



**Bloomstine &
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June 3, 2013

The Honorable Jerry Hill
Chair, Subcommittee on Gas and Electric
Infrastructure Safety
CA State Capitol, Room 5064
Sacramento, CA 95814

**REGARDING: TODD BLOOMSTINE'S COMMENTS DURING THE SUBCOMMITTEE ON ELECTRIC INFRASTRUCTURE
SAFETY HEARING: "EXCAVATION DAMAGE: A SAFETY THREAT OR COST OF DOING BUSINESS"**

Dear Senator Hill:

Thank you for the opportunity to address the subcommittee regarding California's "Call Before You Dig Law." I submit this letter as written testimony to the verbal comments I made during the hearing.

Since 2001, I have represented the Southern CA Contractors Association (SCCA), an association of 350+ members from across Southern California. It was established in 1974. All SCCA contractors hold at least an "A" CSLB engineering license. They all have signed master labor agreements with several unions including the laborers, operators and carpenters.

SCCA members typically encounter underground infrastructure after it has been installed -- during repaves, new street and highway construction, grading, and other engineering type construction projects.

Firstly, SCCA members do not consider the DigAlert laws as a means to protect gas and electric infrastructure. SCCA considers these laws as a means to protect workers around dangerous infrastructure. Civil liabilities and punitive penalties certainly serve as deterrents. But they pale in comparison to the hazards that SCCA member employees face on the jobsite.

How do we address excavators that do not call?

We believe the problem of excavators not calling are from very small contractors and owner/operators.

We also believe the laws on the books should be enforced. Penalties should be levied against those that flagrantly avoid the law. However, there should be a distinction between flagrant scofflaws and companies that make administrative mistakes. Don't crucify companies that are attempting to comply. Don't play "gotcha" enforcement -- assist with compliance.

Encourage general contractors to include requirements to contact DigAlert in their contracts with subcontractors. Some do now, but not all of them. SCCA sponsored legislation similar to this solution in 2004. That bill, AB 1264 (Benoit) was signed into law requiring rental companies to disclose on their rental agreements that it is the renter's requirement to notify DigAlert.

Encourage cities and counties to alert applicants for a construction permit that the law requires them to contact DigAlert as well. One contractor in Riverside County told me he couldn't pull a construction permit until he had a valid DigAlert ticket number.

Continue the practice of all contractors working on a project to contact DigAlert. Many contractors may work at the same jobsite at any given time. This repetition is positive redundancy that assures marked underground infrastructure.

How to Address Mismarkings?

The most obvious way is to assure that the underground utility locators are adequately qualified and trained. SCCA firmly believes the underground utility workers should be employees of the operator, not third party employees. In fact, I recently located a third party company hiring for these positions. The job description was in San Francisco and it paid \$12 an hour. Amazingly, the description offered the potential for a bonus based on "facilities marked and tickets completed."¹ Third party companies are providing financial incentive, \$600 in fact, for the locators to complete as many jobs as possible. Rushing a job to locate dangerous and expensive underground infrastructure is unacceptable.

Pavement Recycling Systems, Inc. has had several unfortunate incidents. An email from their president is attached.

Pursue the development and application of underground radar to positively locate underground infrastructure in order to avoid situations that Pavement Recycling Systems has experienced.

Finally, if an excavator has followed the procedures and the markings and ends up damaging infrastructure, the excavator should not be liable for the damages. Perhaps operators would be more careful in their markings if more emphasis was placed on accurate markings.

Ways to Avoid Insufficient Excavation Practices

The most obvious way to avoid bad excavations is for excavators to hire and retain highly-skilled and highly-trained labor, preferably employees that participated in apprenticeship schools. These employees are trained in today's best practices.

Continue to develop "best practices" or method specialties when excavating around underground infrastructure. Develop them with the excavators and the operators. Show the construction industry what the viable procedures are then encourage their use.

Mr. Chair, the DigAlert statute is not intended to be an enforcement mechanism. It is a government service designed to protect workers and infrastructure alike. Treat it as such -- use the expertise you have available expand the program where expansion will increase participation, protecting everyone involved.

Thank you for your time.

Cordially,



Todd A. Bloomstine

cc: Members, Subcommittee on Gas and Electric Infrastructure Safety

¹ <http://www.simplyhired.com/job-id/52o2oyptac/damage-prevention-jobs/>

Company Name: UtiliQuest

Title: Damage Prevention Technician (San Francisco County)

Location: San Francisco, CA

Salary: \$12.00/Hour

UtiliQuest is hiring Utility Locate Technicians throughout San Francisco County. A Great Place to Build a Career STOP Looking for a Job... FIND A CAREER! For over three decades, UtiliQuest, LLC has been locating underground utility lines and offering value-added services to major utility and telecommunication companies across the United States. Over this time, we've been named an industry leader, nationally recognized for our prompt, accurate, and high-quality locating services. Our responsibility is not merely to meet, but to exceed our customer's expectations for quality, professionalism, and value. In today's market, the demands of a locate technician are increasing daily as utility networks become more sophisticated and complex. So it is only with a trained and experienced field staff that we can succeed. We are dedicated to supplying quality, dependability, and accuracy to our customers, and we want you to join the team to the top. UtiliQuest has a strong reputation for quality underground utility damage prevention. A big part of our success can be credited to the quality people we work so diligently to hire, train and support. UtiliQuest strives to be an employer of choice by creating an environment where teamwork and individual accomplishments are recognized and rewarded. WORK UtiliQuest Offers Its Workforce the Platform to Succeed Day in and day out, UtiliQuest offers its workforce with the platform to succeed. We empower and trust our employees, and allow them flexibility in their professional responsibilities. We believe in outfitting each technician with the right tools to do the job right. Upon hire, all UtiliQuest employees are provided with: Mid-sized, light-duty Ford or Chevrolet trucks, year 2008 and newer Ruggedized military-grade laptop, used in and outside of the vehicle Mobile phone and related communication devices Access to state of the art technology and software State of the art equipment, including Vivax, Metrotech, Radio Detection, and GPR units GROW UtiliQuest not Only Offers You a Job, but a Chance to Build a Career UtiliQuest not only offers you a job, but a foundation for a lifelong career. Our constant attention to state-of-the-art technology, ongoing internal training, and professional certification makes UtiliQuest the ideal place to develop and grow your career in the locating industry. At UtiliQuest, our priority is to promote from within, meaning, our locators will one day be those supervising, managing, and directing our workforce in years to come. UtiliQuest is fully committed to your success and growth by offering paid industry-standard training and access to online material and guides in a learning environment focused on your continued enhancement and professional development. SUCCEED UtiliQuest Offers Benefits That Take Care of Your Needs & Rewards for All Your Efforts Incentive-Pay Rewards Program In addition to paying competitive wages, UtiliQuest offers a unique Reward Program to each qualifying productive technician and supervisor, which gives them the opportunity to earn income beyond their annual salary. Through this Reward Program, technicians can receive additional earnings, based on facilities marked and tickets completed. Approximately half of our workforce is given these rewards each week, translating to an average of an additional \$600 per month, per employee. Comprehensive Benefits Group Medical, Dental, and Vision Insurance (Affordable access to high quality plans, customized per employee) 401(K) (matching contributions made each week) Life Insurance (company-paid and supplemental available) Short Term & Long Term Disability Tuition Reimbursement Paid Vacations/Holiday On-Call compensation

----- Forwarded message -----

From: **Rick Gove** [REDACTED]
Date: Mon, Jun 3, 2013 at 4:39 PM
Subject: RE: Fwd: Hearing on Excavation Damage: Tuesday, June 4th 9:30
To: jim o'kane [REDACTED]

Jim – Here's a story for Todd:

A little more than a month ago we were doing a milling job for Kern County near Bakersfield. The job had been postponed for 6 months because at the start of excavation it was found all the utilities in the street were high – gas, sewer and water. So the job was delayed while the utility companies, including PG&E, came in and lowered all the utilities.

We got the call from the contractor (Birtch Construction) to begin milling. Mike Smith, our Bakersfield manager called USA and got a verification number. Then (and I am not sure of the process) he talked, among others, to PG&E's locator and upon telling the PG&E guy that our mill depth was 7" he was given the "all clear. Nothing that shallow in your path." We mill all day on Friday, April 19th without incident. We return on Monday, April 22nd and about 2 hours into the work we hit a 3" diameter gas line at the curb line, less than 3" below the surface. The gas ignites and burns our milling machine to the ground.

Of course, now PG&E says our information is faulty – we were not given an "all clear". This was a verbal conversation and Mike took notes, but that is all we have. EVERYBODY thought the site was clear because the job had been delayed specifically to lower interfering utilities. Our excavation was shallow – who would expect a gas line in 7" of pavement, let alone 3"?

In talking with experts around the country, they find it puzzling that on normal milling jobs where we are removing 2-3" of pavement, that we must call USA. In their opinion that is not "excavation" it is pavement removal/milling and USA notification should not be necessary. Unfortunately, many utility covers are paved over by contractors and never re-exposed. Even if we get a USA number, who knows where that manhole cover actually is? How often must we pothole to find it? This rarely causes significant damage (exception is a paved over electrical vault), except to our equipment. Manholes turn out to be plenty sturdy.

And, of course, you know the story of the Westminster gas main that was 3' deep everywhere except a small riser where it went up an over an interfering utility and was within 12" of the surface. That ruptured line shut down many businesses and forced a neighborhood evacuation because the shut off valve for the line was rusted shut. Estimated costs are in the neighborhood of \$500,000 even though there was no fire.

Richard Gove

Pavement Recycling Systems, Inc.

[REDACTED] (Direct)

