

RESOLUTION NO. 19-07-01

RESOLUTION OF THE CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD APPROVING THE ADOPTION OF THE REGULATIONS FOR INVESTIGATION, ENFORCEMENT, AND AREA OF CONTINUAL EXCAVATION AND AUTHORIZING RULEMAKING PROCEEDINGS

WHEREAS, pursuant to the Dig Safe Act of 2016 (SB 661, Chapter 809, Statutes of 2016) (the “Act”), codified under Government Code section 4216 et seq. (the “statute”), the California Underground Facilities Safe Excavation Board (the “Board”) is mandated to coordinate education and outreach activities that encourage safe excavation practices, develop certain standards for safe excavation practices, investigate possible violations of the statute, enforce the statute on specified persons, and recommend enforcement to the Registrar of Contractors of the Contractors State License Board, the Public Utilities Commission, and the Office of the State Fire Marshal;

WHEREAS, the Board must adopt regulations to implement the statute relative to investigation, enforcement, and areas of continual excavation; and

WHEREAS, pursuant to Government Code section 4216.11, on or before January 1, 2020, the Board is required to adopt regulations to establish minimum elements for the onsite meeting and minimum elements for the mutually agreed-upon plan described in paragraph (1) of subdivision (c) of Government Code section 4616.10 for managing an area of continual excavation; and

WHEREAS, Government Code section 4216.22 provides that the Board may 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 Act; and

WHEREAS, the Board reviewed and considered public comments received during the 45-day written public comment period;

THEREFORE, BE IT RESOLVED by the California Underground Facilities Safe Excavation Board as follows:

Section 1. The proposed regulations for investigation and enforcement of the statute and for area of continual excavation onsite meeting and agreement are hereby approved in substantially the form submitted to the Board by staff. The Executive Officer is hereby authorized, for and on behalf of the Board, to proceed as required by the Administrative Procedure Act to adopt the proposed regulation and submit the proposed regulation with the supporting documentation required by law to the Office of Administrative Law.

Section 2. The Executive Officer is hereby authorized, for and on behalf of the Board,

to take such actions, including making or causing to be made such changes to the proposed regulation as may be required for approval thereof by the Office of Administrative Law, and to execute and deliver any and all documents, including STD. 399 and STD. 400, that the Executive Officer may deem necessary or advisable in order to effectuate the purposes of this resolution.

Section 3. This resolution shall take effect immediately upon approval.

Date of Adoption: July 15, 2019

I hereby certify that the attached resolution is a true and exact copy of Resolution No. 19-07-01 adopted by the California Underground Facilities Safe Excavation Board on July 15, 2019: RESOLUTION OF THE CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD APPROVING THE ADOPTION OF THE REGULATIONS FOR INVESTIGATION, ENFORCEMENT, AND AREA OF CONTINUAL EXCAVATION AND AUTHORIZING RULEMAKING PROCEEDINGS.

/s/ Tony Marino

Tony Marino
Executive Officer

/s/ Carl Voss

Carl Voss
Chair

Date: July 15, 2019