
California Underground Safety Board

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Agenda Item No. 13 Information Item – Staff Report

Planning and Design Information Exchange: Regulatory Development Update

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SUMMARY

Government Code section 4216.1(b)(1)¹ requires the Underground Safety Board (Board), by July 1, 2027, to establish regulations for a planning and design information exchange. The intent is to enable project designers, engineers, and project owners to obtain subsurface installation information early in project planning, separate from the intent to excavate (811) notification system.

Stakeholder outreach conducted by the Board to date includes three public workshops, two online surveys, and other outreach efforts, resulting in information and insight on the following: 1) information to be included in a design request; 2) appropriate response timelines; 3) standard processes; 4) the necessary data to be shared; 5) preferred formatting of proposed data to be shared; and 6) and any requirements that the excavators and operators must fulfill for the planning and design information exchange.

However, while constructive information was gathered, a few policy questions require additional direction from the Board. With this additional Board direction, Board staff will conduct further engagement with stakeholders to advance the development of these planning and design information exchange regulations.

STRATEGIC PLAN

2020 Strategic Plan Objective: Improve Accessibility of Buried Infrastructure Location Knowledge and Understanding

2023 Plan Activity: Develop a Planning and Design Ticket

¹ [Government Code 4216.1\(b\)\(1\)](#)

BACKGROUND

Problem Statement

While it often currently takes designers extended periods of time to accumulate sufficient information to finalize engineering plans, current California law does not provide a method for them to obtain subsurface installation information from utility operators until the 14th day before excavation begins.²

Existing California Law

With the Dig Safe Act of 2016 (Act) (SB 661, Chapter 809, Statutes of 2016), the California Legislature mandated subsurface installation safety requirements to protect excavators, utility operators, and the public. The Act is in Government Code Section 4216. Specifically, 4216.1(b)(1) (which was added through SB 254 [Becker] Chapter 119, Statutes of 2025³) requires:

- The Board, by July 1, 2027, to create timelines, processes, and any other requirements for utility operators and excavators so they can share project information and existing subsurface installation information during the planning phase of a project.
- Utility operators of subsurface installations to participate in the planning and design information exchange.
- The regional notification centers (RNC) (Underground Service Alert of North California and Nevada [USA North 811] and Underground Service Alert of Southern California [DigAlert]) to facilitate the planning and design information exchange between utility operators, excavators, and designers.
- RNCs to submit proposed procedures for the Board's review and approval, including before implementing any substantive changes to these procedures.
- The Board to engage with affected stakeholder groups and allow for public comment before approving the RNCs' procedures.

Government Code sections 4216.2⁴ and 4216.3⁵ direct excavators to notify an RNC before excavation begins, so that operators can locate and mark their subsurface facilities. Typically, excavation can begin two full business days after the RNC receives a notice of intent to excavate, and no later than 14 business days.

The Need for a Planning and Design Information Exchange

While establishing subsurface installation safety requirements, the Dig Safe Act of 2016 did not include any subsurface planning and design laws and California law does not include a standardized process for designers to obtain utility subsurface installation information during a project's planning and design phase. Access to accurate subsurface installations would help identify potential conflicts earlier, allow for the evaluation of alternative routes, and decrease

² [Government Code Section 4216.2](#)

³ [Bill Text - SB 254 Energy; See SEC. 2](#)

⁴ [Government Code Section 4216.2](#)

⁵ [Government Code Section 4216.3](#)

hasty design changes that are needed after an unexpected subsurface facility was exposed during excavation, resulting in costly redesigns and lost time.

Today, designers are inclined to use “informal” approaches to obtain necessary utility information early in a project’s lifecycle months or even years before excavation begins. These “informal” approaches include direct coordination with operators, intent to excavate (811) notifications, and field verification. These practices can however result in inconsistent access to information and can lead to undue burdens on locators, misallocation of limited resources, and additional utility operator costs that are then paid for by utility ratepayers, instead of the project owner.

Government Code Section 4216.1(b)(1) was drafted to address the lack of a planning and design method by requiring the Board to create a new planning and design request information exchange. The exchange is to be a system through which designers can obtain utility location information at the right stage and for the right purpose, namely, during project planning.

Public Safety Impacts

The Common Ground Alliance (CGA) identifies gathering available subsurface installation information during project planning as an important part of evaluating design alternatives and potential project impacts.⁶ Inadequate subsurface installation mapping during planning and design can also lead to late and costly construction changes, additional locate and mark requests, and an increased opportunities of striking an unidentified buried utility.⁷

CGA, an industry leader, was founded as a non-profit in 2000, and its nearly 4,000 members work to prevent damage to subsurface installations. It does this by publishing more than 160 national guidelines for safe digging and excavation and running the DIRT Tool (Damage Information Reporting Tool) to track and analyze utility strikes and near-misses.

Planning and Design Information Exchange Stakeholder Outreach to Date

Board staff have begun conducting planning and design information exchange stakeholder outreach. Multiple sources of evidence were used to inform planning and design information exchange, which are provided later in this report. These included public comments from three stakeholder workshops held on January 6, February 24, and June 3, 2026, together with public comments received during Board meetings and other stakeholder engagement activities. In addition, the Board conducted two statewide stakeholder surveys in April 2026: one for utility operators and another for designers, engineers, and excavators. (See Attachment 1 - April 2026 Survey Takeaways). The stakeholder outreach collectively gathered input on current practices, operator response timelines, applicable data and quality standards, roles and responsibilities,

⁶ [Common Ground Alliance, Best Practices 18.0, Chapter 2, “Planning and Design,” Best Practice 2-2, “Gathering Information for Design Purposes,” 2021, p. 7.](#)

⁷ [Common Ground Alliance, Pathways to Improving U.S. Damage Prevention: Status Report, Next Practices Initiative, 2021, p. 9, “Impacts of Inaccurate, Inaccessible Facility Maps](#)

and other constraints associated with the planning and design information exchange.^{8 9 10}

Existing Planning and Design Practice

Both of California's RNCs recognized that the California lacked a regulatory method to facilitate planning and design inquiries, stepped up, and each created a voluntary online process. These planning and design solutions help connect designers with members who have subsurface installations in the proposed area of excavation. Unfortunately, as their processes differ, the mechanisms for submitting, routing, and tracking requests differs, and results in varying practices and voluntary participation.

The Underground Service Alert of Northern California and Nevada (USA North) created its "Planning and Design Platform" which is a voluntary, registered member only, self-service online tool used to obtain underground utility owner contact information during a project's early design phase. Its portal-based design request system allows designers to submit a design information request using standardized information fields. Upon submission, this request is instantly routed to utility operators with known facilities in the project area.¹¹

The DigAlert "Design Stage Planning" tool (also known as "Design Lookups") is a paid service for projects in the pre-planning phase. Rather than field markings, "Design Lookups" provides designers with a list of member utility owners and their engineering contact information for a specific location. A request can be a one-time lookup, or multiple requests would require a subscription. The fee is \$50.00 per address/location, 1/2 mile or under. If a designer wants to obtain as-builts or maps, it must contact each utility operator directly.¹²

Utility operators and public agencies with limited engineering staff usually must respond to unpredictable, non-standardized design requests which in some cases are misdirected excavation notifications. Without clear requirements governing the design information to be provided or the operator timelines for responding to a request, designers may identify and address potential utility conflicts during active project construction.

BOARD'S POLICY OBJECTIVES

The Board's policy objectives, consistent with its Strategic Plan¹³, are to improve accessibility of buried infrastructure location knowledge and understanding, and to improve public safety by facilitating communication and learning among excavators and the operators of subsurface

⁸ January 2026 - Planning and Design Workshop: [Notice and Agenda](#). The video recording of the workshop can be found [here](#).

⁹ February 2026 - Planning and Design Workshop: [Notice and Agenda](#). The video recording of the workshop can be found [here](#).

¹⁰ June 2026 - Planning and Design Workshop: [Notice and Agenda](#). The video recording of the workshop can be found [here](#).

¹¹ [Request Utility Information for Planning and Design Projects - USAN 811 \(Video Tutorial\)](#) and <https://usanorth811.org/professional-excavator#project-design>

¹² [DigAlert® | Design Stage Planning](#)

¹³ [Underground Safety Board Strategic Plan](#)

installations. A planning and design information exchange advances these objectives by improving communication before excavation begins. Providing a consistent process for designers and utility operators to exchange underground utility information earlier in project development can help identify potential conflicts before they reach construction and establish clearer expectations for how information is requested, shared, and communicated.

Regulatory Impact

Per SB 254 (Becker), the Board must adopt the new planning and design request information exchange rules by July 1, 2027.

After Board adoption, the proposed regulations will be submitted to the California Office of Administrative Law (OAL). The OAL is charged with guaranteeing that regulations proposed by an agency are clear, necessary, legally valid, and available to the public.¹⁴

The Board's regulations will establish a planning and design request information exchange which allows project designers to submit a standardized design request to an RNC to obtain subsurface installation information from utility operators early in a project's design phase. Utility operators will be required to respond within a specified timeline. The RNC will facilitate the exchange by routing requests and tracking responses to ensure accountability.

As California's two RNC's have already created planning and design tools (see Existing Planning and Design Practice above), Board staff have researched these tools and appreciates the RNCs' participation in these efforts. Inclusion of these two tools in stakeholder discussions has enhanced communications as it offers a familiar tool as a jumping off point, with pros and cons, which is helpful with the limited drafting period.

By establishing clear timelines, standardized information request requirements, defined roles and responsibilities, and transparent processes, the regulations will create predictability for all parties. Designers can plan utility coordination early, reducing design conflicts and the need for change orders. Utility operators can respond to design requests within a specified timeframe that does not conflict with excavation locate-and-mark obligations.

STAKEHOLDER OUTREACH, DATA, AND LIMITATIONS

In addition to the information collected through stakeholder outreach to date, Board staff also researched planning and design laws and programs in other states to identify common regulatory approaches and implementation practices.

The stakeholder feedback described above was also evaluated collectively to identify recurring issues, areas of stakeholder consensus, and differing viewpoints.

¹⁴ [Office of Administrative Law](#)

The available information collected to date has several limitations:

- Reported underground damage data: 1) is not specific to only planning and design activities; 2) is based on voluntary, not mandatory reporting; and 3) generalizes damage types, making it harder to analyze root causes.
- The Board's stakeholder workshops and surveys were: 1) voluntary; 2) not statistically representative of California's regulated community; and 3) insightful of stakeholder perspectives but not representative of statewide practices.
- Important California-specific data remains unavailable, including: 1) the number of intent to excavate (811) tickets incorrectly used for planning and design purposes; 2) the number of underground damages attributable to planning stage information gaps; 3) statewide planning and design operator response times; 4) fees currently charged for planning and design information; and 5) example use of non-disclosure agreements ("NDA") for sharing sensitive utility information.

DISCUSSION

This section presents identified key regulatory components of the proposed planning and design request information exchange and summarizes stakeholder input. It also identifies, when available, recommended approaches and gaps in policy.

Regional Notification Centers

Both RNCs in California currently do not have a mechanism to track design response and requests, or the ability to escalate an unanswered request.¹⁵ Without a documented request-and-response record, the Board will have limited ability to determine genuine operator non-response from a lost or misrouted request or evaluate whether the design request information exchange is implemented as intended.^{16 17}

Stakeholder discussion included having the RNCs centrally host and store information on all design requests and responses. While this approach would create the most complete record, it was generally not supported by either RNC or stakeholders. The consensus was that it is currently not feasible, given cost, data storage, and security. (See Attachment 2 – June 3, 2026, Workshop Takeaways.)

Intermediate Conclusions

Stakeholder consensus seems to dictate that:

- The RNCs are an established and familiar interface between industry and stakeholders.
- The RNCs already have utility operator's contact information.
- Using the RNCs' existing notification network would work better than establishing a separate system for facilitation.

¹⁵ June 2026 - Planning and Design Workshop: [Notice and Agenda](#). The video recording of the workshop can be found [here](#).

- The RNCs would be responsible for:
 - Receiving the completed standardized design request form.
 - Routing each request to the designated utility operator.
 - Assigning a unique design identification number to the design submission distinct from an excavation notification.
 - Tracking the status of each request and response without storing the planning and design information itself.

Both RNCs also indicated that tracking basic design requests and response information is feasible within this proposed role. Board staff believes this approach directly addresses the accountability gap described above while remaining consistent with both RNCs' current operational capacity and new statutory facilitation role.

Design Request

Stakeholders have mentioned that without a standardized information request form, utility operators receive requests that are often vague, incomplete, or overly broad, requiring them to make assumptions about the scope of the request. This increases administrative workloads, results in repeated follow-up with designers to obtain missing information, and, in some cases, causes utility operators to review areas unrelated to the actual project.

Designers similarly can lack an understanding of necessary information to be submitted as a design request, leading to inconsistency and delays in receipt. These inconsistencies would likely limit the effectiveness of the design responses and may delay the identification of potential utility conflicts that can affect project planning, safe excavation practices, and resources.

For purposes of the proposed planning and design information exchange, a “design request” is a request submitted by a designer or project owner through an RNC to obtain planning and design information from affected operators before excavation. The term “design request” was selected to distinguish this new information only process from the existing, mandated excavation safety notification or “ticket.” Previous stakeholder discussions identified that use of the term “ticket” in the new information exchange could create confusion. The use of the term “design request” seems to be interpreted by stakeholders as a more general term requesting planning level information without implying that an intent to excavation notification has been submitted.¹⁸

Intermediary Conclusions

Current information suggests a meaningful design information request should include:

- Contact information.
- Project scope.
- Project location.

¹⁸ [April 2026 Staff Report – Planning and Design Information Exchange Update](#)

- Geographic boundary.
- Excavation method.
- Property type.
- Anticipated construction timelines.

(See Attachment 1 - April 2026 Survey Takeaways.)

Workshop participants further explained that a geographic project boundary (e.g., a map), rather than just a street address or narrative description, significantly improves a designated Member's ability to determine whether their subsurface installations are affected and reduces unnecessary notifications to operators with no infrastructure within the project limits.¹⁹

Design Response – Depth Information, Flexibility in Response Format, Minimum Accuracy Standard and Technical Point of Contact

Note: Intermediary Conclusions for all four subparts of Design Response are consolidated at the end of the section.

Depth Information

Stakeholders discussed the need and limitations of depth information. Utility operators consistently explained that reliable information is often unavailable for older infrastructure, which may not have been recorded when facilities were installed, and requires additional field investigation to verify.²⁰ Consistent with current excavation requirements, stakeholders generally did not support requiring utility operators to determine or verify depth information solely for planning and design purposes. However, several utility operators indicated they already provide available depth information when it exists.

Flexibility in Response Format

Workshop participants emphasized that availability and usability of the design information received was more important than prescribing a single technical format in which the information shall be shared. Survey respondents generally supported allowing multiple commonly used formats, including PDF, CAD, GIS files, and web-based mapping systems, provided the information clearly identifies the location of underground facilities and can be readily used during project planning.²¹ (See Attachment 1 - April 2026 Survey Takeaways.)

¹⁹ January 2026 - Planning and Design Workshop: [Notice and Agenda](#). The video recording of the workshop can be found [here](#).

²⁰ [April 2026 Staff Report – Planning and Design Information Exchange Update - Attachment 1](#)

²¹ Definitions of “geospatial” terms used by workshop participants: (1) PDF: An abbreviation of Portable Document Format: A proprietary file format that creates text-based, formatted files for distribution to a variety of operating systems, (2) CAD: An abbreviation of Computer-Aided Design: The use of software to manipulate, create, organize, or optimize a design. Sometimes also known as computer-aided drafting. CAD systems are commonly used to support engineering, planning, and illustrating activities. CAD File: The digital equivalent of a drawing, figure, or schematic created using a CAD system. (3) GIS: An abbreviation of Geographic Information System: An integrated collection of computer software and data used to view and manage information about geographic places, analyze spatial relationships, and model spatial processes. A GIS provides a

Minimum Accuracy Standards

The planning and design request information exchange will only be useful if the information provided by utility operators allows designers to understand both the location of the subsurface installations and the limitations of the information received.

Designers cannot make informed project decisions, including whether additional field verification or Subsurface Utility Engineering (SUE) is necessary, if there are uncertainties in the design responses. This is especially true if they cannot ascertain the reliability and the last update of the records provided.

Designers and engineers identified information inconsistencies in design responses, making it difficult to interpret and compare information across multiple utilities. Specifically, they identified:

- Considerable variations in format.
- Level of detail.
- Supporting information.

Technical Point of Contact

Stakeholders supported all parties providing a designated point of contact for technical questions. Stakeholders emphasized the importance of direct communication between designers and operators when clarification is needed, particularly when design responses require additional explanation or when designers need to understand limitations of the information provided.^{22 23}

Intermediary Conclusions

Board staff is currently suggesting including the following minimum information requirements for a design response:

- A map identifying the location of the utility operator's subsurface installations.
- A disclaimer stating that the information represents a snapshot in time of the subsurface utility, and is intended for planning and design purposes only, and does not satisfy excavation notification requirements or substitute for locate and mark under Government Code sections 4216.2 and 4216.3.
- An up to date and direct contact information for utility operator's internal technical representative who can respond to questions regarding the submitted design request and the utility operator's subsurface installations.
- Notification to the designer when the utility operator has no records for the requested area.

framework for gathering and organizing spatial data and related information so that it can be displayed and analyzed. (4) Web Map Service: Also known by the abbreviation WMS: An open specification standard that defines the protocol for how map images are rendered by servers to web clients. The WMS standard is the result of a collaborative effort assembled by the Open Geospatial Consortium (OGC) to provide reliable geospatial data.

- The date the utility records or maps were last updated.
- The ASCE 38-22 quality level assigned to the records, if one has been designated in the designated Member's records; if no quality level has been assigned, the designated Member must state that no quality level has been assigned.
- A design request information response in any commonly accepted format that identifies facility locations, including PDF maps with scale and reference information, GIS files, CAD files, or another comparable digital format.

Operator Response Timeline

Without a clearly defined response period, designers are left waiting for an undefined, costly period before they can advance their project while utility operators risk accumulating costly backlogs. An enforceable response timeline requires:

- A clearly defined triggering event.
- Objective criteria for requesting an extension of time to respond.
- Consistency and transparency in communicating granted extensions.

Without these minimum elements, compliance is not transparent, cannot be measured consistently, and response deadlines cannot be fairly enforced.

Stakeholder response to the Board's outreach indicated that approximately 30 business days reflect current trends for responding to planning-level information requests. Large utility operators stated that comparable GIS mapping requests are generally completed within 30 days. Utility operator workshop participants consistently identified several factors that affect design review process and response time:

- Utility records only maintained in historical paper files or archived record systems that require manual retrieval, review, or interpretation.
- Incomplete or outdated records requiring coordination.
- Large or geographically complex projects.
- Situations requiring execution of an NDA before certain utility information can be released.²⁴

Stakeholders explained that these circumstances require additional staff time beyond simply transmitting existing mapping files and are operational realities rather than isolated exceptions. Similarly, a deadline much shorter than 30 days was discussed but it was agreed that this condition would likely result in noncompliance driven by capacity constraints rather than unwillingness.

Design engineers generally supported a 30-day or shorter response given their planning and design requests are typically submitted between 9 and 24 months before construction begins. The proposed timeline remains workable for them as they were willing to afford more flexibility

²⁴ [April 2026 Staff Report – Planning and Design Information Exchange Update - Attachment 1](#)

to operators for a thorough design response.²⁵

Solutions from Other States:

- Missouri mandates a 5 working day response.²⁶
- Illinois and Georgia mandate 10 working day responses.^{27 28}
- Minnesota allows up to 15 working days.²⁹
- Pennsylvania requires an initial design response within 10 business days.³⁰

Intermediary Conclusions:

Board staff are currently envisioning the planning and design information exchange process to allow 30 business days for an operator to provide information in response to a design request.

Distinctions Between Design Requests and Excavation Notification

Stakeholder outreach identified that, in the absence of a standardized planning and design process, designers sometimes submit an intent to excavate (811) notifications under Government Code section 4216.2 to obtain utility information needed during project planning or bidding when excavation is not imminent.³¹ This practice places additional demand on the intent to excavate (811) notification system, which is intended to support time-sensitive locate and mark activities. Stakeholders recommended clearly distinguishing a design request from an intent to excavate (811) notification system in regulation. Workshop feedback included support for requiring utility operators to include a disclaimer which clarifies this distinction and reinforces that intent to excavate notification requirements remain unchanged.

The Dig Safe Law of 2016 mandated subsurface installation safety requirements to protect excavators, utility operators, and the public. The Act included Government Code section 4216.2(b) which requires an excavator planning to conduct an excavation to notify the appropriate regional notification center of the excavator's intent to excavate at least two working days, and not more than 14 calendar days, before beginning that excavation, except in an emergency. The section goes on to say in 4216.2(g)(1) that an excavator shall not begin excavation until all operators of subsurface installations that are listed on the ticket have fulfilled their obligations, unless an emergency exists. The Act did not include any subsurface planning and design mandates.

Subsurface planning and design were added to a draft Senate bill in the California Legislature in the September 10, 2025, version of SB 254 (Becker). To ensure that there would be no

²⁵ February 2026 - Planning and Design Workshop: [Notice and Agenda](#). The video recording of the workshop can be found [here](#).

²⁶ [Missouri. Ann. Stat. § 319.027 Design requests, how made--marking location required](#)

²⁷ [Illinois Underground Utility Facilities Damage Prevention Act](#)

²⁸ [Georgia Government Code Section 25-9-4 Design locate request and response](#)

²⁹ [MN Statutes Sec. 216D.04: Excavation; Land Survey](#)

³⁰ [Underground Utility Line Protection Law - Pennsylvania One Call System Section 2 Responsibilities of the facility owner](#)

³¹ [April 2026 Staff Report – Planning and Design Information Exchange Update - Attachment 1](#)

confusion between any new planning and design tools in SB 254 (Becker) or future legislation, and the safety intent to excavate (811) notification in Government Code section 4216.2, SB 254 (Becker) amended Government Code section 4216.1 to contain the following:

4216.1(b)(1) A regional notification center shall facilitate the exchange of planning and design information for infrastructure projects, including, but not limited to, electrical infrastructure undergrounding projects, and every operator, except the Department of Transportation, shall participate in this information exchange. The board shall determine through regulation the appropriate timelines and standard processes associated with this information exchange, the information required to be shared, and the format in which it shall be shared, and any requirements that excavators and operators are required to fulfill to accomplish this information exchange.

To ensure that the intent of both the Dig Safe Act of 2016 and SB 254 (Becker) is properly instituted, declaratory language could be added to the proposed standardized planning and design information request form stating that a design request does not satisfy an intent to excavate (811) notification requirement under Government Code section 4216.2 or alter a utility operators locate and mark obligations under Government Code section 4216.3. Such regulatory language reinforces that design-stage information is for informational purposes only and is not a substitute for an intent to excavate (811) notification.

Solutions from Other States:

- Mississippi clarifies that planning and design information exchanges are intended for activities that “do not involve excavation.”³²
- Missouri explicitly prohibits excavation activities based solely on a design request.³³
- Georgia and South Carolina use the designation “not for excavation” as a clear indicator of the purpose and limitations of planning and design tickets.³⁴

Intermediary Conclusions:

Board staff are currently envisioning regulations to include distinct language that states planning and design requests do not take the place of intent to excavate (811) notifications and that design stage information is for informational purposes only.

Cost Recovery and Fees

Government Code section 4216.1(b)(1) does not expressly address whether utility operators may charge fees for providing planning and design information.

³² [Mississippi Code 1972 \(2024\) Regulation of Excavations Near Underground Utility Facilities](#) “(g) ...A design information services request may not be used for excavation purposes.”

³³ [Missouri Revised Statutes of Missouri, Section 319.027](#) “No excavation may be commenced based upon information received through a design request.”

³⁴ [Georgia Code 25-9-4 \(2024\) - Design locate request and response](#) “(d) A design locate request shall not be used for excavation purposes.”, and [South Carolina Title 58 Chapter 36 Underground Facility Damage Prevention Act](#)

As a result, stakeholders requested that the regulations clarify whether cost recovery is appropriate and, if so, how fees should be administered. Allowing unrestricted fees or any fee could discourage use of the new planning and design request information exchange and result in the continuation of the incorrect usage of the intent to excavate notification (811) system for design purposes. Stakeholders, however, did not reach consensus regarding whether any fees should be charged.

Stakeholder feedback showed broad recognition that responding to planning and design requests requires utility operator's time and resources, particularly where requests involve large geographic areas, extensive utility records, or complex engineering review. Smaller operators may experience greater resource constraints when responding to large or increased volumes of planning and design requests.

Some utility operators workshop participants supported allowing fees based on factors such as project complexity or geographic scope. Designers generally acknowledged that reasonable fees may be appropriate where design requests clearly benefit a development project but expressed concern that unpredictable or excessive fees could discourage regular participation and create inconsistent access to planning information.³⁵

Workshop feedback also distinguished between providing baseline planning information and more extensive engineering services, such as field meetings, which may appropriately involve additional costs. Large utility operators reported processing planning and design requests and indicated they have been evaluating a potential fee structure.

Solutions from Other States:

- Michigan permits "Facility owners or operators [to] charge the person requesting project design or planning services separate fees for design or planning services."³⁶
- Colorado 811 notes that some facility owners or operators may charge for providing design related information.³⁷
- Basic planning and design tickets as generally free of charge, which includes basic sharing of utility maps and records, while acknowledging that certain utilities may not provide detailed design assistance for free. Examples of such services may include mapping or GIS exports, engineering reviews, field meets and walkthroughs, design related markings, or higher-accuracy SUE work.

³⁵ June 2026 - Planning and Design Workshop: [Notice and Agenda](#). The video recording of the workshop can be found [here](#).

³⁶ [MISS DIG Underground Facility Damage Prevention and Safety Act 174 of 2013](#)

³⁷ [Colorado 811: Excavation Handbook – Engineering Tickets](#)

Intermediary Conclusions:

Board staff are not currently envisioning establishing a standardized fee schedule or fee cap as stakeholders have not provided sufficient statewide cost information to support a fee schedule or cap.

Non-Disclosure Agreement

A non-disclosure agreement (NDA) is a legal agreement used to protect confidential or sensitive information from unauthorized disclosure. Some utility operators currently use NDAs before providing planning and design information because certain records may contain sensitive utility infrastructure information.

Stakeholders noted NDAs function most effectively when negotiated directly between the utility operator and requester and expressed concern about the legal and operational complexity of involving the RNCs in NDA administration. (See Attachment 2 – June 3, 2026, Workshop Takeaways.)

No stakeholder proposed a standard or model NDA, and stakeholder feedback does not contain examples of specific NDA terms operators currently require, which limits the Staff's ability to evaluate whether any current NDA practice is reasonable or overly broad.

Stakeholders were able to come to a consensus on the following to prevent an NDA from functioning as an indefinite or unreasonable barrier:

- Tying the NDA requirement to a stated, legitimate security or confidentiality purpose specific to the records requested, rather than a standard practice.
- Requiring the utility operator to provide the proposed NDA to the design requester promptly, so NDA negotiation cannot be used to consume any request or extension deadlines without the design requester having an opportunity to review and respond.
- Prohibiting NDA terms that impose obligations broader than necessary to protect the specific information at issue (e.g., restrictions unrelated to confidentiality of the records themselves).

Intermediary Conclusions:

Some stakeholders have raised concerns around security issues when providing information about where their subsurface utilities are located and have suggested the use of NDAs as a solution. Board staff currently have insufficient information to determine whether allowing NDAs as part of regulatory requirements are necessary. Additional stakeholder feedback regarding existing NDA terms and practices is needed to evaluate whether NDAs are necessary for the exchange of planning and design information or whether they may create limitations or barriers to timely access to design information.

STAKEHOLDER PERSPECTIVES

This section summarizes the collective perspectives of affected stakeholder participant groups, including designers, excavators, project owners, RNCs, and utility operators.

Utility Operators – Design Planning Information Request Costs and Scope

Smaller and publicly owned utility operators described more limited resources to keep their utility maps up to date, including reliance on informal, relationship-based coordination with contractors and incomplete historical records. While several large utility operators supported limiting the planning and design information exchange process to projects exceeding specified project cost or geographic thresholds, other stakeholders expressed concern that doing so would exclude many medium-sized projects resulting in utility conflict risks.³⁸ Small and rural operators also cited incomplete or non-digitized records and limited staff capacity, expressing concern that a statewide process could disproportionately burden them compared with larger operators that have dedicated GIS and engineering resources.³⁹

Designers – Accurate Record Needs, Fees, and Workarounds

Designers (designers, engineers, and project owners) described the lack of a design request information exchange as both an operational and safety issue. Without reliable access to subsurface installation information during project planning, they have incorrectly used an intent to excavate (811) notification or potholing as workarounds because utility operators generally do not provide field level information outside of the intent to excavate (811) notification process.³⁵ They emphasized that responses must provide usable, positionally reliable information rather than schematic or incomplete records. Small design firms, public agencies, and individual property owners undertaking smaller projects may be disproportionately affected if utility operators are allowed to charge fees. These stakeholders generally have less ability to absorb unpredictable costs or negotiate NDA terms with larger operators.

Regional Notification Centers

The RNCs emphasized that any statewide planning and design information exchange should account for differences in their respective and different operating systems and capabilities. Both RNCs indicated that their existing systems can facilitate communication between designers and utility operators, but neither currently functions as a repository for utility maps, records, or other design information exchanged between parties. Both RNCs highlighted that requiring the RNC itself to host, store, or warehouse utility records would require significant new infrastructure investment and raise unresolved cybersecurity questions. Therefore, the RNCs stress that the Board's new regulatory language should clearly define the scope of their responsibilities and account for the different technical and operational capabilities of each RNC when establishing a standardized process. (See Attachment 2 – June 3, 2026, Workshop Takeaways.)

³⁸ February 2026 - Planning and Design Workshop: [Notice and Agenda](#). The video recording of the workshop can be found [here](#).

³⁹ [April 2026 Staff Report – Planning and Design Information Exchange Update - Attachment 1](#)

OUTSTANDING POLICY QUESTIONS

Several policy questions remain where the Board staff has insufficient research, information and knowledge to draft a policy recommendation for the Board's consideration. These include:

- **Accuracy Level of Design Information Responses:** Should a minimum accuracy standard be required for the design response? Should, instead, design information responses be clearly marked as to their quality, standards, and limitations?
- **Cost Recovery:** Should regulations include a fee recovery schedule as design requests use utility operator resources? Should fees be permitted, with or without limitations? Should basic design information, (e.g.: utility maps and as-builts) be treated differently from additional engineering, field meetings, and SUE?
- **Extensions:** Should utility operators be allowed additional response time (extensions) and if so, under what circumstances, how long is a reasonable extension, and how should extensions be communicated and documented?
- **NDA Parameters:** Should an NDA be required in certain circumstances? Should there be regulatory guardrails to prevent NDAs from becoming a barrier to timely access? Should regulations include a standard NDA model that utility operators could use voluntarily?
- **Qualifying Projects:** Should design and planning exchange participation apply uniformly to all design requests or should participation be based on project size, geographic scope, complexity, facility type, or other characteristics?

RECOMMENDATION

Staff recommend the Board direct staff to continue engaging with stakeholders and conducting research to obtain additional feedback and information on the issues identified above.

ATTACHMENTS

1. April 2026 Survey Takeaways
2. June 3, 2026, Workshop Takeaways

Attachment 1 – April 2026 Survey Takeaways

Topic	Operator Survey Takeaways (total responses=33)	Designer and Excavator Takeaways (total responses =27)
Stakeholder Participation	Gas, electricity, water, sewer, telecom, petroleum, and locating contractors.	Civil engineers, land surveyors, general contractors, and project owners.
Current Practices	Fragmented/informal. Requests handled via direct phone/email or ad-hoc processes. Minimal RNC use.	Patchwork of methods. Inconsistent access, slow turnarounds, dependent on knowing individual contacts.
Response Timelines	Majority of the stakeholders can respond within the 30-day operator response timeline.	Many wait 21–45+ days already, willing to accept a fixed 30-day window if response is substantive.
Common Delay Drivers	Outdated records, non-digitized archives, high request volumes, limited staffing, non-disclosure agreement processing.	Lack of dedicated utility contact points, operators unfamiliar with handling planning stage requests.
Information Fields	Strong consensus: Project location, boundary polygon, work type, excavation method, property type, timelines.	Strong consensus: Scope detail, work context (public vs private right-of-way), and technical contact information.
Preferred Data Formats	Heavy reliance on basic PDF maps and legacy records.	Strong preference for CAD and GIS formats (KMZ/KML/shapefile) for engineering design workflows.
Baseline Accuracy	Respondents generally support ASCE 38-22 Quality Level D (as-is records), while some also supported Quality Level C.	Stakeholders split between QL-D (any data over none) and QL-C (surface observations included for design utility).
Depth Information	Near unanimous discussion about being unable to provide depth records due to some utility infrastructure age (some >100 years old) and general industry practice.	Acknowledged limitations but requested explicit quality and accuracy level disclosures to guide field verification.
Mandatory Subsurface Utility Engineering (SUE)	Divided feedback, 1/3 support voluntary. Others support special triggers (e.g., high-pressure gas, high-voltage lines, urban density, cost >=\$400k).	Support SUE as a valuable contract tool but note designers lack statutory authority to mandate it to utility operators.
Cost Recovery/Fees	Support right to charge requestors directly. Request predictable, non-arbitrary fee structures.	Willing to absorb clearly defined, predictable fees if tied to project scope and substantive data output.
Regulatory Obligations	Acknowledge receipt, provide maps, disclose accuracy level, notify if unavailable/incomplete, provide direct technical contact.	Acknowledge receipt, provide maps, disclose quality level, highlight potential conflicts, provide direct technical contact.

Attachment 2 – June 3, 2026, Workshop Takeaways

Discussion Topic	Key Takeaways
System Capability and Infrastructure	Regional notification centers (RNCs) explained that current planning and design systems function primarily as a facilitation tool by identifying affected operators and providing them with necessary direct contact information. The information is exchanged between designers and operators outside the RNC systems. Stakeholders indicated that requiring RNCs to host utility records would introduce significant cybersecurity, data retention, liability, and infrastructure considerations.
Data and Security	Utility operators emphasized that planning and design information may contain sensitive infrastructure information and that utility records are best maintained by the operators that own and manage them. Stakeholders generally support approaches that allow information to remain with the data owner rather than creating a centralized repository of utility information.
Non-Disclosure Agreements (NDA)	Several operators indicated that NDAs are a common business practice used when sharing information. Stakeholders noted that NDAs function most effectively when executed directly between the operator and the design information requester and expressed concerns regarding the legal and operational complexities of involving RNCs in the design information request process.
Cost Recovery	Stakeholders generally agreed that responding to planning and design requests may require engineering review, records research, and administrative resources. Participants indicated that cost recovery practices vary among operators, but that any fees associated with planning and design information exchange are typically handled directly between the operator and the requester. Stakeholders emphasized that RNCs are facilitators of the exchange process and not participants in fee administration or dispute resolution.
Implementation Considerations	Stakeholders noted that the total cost and complexity of implementation will depend on the scope of regulatory requirements adopted by the Board. Participants explained how requirements related to data storage, cybersecurity, retention, and system functionality would have a significant impact on implementation costs and operational feasibility.