
California Underground Facilities Safe Excavation Board

September 9, 2024

Agenda Item No. 11 Information Item – Staff Report

811 Notification Center Membership Termination Processes

PRESENTER

Brittney Branaman, Acting Executive Officer

AUTHOR

Tiffany Wynn, Policy Specialist

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 the Ticket Process Committee to develop proposed regulatory language to specify the information to be made available to the Board from the Notification Centers and their members, and now presents that language for the full Board’s discussion.

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 facility types are exempt from the definition of subsurface installation.³

¹ [Gov. Code § 4216.1.](#)

² [Gov. Code § 4216 \(o\).](#)

³ [Gov. Code § 4216 \(s\).](#)

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.

In its July 2024 meeting, the Board discussed information presented and recommended that staff work with the Ticket Process Committee to develop proposed regulatory language to facilitate the needed information exchange identified by previous staff reports.

DISCUSSION

Based on the discussion of the Board in July and in consultation with the Ticket Process Committee, staff has drafted proposed regulatory text to require up to date “shapefiles.” In the regulatory text below, staff has used the phrase “Area of Notification” instead of what is colloquially known as a “shapefile.” This decision was made after discussion with the Data team, in which staff learned that a “shapefile” is actually a term of art that refers to a specific file format. Using the term “shapefile” may exclude some mapping data file formats that operators or call centers may use. As such, staff proposes a generic term “area of notification” to avoid unnecessarily limiting data sharing among parties to only specific file formats. It is worth noting that USA North refers to this geospatial data as an “Area of Interest” and DigAlert uses the phrase “Member Notification Area.”

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

In conjunction with the Ticket Process Committee, staff has drafted the following new regulation and presents the following for Board discussion:

(New):

19 California Code of Regulations Section 4004:

19 CCR 4004: Current and Valid Area of Notification

(a) (1) Members of regional notification centers shall provide notice of and maintain current and valid areas of notification, including all subsurface installations owned, operated, or maintained by the member, with the appropriate regional notification center,

For purposes of this section, an area of notification is the geospatial polygon in which the member receives locate request transmissions.

(2) Regional notification centers shall maintain areas of notification as part of the notification records referenced in section 4216.2(f) and shall provide updated areas of notification for their members to the Board upon request by the Board.

(b) When a member makes any changes to its area of notification, the member shall provide the updated area of notification to the appropriate regional notification center and concurrently provide the reason the area of notification has been changed.

(c) When a person or entity ceases to be a member of a regional notification center, the regional notification center shall inform the Underground Safety Board of the details, including the current contact information of the former member; entity accepting the location responsibility of the member's assets; entity responsible for the Underground Safety Board's current fees, the entity responsible for the Board's future fees associated with the affected subsurface installations and the basis for the entity's determination that it is not required to comply with the membership requirement section 4216.1.

RECOMMENDATION

Staff recommends that the Board discuss the proposed regulatory language above and identify any issues or concerns.