
California Underground Facilities Safe Excavation Board

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Agenda Item No. 13 Action Item – Staff Report

811 Notification Center Membership Termination Processes

PRESENTER

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SUMMARY

The Dig Safe Act requires all operators of subsurface installations, with limited exception, to be members of an 811 notification center. At the Board’s direction, staff met with DigAlert and USA North to determine what information is needed from members who seek to terminate membership and explore means to obtain that information. Staff proposes the Ticket Process Committee and staff work with the 811 notification centers to develop information requirements—including during membership termination—that will promote public safety by requiring the exchange of essential information regarding infrastructure ownership and review of termination requests.

STRATEGIC PLAN

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

2024 Strategic Activity: Clarify Notification Center Termination Requirements

BACKGROUND

The Dig Safe Act requires that all operators of subsurface installations, except for Caltrans, “become a member of, participate in, and share in the costs of” the 811 notification center.¹ Operators include “any person, corporation, partnership, business trust, public agency, or other entity that owns, operates, or maintains a subsurface installation,”² but do not include the owning, operating, or maintaining of nonpressurized sewer and drainage lines, as those

¹ [Gov. Code § 4216.1.](#)

² [Gov. Code § 4216 \(o\).](#)

facility types are exempt from the definition of subsurface installation.³ Statute requires the 811 notification center, upon receiving a notice of proposed excavation, to contact “any member, if known, who has a subsurface installation in the area of proposed excavation.”⁴ Statute also identifies members of the 811 notification centers as sources of the Board’s revenue,⁵ and the Board has adopted regulations to assess fees on those members.⁶

In June 2021, the Board received an Idea Register submission from the 811 notification centers with a safety concern regarding “facility operators that become a member not in good-standing due to non-payment for regional notification invoices or quit membership.” The 811 notification centers recommended they should notify the Board of any members who cancel their memberships or whose memberships are terminated due to non-payment, and the Board should consider following up with these members.⁷

In its *2024 Workplan*,⁸ the Board adopted the strategic activity to “clarify notification center termination requirements” by developing regulatory language on member termination and initiating the rulemaking process.

In its April 2024 meeting, the Board discussed issues associated with operators seeking to terminate membership from the call centers. The Board identified several safety concerns, including safety concerns associated with the appropriate operators not being notified of proposed excavation and therefore not locating or field marking their underground infrastructure.

DISCUSSION

Each year, DigAlert and USA North 811 have members who, for a variety of reasons, seek to terminate their 811 notification center memberships. In response to the 811 notification centers’ Idea Register submission, staff sent a letter to both DigAlert and USA North 811 in November 2021 requesting information regarding their membership termination processes, both for nonpayment of 811 notification center fees and for termination requests.

The Problem:

As the Board discussed at the April 2024 Board Meeting, the current lack of a comprehensive 811 membership termination process presents several safety concerns:

- Who is responsible for responding to 811 call center notifications regarding the infrastructure of a member who terminates?
- Are the 811 call center notifications going to the correct party for that infrastructure?

³ [Gov. Code § 4216 \(s\)](#).

⁴ [Gov. Code § 4216.2 \(e\)](#).

⁵ [Gov. Code § 4216.16 \(b\)](#).

⁶ [California Code of Regulations, Title 19, § 4010](#).

⁷ November 9, 2021, Agenda Item No. 8, “[Idea Register Report 2021](#).”

⁸ https://energysafety.ca.gov/wp-content/uploads/2024/03/2024_plan_final.pdf

- Who is responsible for the portion of fees associated with the member/infrastructure?

The Board was particularly concerned with the safety aspects of membership termination and the need for a process that ensures information is kept up to date regarding the infrastructure previously owned by a terminating member.

Information Needed:

At the direction of the Board, staff met with the 811 notification centers to discuss what information an 811 notification center member should provide when terminating their membership. Staff and the 811 notification centers discussed the need for greater structure surrounding two key aspects of membership termination issues: first, when the termination request is related to the transfer of assets and second, determining when the termination request comes from members who are not “operators” within the meaning of the Dig Safe Act. There is also some concern regarding the payment of fees and termination for non-payment.

For the 811 notification centers to be able to notify utility members of proposed excavation near buried infrastructure, they need to know who owns infrastructure in the proposed excavation area, who is to perform the 811 response requirements pursuant to § 4216.3(a)(1)(A), and the shapefile of the member’s infrastructure. When infrastructure changes hands, the 811 notification centers need to know the identity of new owner (including contact information for locate & mark, damage notifications, billing, etc.), the locations of the transferred infrastructure (such as an updated shapefile), and when responsibility for the infrastructure changes hands. The 811 notification centers also need to know who to bill for membership and regulatory fees upon transfer.

The Board and 811 notification centers will need to consider what information members should provide to the 811 notification centers upon subsurface installation transfer or acceptance to demonstrate that 811 notifications will receive responses without interruption.

Acquiring Needed Information:

Staff and the 811 notification centers identified an application process as a possible means to gather the necessary information regarding membership termination. The termination application process should gather information sufficient to support the concept that the member is not required to maintain membership under the Dig Safe Act and to verify that, if assets changed hands, information about the assets and the new owner has been updated with the call center.

Reasons for Termination

In general, entities who own, operate, or maintain underground lines must be a member of an 811 notification center. There are limited exceptions to this membership requirement.

1. Statutory Exceptions:

As mentioned above, under the Dig Safe Act, most entities who own, operate, or maintain underground facilities must be members of an 811 notification center. However, the Dig Safe Act has specific exceptions to the membership requirement. Those exceptions are: private

utilities;⁹ nonpressurized drain lines;¹⁰ and Caltrans.¹¹ Entities who fall under any of these exceptions may still choose to be members of a regional notification center, but they are not required to be members. Therefore, there is no Dig Safe Act violation if these voluntary members terminate their membership.

2. Assets Change Ownership:

When an entity seeks to terminate its membership because it transferred all of its subsurface installations to another entity—and therefore no longer owns, maintains, or operates the infrastructure—the termination process should include the transfer of information sufficient to ensure that ticket notifications and enforcement actions are sent to the correct party. The process should include identification information of the new owner, including contact information for locate & mark notifications, for damage notifications, and for billing. It should also include a means of verifying that the entity assuming ownership has updated its shapefiles to include the acquired infrastructure. The termination process should also require the entities to identify the date at which locate & mark responsibility for the assets will transfer to the new entity.

3. Abandonment of Subsurface Installations does not change the requirement to be a member of an 811 Notification Center.

California law recognizes the existence of abandoned lines and operators have specified responsibilities for them.¹² Abandonment of line does not change its status as a subsurface installation, and there is no 811 call center membership exemption for operators of lines the entity has abandoned. Similarly, while federal regulations have procedures for abandonment of some types of facilities,¹³ abandonment only relieves the operators of specified requirements specific to pipeline safety operation and maintenance and does not provide a blanket absolution of responsibility. Operator ownership of subsurface installations may be addressed in easements, franchise agreements, or other conditions of permit from a local government authority. However, if an operator transfers ownership of abandoned lines to a municipality or other entity, the new owner would become an operator for those lines, would need to be an 811 notification center member associated with the lines, and would need to undertake operator responsibilities for those lines pursuant to the Dig Safe Act.

RECOMMENDATION

Staff recommends that the Board direct staff to work with the Ticket Process Committee and the 811 notification centers to identify information that 811 notification center members need to provide to the 811 notification centers, including information that members need to provide when those members terminate their membership. Staff also recommends that the committee

⁹ Gov. Code §4216 (o).

¹⁰ Gov. Code §4216 (s).

¹¹ Gov. Code §4216.1.

¹² See Gov. Code [§4216.3](#) (a)(1)(C), [§4216.3](#) (a)(4).

¹³ Sections [192.727](#), [195.59](#), and [195.402](#) of the Federal Code of Regulations, relating to natural gas and hazardous liquid pipelines.

and staff work with the 811 notification centers to identify implementation mechanisms for these requirements.