



**AREA OF CONTINUAL EXCAVATION OPTIONAL AGREEMENT
FLOOD CONTROL FACILITIES**

(Government Code section 4216.10 and California Code of Regulations, title 19, sections 4002 and 4351)

*If the area of continual excavation includes or is within 10 feet of a high priority subsurface installation, the Excavator and Operator of the Utility must complete Form No. ACE Agreement 02 (09-01-2023) and **not** this form.*

This Agreement must be completed legibly in ink or typed. Signatures must be handwritten in ink. Excavator and Operator with assets located in property where flood control facilities are present may complete this Area of Continual Excavation Agreement – Flood Control Facilities (Form No. ACE Agreement 04 (09-01-2023)) (“Agreement”) for a Continual Excavation Ticket for continual excavation more than 10 feet away of the Utility Owner’s **high priority subsurface installation** (“Utility”) or for cases in which no high priority subsurface installation is present. Excavation described in this Agreement may be performed up to one year after the Excavator obtains a Continual Excavation Ticket, which may be renewed within two (2) working days by calling “811” or accessing the regional notification center’s (“one-call center”) website. This Agreement applies to only **ONE** Utility Owner. Other high priority subsurface installations may be present on the property, and a separate Area of Continual Excavation Agreement – Flood Control Facilities (Form No. ACE Agreement 02 (09-01-2023)) may be required with each Operator.

CONTINUAL EXCAVATION TICKET NUMBER: _____

DATE OF ONSITE MEETING: _____

TIME OF ONSITE MEETING: _____

LOCATION:
(Parcel number, GPS Coordinates, or Description) _____

EXCAVATOR: _____

EXCAVATOR REPRESENTATIVE: _____

PHONE NUMBER: _____

EMAIL: _____

OPERATOR: _____

OPERATOR REPRESENTATIVE: _____

PHONE NUMBER: _____

EMAIL: _____

SUBSURFACE INSTALLATION DESCRIPTION:

Size, Materials, Operating Pressures, etc.

SUBSURFACE INSTALLATION LOCATION:

Utility Owner must provide information to assist in verifying the location of the Utility.

FLOOD CONTROL FACILITIES EXCAVATION DESCRIPTION:

Describe all activities involving excavation that may be conducted within 25 feet of each side of the subsurface installation, including method, tools and equipment, depth of excavation, subcontractors (if any), etc.

REQUIRED CHECKLIST:

| | | |
|--|-------------------------------------|---|
| | Onsite Meeting | Onsite Meeting between Excavator and Operator (onsite meeting must include the 1) Operator or Operator’s authorized representative with knowledge of the location of the subsurface installation, and authority to develop and sign this Agreement, such as a superintendent, supervisor, or engineer; and 2) Excavator or Excavator’s authorized representative with knowledge of the excavation that will occur in the area of continual excavation during the year and authority to develop and sign this Agreement). Discussion and agreed terms and conditions must be documented in this Agreement. |
| | Signature & Distribution | Excavator and Operator sign this Agreement and copies are distributed to both parties. |

This Agreement applies only to the excavation activities documented in this Agreement. Any deviating activities such as work requiring greater excavation depth or other tools or equipment are beyond the scope of this Agreement. All work outside the scope of this Agreement require separate Tickets and shall be performed in accordance with Government Code section 4216 et seq.

Each party will notify the other of any unexpected occurrences (ex., fire, flood, earthquake or other soil/geologic movement, riot, accident, sabotage, damage to subsurface installation requiring immediate repair) or excavation activities that may be in conflict with the subsurface installation. The Excavator shall notify the one-call center of any damage to the subsurface installation in accordance with California Code of Regulations, title 19, section 4100.

Prior to conducting farming activities described in this Agreement, Excavator will communicate information about the terms and conditions under this Agreement to all workers, including any subcontractors, who perform excavation work in the area of continual excavation.

EXCAVATOR:

| | | | |
|-----------|------|-------|------|
| Signature | Name | Title | Date |
|-----------|------|-------|------|

OPERATOR

| | | | |
|-----------|------|-------|------|
| Signature | Name | Title | Date |
|-----------|------|-------|------|