop, through emergency regulations, an application process for allowing operators to request an extension to the electronic positive response requirement for good cause are in process, and expected to be complete by July 1, 2020. Upon appointment, the AGPA will begin accepting, reviewing, tracking, and presenting proposed decisions on applications to the Board for approval. Beginning on the statutory compliance date of January 1, 2021, the AGPA will begin developing a compliance audit process and develop official letters to send to operators who are out of compliance, develop notices of probable violation and corrective action plan criteria for Board action.

H. Supplemental Information

N/A

I. Recommendation

Alternative 1: Approve \$356,000 Dig Safe Fund and one position starting in 2020-21, \$335,000 Dig Safe Fund in 2021-2022, and \$175,000 Dig Safe Fund in 2022-23 and ongoing to support successful implementation of and meet the statutory requirements set forth by AB 1166.

BCP Fiscal Detail Sheet

BCP Title: Electronic Positive Response (Protection of Underground Infrastructure) (AB 1166)

BR Name: 3540-051-BCP-2020-GB

Budget Request Summary

Personal Services

Personal Services	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
Positions - Permanent	0.0	1.0	1.0	1.0	1.0	1.0
Total Positions	0.0	1.0	1.0	1.0	1.0	1.0
Earnings - Permanent	0	154	154	77	77	77
Total Salaries and Wages	\$0	\$154	\$154	\$77	\$77	\$77
Total Staff Benefits	0	116	116	58	58	58
Total Personal Services	\$0	\$270	\$270	\$135	\$135	\$135

Operating Expenses and Equipment

Operating Expenses and Equipment	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
5301 - General Expense	0	4	4	2	2	2
5302 - Printing	0	2	2	1	1	1
5304 - Communications	0	4	4	2	2	2
5306 - Postage	0	2	2	1	1	1
5320 - Travel: In-State	0	5	5	4	4	4
5322 - Training	0	2	2	1	1	1
5324 - Facilities Operation	0	45	24	18	18	18
5326 - Utilities	0	2	2	1	1	1
5346 - Information Technology	0	20	20	10	10	10
Total Operating Expenses and Equipment	\$0	\$86	\$65	\$40	\$40	\$40

Total Budget Request

Total Budget Request	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
Total Budget Request	\$0	\$356	\$335	\$175	\$175	\$175

Fund Summary

Fund Source

Fund Source	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
State Operations - 3302 - Safe Energy Infrastructure and Excavation Fund	0	356	335	175	175	175
Total State Operations Expenditures	\$0	\$356	\$335	\$175	\$175	\$175
Total All Funds	\$0	\$356	\$335	\$175	\$175	\$175

Program Summary

Program Funding

Program Funding	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
2461019 - California Underground Facilities Safe Excavation Board	0	356	335	175	175	175
Total All Programs	\$0	\$356	\$335	\$175	\$175	\$175

Personal Services Details

Positions

Positions	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
5393 - Assoc Govtl Program Analyst (Eff. 07-01-2020)	0.0	1.0	1.0	1.0	1.0	1.0
TH00 - Temporary Help	0.0	0.0	0.0	0.0	0.0	0.0
Total Positions	0.0	1.0	1.0	1.0	1.0	1.0

Salaries and Wages

Salaries and Wages	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
5393 - Assoc Govtl Program Analyst (Eff. 07-01-2020)	0	77	77	77	77	77
TH00 - Temporary Help	0	77	77	0	0	0
Total Salaries and Wages	\$0	\$154	\$154	\$77	\$77	\$77

Staff Benefits

Staff Benefits	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
5150900 - Staff Benefits - Other	0	116	116	58	58	58
Total Staff Benefits	\$0	\$116	\$116	\$58	\$58	\$58

Total Personal Services

Total Personal Services	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
Total Personal Services	\$0	\$270	\$270	\$135	\$135	\$135