
California Underground Facilities Safe Excavation Board

July 14-15, 2025

Agenda Item No. 27 Action Item – Vote to Initiate Rulemaking

Proposed Regulations for Area of Notification and Membership Termination

PRESENTER

Brittny Branaman, Acting Executive Officer

AUTHOR

Tiffany Wynn, Policy Specialist

SUMMARY

At the Board’s direction, staff met with the regional notification centers (RNC) to address public comments and more thoroughly understand their concerns regarding the proposed Area of Notification and Membership Termination regulatory language. This report includes revised proposed regulatory language based on the discussion with the RNCs as well as other stakeholder feedback. Staff recommends the Board vote to initiate rulemaking with the Office of Administrative Law with the regulation language included in Attachment A, and adopt and approve the resolution to initiate rulemaking included as Attachment B.

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” an RNC.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

¹ [Gov. Code § 4216.1.](#)

² [Gov. Code § 4216 \(o\).](#)

³ [Gov. Code § 4216 \(s\).](#)

Statute requires an RNC, upon receiving 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 RNCs 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 RNCs 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 RNCs recommended they themselves 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” and included developing regulatory language on member termination and initiating the rulemaking process.

At its April 2024 meeting,⁹ the Board discussed issues associated with operators seeking to terminate membership from the RNCs. 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.

At its July 2024 meeting,¹⁰ the Board discussed information presented and directed staff to work with the Ticket Process Committee to develop proposed regulatory language to facilitate the needed information exchange identified in previous staff reports.

Staff presented proposed regulatory language for discussion at the September 2024 Board meeting.¹¹ Based on public comments and Board discussion, staff discussed the proposed language with stakeholders and the Ticket Process Committee in October 2024 to refine the proposed regulatory language.

At its December 2024 meeting,¹² staff presented the Board with revised regulations based on previous Board discussion, meetings with the RNCs, and Ticket Process Committee input. The draft regulations were presented for a 20-day public comment period, that ran from December 19, 2024, until January 8, 2025, to receive further stakeholder feedback. The Board received 3

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 [Underground Safety Board 2024 Workplan](#)

⁹ [April 8, 2024, Agenda Item No. 9, 811 Notification Center Membership Termination Processes](#)

¹⁰ [July 8, 2024, Agenda Item No. 13, 811 Notification Center Membership Termination Processes](#)

¹¹ [September 9, 2024, Agenda Item No. 11, 811 Notification Center Membership Termination Processes](#)

¹² [December 9, 2024, Agenda Item No. 15, Proposed Regulations for Area of Notification Information Transfer Requirements](#)

public comments which were discussed at the Board’s April 2025 meeting.¹³ At the Board’s direction, staff met with the RNCs to discuss the public comments received, focusing on how the regulatory language can help prevent future unmarked lines.

DISCUSSION

Based on Board discussions in 2024 and April 2025, as well as public feedback and discussions with the RNCs, staff revised the proposed regulatory text that requires up-to-date operator geospatial polygons, called “Areas of Notification”, as well as the record keeping and sharing requirements.

Stakeholder Concerns Raised During Public Comment

Stakeholder concerns raised during public comment were discussed by the Board at its April 2025 meeting. Those concerns fell into two primary categories: substantive and administrative. Those concerns, as well as whether and how they were addressed in the amended proposed regulations, are presented below:

Administrative Concerns

Administrative concerns were raised by all three commenters. Those concerns are, in summary:

- One comment suggested that the Board reorganize or renumber the regulations to separate termination issues from area of notification issues to reduce confusion. It was suggested that either area of notification be moved to California Code of Regulations (CCR) title 19 section (§) 4003, which requires members maintain current contact information, and the proposed 19 CCR § 4004 deal only with termination, or that the proposed 19 CCR § 4004 deal only with area of notification and termination issues be placed into a new separate section.
 - The proposed regulations now separate membership termination requirements from requirements specific to area(s) of notification. The language regarding termination requirements is the same as was presented in December 2024 and April 2025; however, this language was moved to a new proposed section 4005.
- Concerns were raised by one commenter regarding “obligations and accountability,” but when this concern was expounded upon, it primarily focused on possible disputes between the RNCs and operators regarding maintaining updated areas of notification or “providing required records and information.”
 - This comment is addressed by clarifying that the RNCs are required to retain “current” areas of notification and that the operators bear the responsibility of amending, updating, maintaining, and preserving areas of notification.

¹³ [April 14, 2025, Agenda Item No. 26, Proposed Regulations for Current Area of Notification and Membership Termination Update](#)

- One comment raised the issue of the burden on RNCs for keeping additional records (areas of notification)
 - The amended regulations remove the burden of record keeping regarding previous versions of areas of notification from the RNCs. Instead, RNCs are only required to keep notifications of changes, but not the actual areas of notification, other than the current version provided by operators.
- A comment mentioned a concern about the time constraints of requiring the RNCs to report information regarding membership termination within fourteen days of an operator terminating its membership, and how that strict timeline may impose administrative burdens on RNCs if there are disputes regarding membership or if contact information is outdated.
 - The RNCs have not objected to this timeline. Additionally, a short timeframe allows the Board to initiate any necessary investigation in a timely manner to promote public safety and minimize the safety risks associated with an unlawful membership termination.
- One comment raised concerns about liability and enforcement mechanisms for an entity's failure to comply with the proposed regulations and suggested that "the regulation should clarify enforcement mechanisms and penalties for non-compliance."
 - Procedures for investigations, issuing notices of probable violation, Board enforcement decision-making, and Board sanction determinations are all well-established processes in statute and regulation¹⁴
- One comment raised concerns about the ability of the RNCs to comply with applicable privacy laws that govern "sensitive data" and the handling thereof.
 - No modifications were made to the language in the regulations based on this comment. The RNCs are likely to continue to follow applicable privacy laws that govern any sensitive data they already collect and share. This is an issue best addressed by the RNCs internal processes, and the RNCs have not indicated a concern for privacy compliance.
- One comment suggested that the process for transferring responsibility of assets to another entity should be clearly delineated, including whether an entity must maintain membership.
 - This issue was not addressed in the amended regulation language. Regulating the process for transfer of assets among operators is not within the Board's jurisdiction and would depend upon many factors and other laws. As for whether an entity must maintain or become a member of an RNC, the DigSafe Act already clearly requires that any person, corporation, partnership, business

¹⁴ See, e.g., [19 CCR §4200](#), [19 CCR §4251](#), [19 CCR §4253](#), [19 CCR §4254](#)

trust, public agency, or other entity that owns, operates, or maintains¹⁵ any underground pipeline, conduit, duct, wire, or other structure (except nonpressurized sewerlines, nonpressurized storm drains, or other nonpressurized drain lines)¹⁶ shall become a member of, participate in, and share in the costs of, a regional notification center.¹⁷ The only exceptions are CalTrans,¹⁸ homeowners doing work or contracting for work on their own property that does not require a permit,¹⁹ and owners of real property where subsurface installations are exclusively located if they are used exclusively to furnish services on that property and the subsurface facilities are under the operation and control of that owner.²⁰ Any asset transfer that results in the recipient entity owning, operating, or maintaining subsurface installations – and not subject to one of the limited statutory exceptions – requires membership under the DigSafe Act and a regulation is not necessary.

- Concerns were raised about the possibility of administrative delays that could be caused by requiring operators to provide a reason for changing their areas of notification to remove geospatial territory. However, since this section has several other substantive concerns, changes and concerns with this section of the proposed regulations are discussed below.

Substantive Concerns

The Board received public comments on three substantive portions of the proposed regulations. A summary and a brief discussion of the comments are below:

One commenter suggested that the term “geospatial polygon” (as used in the definition of area of notification) is vague. Staff drafted this definition with the understanding that “geospatial polygon” was an appropriate and well-understood term for what has been colloquially called “shapefiles,” and that the word “shapefile” actually refers to specific data file types. This concern was not shared by the Board during its April discussion, nor was it raised by either RNC. Staff recommends the Board move forward with the regulatory language as drafted.

- Two commenters raised concerns about the requirement that RNCs share areas of notification with the Board upon request. One commenter noted that the RNCs currently interpret “notification records” to only mean tickets and electronic positive responses to tickets. Another commenter stated that the area of notification falls outside of the

¹⁵ [Gov. Code Section 4216\(o\)](#)

¹⁶ [Gov. Code Section 4216\(s\)](#)

¹⁷ [Gov. Code Section 4216.1](#)

¹⁸ [Gov. Code Section 4216.1](#)

¹⁹ [Gov. Code Section 4216.8](#)

²⁰ [Gov. Code Section 4216\(o\)](#)

“traditional records” provided by the RNCs to the Board. Underground Service Alert of Southern California (DigAlert) also commented that it may not be able export files to the Board but could create a portal for viewing shapefiles.

- The proposed regulations now specify that the RNCs are required to share the *statements* of area(s) of notification changes with the Board. The statements will include the explanation for the change(s).
- Two commenters also questioned the need for operators to give a reason for removing geospatial territory from their area of notification. One commenter stated that requiring a reason for removing territory from the area of notification is subjective, unlike other data sets currently required to be sent by the RNCs to the Board. Another commenter noted that requiring a reason for changes to an area of notification would require changes to DigAlert’s system, and that DigAlert currently does not have any way of determining when geospatial areas are removed from the area of notification because DigAlert only does a complete replacement of its members’ area of notification. An additional concern raised about this portion of the proposed regulations was the possibility of a dispute arising between the operator and the RNC, such as whether an RNC must determine which reasons are acceptable and reject requested changes for unacceptable reasons.
 - The regulatory language was amended to provide a potential “drop-down” menu – depending on how the RNCs choose to implement. Operators must choose from among four reasons for decreasing their areas of notification to no longer receive notifications in a certain geospatial area: 1) removal of subsurface installations from the ground, 2) reduction of the buffer zone around subsurface installations, 3) sale of subsurface installations, and 4) “other.” As the Board made clear at its April meeting, the requirement for operators to specify why they no longer need to receive notifications in a certain geospatial area is intended to get at the issue of preventing a situation where there are subsurface installations for which no operator is receiving locate request transmissions. This section is about preventing future abandoned lines.

Concerns Raised During RNC Meeting

During the meeting staff held with the RNCs, both RNCs reiterated their concerns about previous sections (a)(2) (in which the RNCs were required to share their members’ areas of notification with the Board) and (b) (in which operators were required to provide a reason for removing geospatial territory from their area of notification). Underground Service Alert of Northern California and Nevada (USA North) indicated that it could export geospatial files one at a time but indicated it would be an unreasonable burden to do a mass-export of their members’ areas of notification. This concern was noted and addressed in the amended changes by removing a requirement that RNCs share their members’ geospatial data. Instead, the proposed regulatory language requires that the RNCs notify the Board of operators’ statements of changes that are required when operators remove geospatial territory from their area of notification (i.e., when an operator updates their area of notification in such a way that the operator will stop receiving notifications in some geospatial area).

Additional concerns reiterated by the RNCs during the meeting with staff included the RNCs' inability to independently determine whether a member has removed territory from their area of notification. DigAlert, for example, only accepts full replacements of their members' geospatial polygons and has no way to independently compare versions of those geospatial files to determine whether any area has been removed. This concern was addressed by changing the proposed regulatory language to clarify that the onus is on the operator (who knows their data best): when an operator removes territory from its area of notification, the operator must concurrently notify the RNC of one of four enumerated reasons for making that change. The RNCs then must pass along that information to the Board within fourteen (14) business days.

The RNCs expressed support for the need to codify the current practice of operators maintaining current geospatial polygons for notifications on file with their respective RNCs. In the meeting with staff and the RNCs, both RNCs again expressed support for the need to put this practice into regulation. Both RNCs did express, though, that there is a wide variety of practices among operators regarding updating their geospatial polygons. USA North indicated that some members may update their geospatial polygons multiple times per week, whereas others may be using the same geospatial polygon for decades or longer. The amended regulations account for this discrepancy by only requiring RNCs to keep their members' current areas of notification and — when operators remove territory so as to no longer receive notifications in a geospatial area — to keep track of the explanation that the members select from the four choices available.

Regulatory Language Changes Since the April Board Meeting

The revised proposed language is presented in Attachment A. The following section indicates revisions made to the language that was presented at the April 2025 board meeting (underline is used for additions and ~~strikeout~~ is used for deletions):

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) An operator must amend, update, maintain, and preserve records of its area(s) of notification pursuant to Government Code Section 4216.3(a)(4).

(3) 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)(1) When a member removes any geospatial area from its area of notification, the member must concurrently submit a statement provide to the regional notification center that includes at least one of the following explanations for the reductions in the reason(s) the member's area of notification: has been changed- removal from the ground of all of the member's subsurface installations in that geospatial area; reducing the size of the buffer zone around the member's subsurface installations in that geospatial area; sale of all of the member's subsurface installations in that geospatial area; other If the member chooses "other" as an explanation, they must also describe the reason for removing each geospatial area from its area of notification.

(2) All statements of change(s) to an operator's area(s) of notification must be retained by the regional notification center as a record of notification pursuant to Government Code Section 4216.2(f). Notwithstanding 4216.2(f), regional notification centers are required to provide the Board with statements of changes to areas of notification every fourteen (14) business days.

(NEW): 19 CCR 4005: Membership Termination

(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)

RECOMMENDATION

Staff recommends the Board adopt the regulation language in Attachment A, agree to initiate rulemaking with the Office of Administrative Law for the regulations language included in Attachment A, and adopt the resolution included in Attachment B.

Attachments:

Attachment A: Regulatory Language

Attachment B: Resolution to authorize Office of Administrative Law Rulemaking Proceedings

Attachment A Regulatory Language

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: Area of Notification

(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) An operator must amend, update, maintain, and preserve records of its area(s) of notification pursuant to Government Code Section 4216.3(a)(4).

(3) Regional notification centers must maintain current areas of notification received under subparagraph (a)(1).

(b) (1) When a member removes any geospatial area from its area of notification, the member must concurrently submit a statement to the regional notification center that includes at least one of the following explanations for the reductions in the member’s area of notification: removal from the ground of all of the member’s subsurface installations in that geospatial area; reducing the size of the buffer zone around the member’s subsurface installations in that geospatial area; sale of all of the member’s subsurface installations in that geospatial area; other If the member chooses “other” as an explanation, they must also describe the reason for removing each geospatial area from its area of notification.

(2) All statements of change(s) to an operator’s area(s) of notification must be retained by the regional notification center as a record of notification pursuant to Government Code Section 4216.2(f). Notwithstanding 4216.2(f), regional notification centers are required to provide the Board with statements of changes to areas of notification every fourteen (14) business days.

New 19 CCR 4005: Membership Termination

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)

Attachment B
Resolution to authorize Office of Administrative Law Rulemaking Proceedings

CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD

RESOLUTION NO. 25-07-01

**RESOLUTION of the CALIFORNIA UNDERGROUND SAFETY BOARD APPROVING THE
ADOPTION OF REGULATIONS FOR OPERATOR AREAS OF NOTIFICATION AND REGIONAL
NOTIFICATION CENTER MEMBERSHIP TERMINATION AND DELEGATION OF REGULATORY
AUTHORITY TO THE EXECUTIVE OFFICER/ACTING EXECUTIVE OFFICER.**

WHEREAS, Government Code section 4216.12 requires, the California Underground Facilities Safe Excavation Board (the “Board”) to develop standards relevant to safety practices in excavating around subsurface installations;

WHEREAS, Government Code Section 4216.2, requires Regional Notification Centers to notify members who have a subsurface installation in an area of a noticed proposed excavation; and

WHEREAS, Government Code section 4216.22 grants the Board the authority to prescribe rules and regulations as may be necessary or proper to carry out the purposes and intent of the Act and to exercise the powers and duties conferred upon it by the Dig Safe Act of 2016 (Gov. Code §§ 4216- 4216.24);

now, therefore be it resolved,

That the California Underground Facilities Safe Excavation Board adopts the regulatory language for and delegates to the Executive Officer or Acting Executive Officer the responsibility and rulemaking authority to certify, submit, and prosecute to completion, the regulations for operator areas of notification and regional notification center membership termination as approved at the July 14, 15, 2025 Board business meeting. This delegated authority includes executing such affirmations, certifications, and oaths on behalf of the Board that may be required for filing and to effectuate non-substantive changes to the regulations that may be required to fulfill such responsibilities.

Date of Adoption: _____

I hereby certify that the attached resolution is a true and exact copy of Resolution No. 22-11-01 as approved by the California Underground Facilities Safe Excavation Board on July __, 2025: **Resolution of the California Underground Facilities Safe Excavation Board approving the adoption of regulations for operator areas of notification and regional notification center membership termination and delegation of regulatory authority to the Executive Officer/Acting Executive Officer.**

Brittney Branaman
Acting Executive Officer

William Johns
Chair

Date: *(to be dated when signed)*