**State of California**

**Office of Energy Infrastructure Safety**

**California Underground Facilities Safe Excavation Board**

**Section 100, Changes Without Regulatory Effect**

**September 2023**

**TEXT OF REGULATIONS**

Added text has single line underline. Deleted text has single line strikeout.

**TITLE 19. Public Safety**

**Division 4. California Underground Facilities Safe Excavation Board**

**Chapter 1. General**

**Article 1. General**

**§ 4000. Definitions.**

1. The definitions in this section are supplementary to those under Government Code section 4216.
2. The following definitions shall apply wherever the terms are used throughout this division:

“Act” means the Dig Safe Act of 2016 (SB 661, Chapter 809, Statutes of 2016) and article 2 of chapter 3.1 of division 5 of title 1 of the Government Code (commencing with section 4216).

“Agreement” as the term is used in the Area of Continual Excavation Agreement (Agricultural Operations) means the Area of Continual Excavation Agreement (Agricultural Operations) between an excavator and operator.

“Agreement” as the term is used in the Area of Continual Excavation Agreement (Flood Control Facilities) means the Area of Continual Excavation Agreement (Flood Control Facilities) between an excavator and operator.

“Area of Continual Excavation Agreement (Agricultural Operations)” means the Area of Continual Excavation Agreement--Agricultural Operations (Form No. ACE Agreement 01 (09-01-2023~~07-01-2020~~)), which is available on the Board's website: energysafety.ca.gov~~digsafe.fire.ca.gov~~.

“Area of Continual Excavation Agreement (Flood Control Facilities)” means the Area of Continual Excavation Agreement--Flood Control Facilities (Form No. ACE Agreement 02 (09-01-2023~~07-01-2020~~)), which is available on the Board's website: energysafety.ca.gov~~digsafe.fire.ca.gov~~.

*…[skipping “Business day” through end of section]…*

NOTE: Authority cited: Section 4216.22, Government Code.

Reference: Section 4216, Government Code.

**§ 4002. Incorporated References.**

1. The following forms, in the format developed by the California Underground Facilities Safe Excavation Board, are incorporated by reference and available on the Board's website: energysafety.ca.gov~~https://digsafe.fire.ca.gov~~:
2. Area of Continual Excavation Agreement--Agricultural Operations (Form No. ACE Agreement 01 (09-01-2023~~07-01-2020~~)); and
3. Area of Continual Excavation Agreement--Flood Control Facilities (Form No. ACE Agreement 02 (09-01-2023~~07-01-2020~~)).

NOTE: Authority cited: Section 4216.22, Government Code.

Reference: Section 4216, Government Code.

**Chapter 2. Investigations**

**Article 1. Damage Notification**

**§ 4100. Damage Notification by Excavators.**

*…[skipping (a) through (b)(7)]…*

(c) Regional notification centers shall transmit the notification by email, phone, or other method as may be provided on the Board's website (energysafety.ca.gov~~digsafe.fire.ca.gov~~), to the Board immediately, but not longer than 1 hour, after the regional notification center's receipt of the notification.

NOTE: Authority cited: Section 4216.22, Government Code.

Reference: Sections 4216.4, 4216.6, 4216.12 and 4216.19, Government Code.

**Chapter 3. Enforcement**

**Article 2. Enforcement of Violations**

**§ 4252. Response Options to a Notice of Probable Violation.**

*…[skipping (a) through (a)(2)(A)]…*

(a)(2)(A)(i) Respondent must provide a minimum of one original and 12 copies of the original written response to staff, or submit the written response electronically as provided on the Board's website: energysafety.ca.gov~~digsafe.fire.ca.gov~~. The written response must not exceed 10 pages (excluding exhibits), must be on 8 1/2″x 11″ white paper, double-spaced text lines, and minimum 11-point font text. The 10-page limit may be extended at respondent's request by the Chair or Vice-Chair of the Board, depending on the complexity of the facts and evidence. Respondent must submit such a request to staff within 5 business days of the date of the notice of probable violation, which shall include the basis for the request. Staff shall notify respondent of the Chair's or Vice-Chair's decision within 10 business days of receipt of respondent's request.

*…[skipping (a)(2)(A)(ii) through end of section]…*

NOTE: Authority cited: Section 4216.22, Government Code.

Reference: Sections 4216.6, 4216.12 and 4216.19, Government Code.

**§ 4253. Informal Hearing Before the Board.**

*…[skipping (a) through (a)(2)]…*

(a)(3) At least 15 business days before the hearing, respondent may submit a written response and other records to the notice of probable violation that may support modification or elimination of the penalty or corrective action for the Board's consideration. Respondent must provide a minimum of one original and 12 copies of the original written response to staff, or submit the written response electronically as provided on the Board's website: energysafety.ca.gov~~digsafe.fire.ca.gov~~. The written response must not exceed 10 pages (excluding exhibits), must be on 8 1/2″ x 11″ white paper, double-spaced text lines, and minimum 11-point font.

*…[skipping (b) through end of section]…*

NOTE: Authority cited: Section 4216.22, Government Code.

Reference: Sections 4216.6, 4216.12 and 4216.19, Government Code.

**§ 4256. Payment of Penalty and Compliance with Order for Corrective Action.**

(a) If the respondent is under the jurisdiction of the Board pursuant to Government Code section 4216.6, subdivision (e), the respondent must pay any Board ordered penalty within 30 days of the Board's decision unless specified otherwise in the decision. Payment shall be made by certified check or money order payable to “Safe Energy Infrastructure and Excavation Fund--Enforcement Account” and sent to: Department of General Services, Contracted Fiscal Services, Attn: Accounts Receivable, 707 Third Street, 10th Floor, West Sacramento, California, 95605~~California Underground Facilities Safe Excavation Board, 2251 Harvard Street, Suite 400, Sacramento, California 95815~~.

*…[skipping (b)]…*

(c) If, pursuant to Government Code section 4216.6, subdivision (c), the respondent is under the jurisdiction of the Registrar of Contractors of the Contractors State License Board, the Public Utilities Commission, or the Office of the State Fire Marshal, the respondent shall pay any penalty or comply with any corrective action as may be ordered by the respective state agency with jurisdiction over the respondent. Payment shall be made by certified check or money order payable to “Safe Energy Infrastructure and Excavation Fund--Enforcement Account” and sent to: Department of General Services, Contracted Fiscal Services, Attn: Accounts Receivable, 707 Third Street, 10th Floor, West Sacramento, California, 95605~~California Underground Facilities Safe Excavation Board, 2251 Harvard Street, Suite 400, Sacramento, California 95815~~.

*…[skipping (d)]…*

NOTE: Authority cited: Section 4216.22, Government Code.

Reference: Sections 4216.6, 4216.12, 4216.19 and 4216.24, Government Code.

**Chapter 4. Areas of Continual Excavation**

**Article 2. Onsite Meeting and Plan to Manage Area of Continual Excavation – Agricultural Operations**

**§ 4351. Onsite Meeting and Plan for Agricultural Operations Near High Priority Subsurface Installations.**

*…[skipping (a) through (b)(1)(A)]…*

(b)(1)(B) Authority to develop and agree to an area of continual excavation plan by completing the Area of Continual Excavation Agreement (Agricultural Operations), form number ACE Agreement 01 (09-01-2023~~07-01-2020~~).

*…[skipping (b)(2) through end of section]…*

NOTE: Authority cited: Sections 4216.11 and 4216.22, Government Code.

Reference: Sections 4216.10 and 4216.12, Government Code.

**Chapter 4. Areas of Continual Excavation**

**Article 3. Onsite Meeting and Plan to Manage Area of Continual Excavation – Flood Control Facilities.**

**§ 4361. Onsite Meeting and Plan for Continual Excavation on Flood Control Facilities Near High Priority Subsurface Installations**

*…[skipping (a) through (b)(1)(A)]…*

(b)(1)(B) Authority to develop and agree to an area of continual excavation plan by completing the Area of Continual Excavation Agreement (Flood Control Facilities), form number ACE Agreement 02 (09-01-2023~~07-01-2020~~), which is hereby incorporated by reference.

*…[skipping (b)(2) through end of section]…*

NOTE: Authority cited: Sections 4216.11 and 4216.22, Government Code.

Reference: Sections 4216.10 and 4216.12, Government Code.