

RESOLUTION NO. 19-07-03

**RESOLUTION OF
THE CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION
BOARD IN SUPPORT OF ASSEMBLY BILL 1166 (LEVINE) IF
AMENDED**

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, and enforce the statute on specified persons;

WHEREAS, Government Code section 4216.3, subdivision (a)(1)(A), requires an operator receiving a ticket to provide one of three prescribed responses to the excavator before the legal excavation start time; and

WHEREAS, Assembly Bill 1166, introduced by Assembly Member Levine, (the “bill”) would require the Board to adopt regulations requiring every operator to supply electronic positive response through the regional notification centers, which must then make those responses available to the excavator, before the legal excavation start time, beginning January 2021; and

WHEREAS, the bill requires the regional notification centers to report annually to the Board on the state of their technological development; and

WHEREAS, the bill further requires the Board to adopt regulations by January 2021 to implement the legislation; and

WHEREAS, in order to encourage operator compliance with the requirement to supply electronic positive response to the regional notification centers, the Board must be given discretion to address reasonable barriers which operators may face in their efforts to come into compliance with the new requirements imposed by the bill;

THEREFORE, BE IT RESOLVED that the California Underground Facilities Safe Excavation Board supports Assembly Bill 1166 (Levine) if amended to explicitly provide the Board discretion to grant operators limited extensions for good cause. Further, the Executive Officer, in consultation with Board Members Muñoz and Charland, is delegated the authority to modify and convey the Board’s position on the bill to the Legislature upon any subsequent bill amendments.

Date of Adoption: July 15, 2019

I hereby certify that the attached resolution is a true and exact copy of Resolution No. 19-07-03 adopted by the California Underground Facilities Safe Excavation Board on July 15, 2019: RESOLUTION OF THE CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD IN SUPPORT OF ASSEMBLY BILL 1166 (LEVINE) IF AMENDED.

/s/ Tony Marino

Tony Marino
Executive Officer

/s/ Carl Voss

Carl Voss
Chair

Date: July 15, 2019