

**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

**REGIONAL NOTIFICATION CENTER MEMBERSHIP TERMINATION
ADOPTION of section 4005; AMENDMENT of section 4010**

The Office of Energy Infrastructure Safety's Underground Facilities Safe Excavation Board (Underground Safety Board) 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 10, 2026, and closes August 24, 2026. To ensure your comment will be considered, it must be received by August 24, 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 “Member Termination” in the subject line.

US Mail postmarked no later than August 24, 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, 4216.10, 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 (one who 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 the industry on safety standards and implements regulations related to the 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 call, or submit an electronic request to, the RNC and the RNC informs the local operators who have utilities underground in the area in which excavation will occur. 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. For the RNC system to function appropriately, it is imperative that the correct operator receive notice. These proposed regulations require an RNC to inform the Board, within 14 business days, when an

operator ceases to be a member of that RNC. The notice must include 1) the most recent contact information for the former member, 2) if known, the identity of the new entity responsible for the affected underground facilities, and 3) the reason the former member gave to make a determination that it no longer needed to be a member of that RNC. The regulations also provide a means for the Board to recover fees when an operator ends membership after the Board has calculated its prorated fee, but before the fee is due. The new operator of affected facilities will now be charged the fee that had been attributed to the former owner. The regulations also revise the fee section to show that this operator substitution process is an exception to the normal fee process.

Anticipated Benefits of the Proposed Regulations

The proposed regulations are designed to keep the RNC system updated with the operator's identity. These proposed regulations will facilitate accurate information for use within the regional notification system and support the Board's mandate to enforce the Dig Safe Law 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 state 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 Law 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

The proposed regulations will affect a small business if a small business becomes responsible for underground facilities. The regulations impose an obligation for an RNC to provide information to the Board related to a change in operator status. This information will be used by the Board to collect a prorated share of its fee from the new owner. The Board's fee is only charged to operators who receive more than 500 locate request transmissions in a year. The impact on all businesses, including small ones, will be commensurate with their volume of locate request transmissions. 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, subdivision (b)(6).

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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:

Jaime Hastings
Underground Safety Board
715 P St., 15th Floor
Sacramento, CA 95814
Phone: (279) 245-1126
Email: digboard@energysafety.ca.gov

Or

Brittany Branaman
Underground Safety Board
715 P St., 15th Floor
Sacramento, CA 95814
Phone: (916) 201-3062
Email: digboard@energysafety.ca.gov

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/>