

STATE OF CALIFORNIA
OFFICE OF ENERGY INFRASTRUCTURE SAFETY
UNDERGROUND FACILITIES SAFE EXCAVATION BOARD

NOTICE OF PROPOSED RULEMAKING ACTION

California Code of Regulations
TITLE 19. Public Safety
DIVISION 4. California Underground Facilities Safe Excavation Board
CHAPTER 1: General

OPERATOR AREA OF NOTIFICATION

ADOPTION of section 4004; AMENDMENT of sections 4000, 4010, and 4011

The Office of Energy Infrastructure Safety’s Underground Facilities Safe Excavation Board (Underground Safety Board, or USB) proposes to adopt and amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing on this proposed regulatory action has not been scheduled. However, a hearing will be held if a written request for a public hearing from any interested person, or their authorized representative, is received no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed rulemaking action. **The written comment period begins July 3, 2026, and closes August 17, 2026. To ensure your comment will be considered, it must be received by August 17, 2026, at 11:59 p.m.** Comments received during the written comment period will be considered and responded to as part of the rulemaking file and are subject to disclosure under the Public Records Act (Gov. Code Section 7920.000, et seq.).

Written comments should be directed to:

Email:

digboard@energysafety.ca.gov

Please reference “OAON Regulations” in the subject line.

US Mail postmarked no later than August 17, 2026, to:

Underground Safety Board

Attn: Jaime Hastings

715 P St, 15th Floor

Sacramento, CA 95814

AUTHORITY AND REFERENCE

Authority: Section 4216.22, Government Code.

Reference: Sections 4216, 4216.1, 4216.2, 4216.3 and 4216.16, Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations and Effect of the Proposed Action:

811 is a national call-before-you-dig phone number in the United States that connects users to local utility location services. In California, those calls are directed to one of two regional notification centers (RNCs). All operators (any person, corporation, partnership, business trust, public agency, or other entity that owns, operates, or maintains a subsurface installation), except for the California Department of Transportation, must be a member of an RNC. The California Underground Facilities Safe Excavation Board (the Board) works with stakeholders on safety standards and implements regulations related to this system. The Board also enforces the law and makes enforcement recommendations to other agencies. California Government Code section 4216 through 4216.24 covers the California regional notification system.

When someone (an excavator) wants to excavate, they notify the RNC and the RNC informs the local operators. The operators have a legal duty to perform certain actions within a specified time. Those actions should result in the excavator receiving information related to the location of the operator facilities so the excavator can avoid striking them. These proposed regulations provide a statewide uniform term “area of notification” to define the area where an operator is required to receive locate request transmissions and formally set the requirements for the RNCs and their operator members. Operators are required to provide their area of notification

information to the RNCs and keep it updated. The RNCs are required to maintain that information as a “record.” In addition, when a member removes an area from their area of notification, the member must provide the RNC with the reason for the removal. The choices for the member are limited to the most common causes with a catch-all “other” option where members can provide details on the basis for the removal. And finally, the RNC must provide the Board with member statement of changes so the Board can investigate facility responsibility when operator identity is needed to investigate and enforce the Dig Safe Act.

Anticipated Benefits of the Proposed Regulations

The proposed regulations are designed to formalize some aspects of the RNC system and gather timely information regarding the identity of operators. It is anticipated that these proposed regulations will facilitate accurate information for use within the regional notification system and support the Board’s mandate to investigate possible violations and enforce the Dig Safe Act which should ultimately help protect the health and welfare of California residents and excavation workers.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The only existing state regulations concerning the regional notification system are in division 4, title 19 of the California Code of Regulations. After careful evaluation, the Board has determined that the proposed changes are not inconsistent or incompatible with existing regulations – other than those being amended in this action.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

1. Mandate on local agencies or school districts: None.
2. Cost or savings to any state agency: None.
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
4. Other nondiscretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: This proposal will not have a significant adverse economic impact on business, including the ability of California businesses to compete with businesses in other states.
7. Significant effect on housing costs: None.

8. Cost impacts on a representative private person or business: This rulemaking formally sets requirements related to areas of notification for RNCs and their members in California. The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations. RNCs may choose to automate the notification process, and this may require them to incur expenses related thereto.

Results of the Economic Impact Analysis/Assessment

The Board concludes that it is unlikely that the proposal will (1) eliminate any jobs, (2) create any jobs, (3) create any new businesses, (4) eliminate any existing businesses, or (5) result in the expansion of businesses currently doing business within the state. The proposed regulations will likely benefit the welfare of California residents by incorporating accountability for changes that involve the transfer of responsibilities for underground facilities. These actions will support the Board in enforcing the Dig Safe Act which would ultimately help protect the health and welfare of California residents and this will likely help increase worker safety. The proposed regulations are not anticipated to result in direct benefits to the state's environment.

Small Business Determination

Although the proposed regulations will affect some small businesses, it is not anticipated that it will be economic in nature. The regulations impose an obligation for an operator to provide a notice as to the reason the operator is taking an action that removes a portion of their area of notification. It is not anticipated that any business will need to incur additional costs related to that notification. The regulations impose a separate duty of notification on the RNCs, who may incur costs if they automate their processes. However, the RNCs are non-profit entities (one is a public benefit corporation and the other is a mutual benefit corporation) and thus are not considered "small businesses" under Government code section 11342.610(b)(6).

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Board invites interested persons to present statements or arguments with respect to

alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed rulemaking action may be directed to:

Underground Safety Board
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Sacramento, CA 95814
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**AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND
RULEMAKING FILE**

The Board will make the entire rulemaking file, including all information upon which this rulemaking action is based, available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of the Notice of Proposed Action, the proposed text of the regulations, the Initial Statement of Reasons, and the STD. 399. Please direct requests to inspect or copy the rulemaking file to the contact person listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes substantive modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. Please direct requests for copies of any modified text to the contact person listed above or check the website listed below and download a copy

directly. If substantive modifications are made, the Board will accept written comments on the modified regulations for 15 days after the date on which the modifications are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Board will make copies of the Final Statement of Reasons available. Please direct requests for a copy of the Final Statement of Reasons to the contact person listed above or check the website listed below and download a copy directly.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications illustrated, as well as the Final Statement of Reasons, when completed, and modified text, if any, may be accessed via the internet at:

<https://energysafety.ca.gov/what-we-do/underground-safety-board/rulemaking/>