
California Underground Facilities Safe Excavation Board

December 9-10, 2024

Agenda Item No. 15 (Action Item) – Staff Report

Proposed Regulations for Area of Notification Information Transfer Requirements

PRESENTER

Brittney Branaman, Acting Executive Officer

AUTHOR

Tiffany Wynn, Policy Specialist

SUMMARY

At the Board’s direction, staff met with the Ticket Process Committee develop proposed regulatory language aimed at facilitating an information exchange between the Board, the Regional Notification Centers, and Regional Notification Center Members. This report outlines the background and evolution of this directive and presents draft regulatory language for the full Board’s discussion and consideration. Staff recommends initiating a public comment period for this item.

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 Regional 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 Subsurface installations do not include nonpressurized sewer or drainage lines.³

Statute requires the Regional Notification Center, upon receiving a notice of proposed excavation, to contact “any member, if known, who has a subsurface installation in the area of

¹ [Gov. Code § 4216.1.](#)

² [Gov. Code § 4216 \(o\).](#)

³ [Gov. Code § 4216 \(s\).](#)

proposed excavation.”⁴ Statute also identifies members of the 811 notification centers as a source of the Board’s revenue,⁵ and the Board has adopted regulations to assess those fees.⁶

In June 2021, the Board received an Idea Register submission from the Regional 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 Regional 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 Regional Notification Centers. The Board identified several safety concerns, including those 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.

Staff presented proposed regulatory language for discussion at the September 2024 Board meeting. Based on public comments and Board discussion, staff discussed the proposed language with stakeholders and the Ticket Process committee to refine and develop the currently proposed regulatory language.

DISCUSSION

Based on Board discussion in July and September, as well as public feedback and in consultation with the Ticket Process Committee, staff has revised the proposed regulatory text that requires up to date “shapefiles.” In the regulatory text below, staff has used the phrase “Area of Notification (AON)” instead of what is colloquially known as a “shapefile.” This decision was made after discussion with the Office of Energy Infrastructure Safety 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. USA North refers to this

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

geospatial data as an “Area of Interest” and DigAlert uses the phrase “Member Notification Area.”

Stakeholder Concerns:

Although the term “tickets” was suggested by stakeholders instead of using the term “locate request transmissions,” the proposed regulatory language defines an “area of notification” as the area in which the members receive “locate request transmissions,” and not the area in which members receive “tickets.” Staff does not recommend using the word “tickets” because a “ticket” is defined in statute as the documentation provided *to the excavator*, and not the notification of proposed excavation received *by the operator*. Notifications sent to operators are already defined in regulation as “locate request transmissions.” Although communication regarding proposed excavations is colloquially described as “tickets,” staff does not recommend regulatory language that includes the term “tickets” or “ticket” to remain consistency within existing statutory and regulatory definitions.

The Regional Notification Centers raised concerns regarding paragraph (b), the requirement for operators to provide Regional Notification Centers with the reason their AON becomes smaller, citing workload and confidentiality. Despite these concerns, the Ticket Process Committee found that paragraph (b) is necessary to further the Board’s mission of promoting safety. One of the primary concerns that emerged in the July Board meeting discussion was the issue of members transferring lines to new entities without updating their shapefiles. This paragraph is intended, in part, to facilitate notification to the Board when an entity will no longer receive notifications to locate and mark in certain areas. With this information the Board can investigate whether there is a need for enforcement due to a lack of locate and mark notifications in that area.

The Regional Notification Centers also voiced concerns regarding the word “valid” which was used in the previously proposed language, noting that they do not have the ability to determine whether a member’s shapefile is “valid.” Staff and the Ticket Process Committee noted this point and, in the revised language have deleted the word “valid” from sub-paragraph (a)(1).

Consistency with Existing Law:

While the Board does not have direct regulatory oversight over all aspects of the Regional Notification Centers and their business practices, the Dig Safe Act and existing regulations impose some requirements on the Regional Notification Centers and provide the Board with oversight of limited Regional Notification Center records and activities. For example, Regional Notification Centers are required to report quarterly to the Board the notification records they have received.⁹ They also must report to the Board on their technological advances.¹⁰ Regulations require that the Regional Notification Centers maintain “valid and current contact information” of their members and that the Regional Notification Centers provide that

⁹ [Gov. Code § 4216.2\(f\).](#)

¹⁰ [Gov. Code § 4216.3\(c\)\(2\).](#)

information to the Board upon request.¹¹ Under [19 CCR 4010](#) and [4011](#), the Regional Notification Centers must share information with the Board regarding billing and invoicing of their members. Regional Notification Centers must also report all damage notifications to the Board.¹² Requiring the Regional Notification Centers to provide the Board the mechanism by which they determine which members to notify of proposed excavation aligns with these other reporting requirements regarding tickets, notification records, and billing.

Language Changes since September Meeting:

The revised proposed language is presented in Attachment A. A red-lined version which shows changes the revised regulations make to the language presented at the September board meeting follows (additions are in red, ~~strikeout~~ is used for deletions):

4000(b): New Definitions

“Area of Notification” means the geospatial polygon or polygons that include all subsurface installations owned, operated, or maintained by an operator in which the operator is required to receive locate request transmissions.

“Locate request transmission” means the notification provided by a regional notification center to an operator to locate and field mark in response to a new ticket, as identified in Government Code section 4216.2, subdivision (e).

(NEW) 19 CCR 4004: Current and Valid Area of Notification and Membership Termination

(a) (1) ~~An operator that is a~~ members of a regional notification centers shall provide notice of and ~~must~~ maintain current and valid areas of notification, including all subsurface installations owned, operated, or maintained by the member, with the appropriate regional notification center, ~~with its regional notification center or centers.~~ with its regional notification center or centers.

~~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 ~~must~~ maintain areas of notification as part of the notification records referenced in section 4216.2(f) ~~received under subparagraph (a)(1) and must~~ shall provide updated areas of notification for their members to the Board upon request by the Board. Any notification of change(s) to an operator’s area(s) of notification must be retained by the regional notification center as a record of notification under Government Code Section 4216.2(f).

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

(c) When a ~~person or entity~~ an operator ceases to be a member of a regional notification center, the regional notification center shall ~~must~~ inform the Underground Safety Board within 14 (fourteen)

¹¹ [19 CCR § 4003\(b\)](#)

¹² [19 CCR §4100\(c\)](#)

business days. The notification must include ~~of the details, including the current~~ the most recent contact information of the former member; and, if known, the identity of the entity accepting the location operator responsibility of the member's affected 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~~ and basis for the entity's determination that it is not required to ~~comply with the~~ maintain membership requirement pursuant to section 4216.1.

19 CCR §4010(d)(3): deleted

In conjunction with the Ticket Process Committee, staff presents the proposed regulatory language as Attachment A, to clarify how Regional Notification Centers notify their members about proposed excavation, and what information is provided to the Board upon an entity's termination of its membership with a Regional Notification Center.

RECOMMENDATION

Staff recommends the Board approve a stakeholder comment period for the proposed regulations regarding area of notification information transfer and operator membership termination notices.

Attachment A

New definition in §4000(b)- “Area of Notification” means the geospatial polygon or polygons that include all subsurface installations owned, operated, or maintained by an operator in which the operator is required to receive locate request transmissions.

New definition in §4000(b) (moved from §4010(d)(3))- “Locate request transmission” means the notification provided by a regional notification center to an operator to locate and field mark in response to a new ticket as identified in Government Code section 4216.2, subdivision (e).

(NEW): 19 CCR 4004: Current Area of Notification and Membership Termination

(a)(1) An operator that is a member of a regional notification center must maintain current areas of notification with its regional notification center or centers.

(2) Regional notification centers must maintain areas of notification received under subparagraph (a)(1) and must provide areas of notification to the Board upon request by the Board. Any notification of change(s) to an operator’s area(s) of notification must be retained by the regional notification center as a record of notification under Government Code Section 4216.2(f).

(b) When a member removes any geospatial area from its area of notification, the member must concurrently provide to the regional notification center the reason(s) the member’s area of notification has been changed.

(c) When an operator ceases to be a member of a regional notification center, the regional notification center must notify the Underground Safety Board within fourteen (14) business days. The notification must include the most recent contact information of the former member and, if known, the identity of the entity accepting the operator responsibility of affected assets and basis for the entity’s determination that it is not required to maintain membership pursuant to section 4216.1.

Delete §4010(d)(3)