State of California
Office of Energy Infrastructure Safety
California Underground Facilities Safe Excavation Board

September 2023
1 CCR 100(b) Statement for Changes Without Regulatory Effect

Underground Safety Board
TITLE 19. Public Safety[1]
Division 4. California Underground Facilities Safe Excavation Board[2]
Chapter 1. General
Article 1. General

1. Section 4000.
Section 4000, subsection (b) provides definitions. The definitions, "Area of Continual Excavation Agreement (Agricultural Operations)" and "Area of Continual Excavation Agreement (Flood Control Facilities)" are being amended to reflect updated website addresses and version numbers of incorporated forms.

- Outdated website address: In 2022, the Board moved from the California Department of Forestry and Fire Protection, Office of the State Fire Marshal to the Office of Energy Infrastructure Safety. The amended website address reflects that the internet information portal is now associated with the Office of Energy Infrastructure Safety.

  energysafety.ca.gov~~https://digsafe.fire.ca.gov~~

- Outdated form version reference: The incorporated forms have been updated (see #9 and #10 for changes to incorporated Forms). The new version numbers reflect the date of the revised forms.

  Form No. ACE Agreement 01 (09-01-2023~~07-01-2020~~)
  Form No. ACE Agreement 02 (09-01-2023~~07-01-2020~~)

These changes to section 4000(b) do not affect requirements, rights, responsibilities, conditions, prescription, or other regulatory element of any California Code of Regulations provision because they are technical changes.

2. Section 4002.
Section 4002, subsection (a) incorporates two forms into regulation. The incorporated forms have been updated (see #9 and #10 for changes to incorporated Forms). Section 4002(a) is being amended to reflect an updated website address and updated version numbers of the incorporated forms.

[1] All references to a "section" or "sections" refer to California Code of Regulations, Title 19, Division 4, unless otherwise specified.
[2] All references made to the "Board" refers to the California Underground Facilities Safe Excavation Board

- Outdated website address: In 2022, the Board moved from the California Department of Forestry and Fire Protection, Office of the State Fire Marshal to the Office of Energy Infrastructure Safety. The amended website address reflects that the internet information portal is now associated with the Office of Energy Infrastructure Safety.

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- Outdated form version reference: The incorporated forms have been updated (see #9 and #10 for changes to incorporated Forms). The new version numbers reflect the date of the revised forms.

  Form No. ACE Agreement 01 (09-01-2023~~07-01-2020~~)
  Form No. ACE Agreement 02 (09-01-2023~~07-01-2020~~)

These changes to section 4002, subsection (a) do not affect requirements, rights, responsibilities, conditions, prescription, or other regulatory element of any California Code of Regulations provision because they are technical changes.

3. Section 4100.
Section 4100, subsection (c) is being amended to update a reference to a website.

- Outdated website address: In 2022, the Board moved from the California Department of Forestry and Fire Protection, Office of the State Fire Marshal to the Office of Energy Infrastructure Safety. The amended website address reflects that the internet information portal is now associated with the Office of Energy Infrastructure Safety.

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This change to section 4100, subsection (c) does not affect the requirements, rights, responsibilities, conditions, prescription, or other regulatory element of any California Code of Regulations provision because it is a technical change.

4. Section 4252.
Section 4252, subsection (b)(2)(A)(i) is being amended to update a reference to a website.

- Outdated website address: In 2022, the Board moved from the California Department of Forestry and Fire Protection, Office of the State Fire Marshal to the Office of Energy Infrastructure Safety. The amended website address reflects that the internet information portal is now associated with the Office of Energy Infrastructure Safety.

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This change to section 4252, subsection (b)(2)(A)(i) does not affect the requirements, rights, responsibilities, conditions, prescription, or other regulatory element of any California Code of Regulations provision because it is a technical change.

5. Section 4253.
Section 4253, subsection (a)(3) is being amended to update a reference to a website.

- Outdated website address: In 2022, the Board moved from the California Department of Forestry and Fire Protection, Office of the State Fire Marshal to the Office of Energy Infrastructure Safety. The amended website address reflects that the internet information portal is now associated with the Office of Energy Infrastructure Safety.

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This change to section 4253, subsection (a)(3) does not affect the requirements, rights, responsibilities, conditions, prescription, or other regulatory element of any California Code of Regulations provision because it is a technical change.

6. Section 4256.
Section 4256, subsections (a) and (c) are being amended to update references to a physical address.

- Outdated physical address: In 2022, the Board moved from the California Department of Forestry and Fire Protection, Office of the State Fire Marshal to the Office of Energy Infrastructure Safety. The updates reflect that the address for payments has been changed and the Board is now utilizing the Department of General Services to receive payments.

Department of General Services Contracted Fiscal Services Attn: Accounts Receivable 707 Third Street, 10th Floor West Sacramento, CA 95605	~~California Underground Facilities Safe Excavation Board~~ ~~2251 Harvard Street, Suite 400~~ ~~Sacramento, California 95815~~

This change to section 4256, subsections (a) and (c), does not affect requirements, rights, responsibilities, conditions, prescription, or other regulatory element of any California Code of Regulations provision because it is a technical change.

7. Section 4351
Section 4351, subsection (b)(1)(B) is being amended to reflect an updated version number of an incorporated form.

- Outdated form version reference: The incorporated form has been updated (see #9 for changes to incorporated form). The new version number reflects the date of the revised form.

Form No. ACE Agreement 01 (09-01-2023~~07-01-2020~~)

This change to section 4351, subsection (b)(1)(B) does not affect requirements, rights, responsibilities, conditions, prescription, or other regulatory element of any California Code of Regulations provision because it is a technical change.

8. Section 4361

Section 4361, subsection (b)(1)(B) is being amended to reflect an updated version number of an incorporated form.

- Outdated form version reference: The incorporated form has been updated (see #10 for changes to incorporated Form). The new version number reflects the date of the revised form.

Form No. ACE Agreement 02 (09-01-2023~~07-01-2020~~)

This change to section 4361, subsection (b)(1)(B) does not affect requirements, rights, responsibilities, conditions, prescription, or other regulatory element of any California Code of Regulations provision because it is a technical change.

9. Incorporated Reference, Form No. ACE Agreement 01

This incorporated reference, Area of Continual Excavation Agreement--Agricultural Operations, is a mandated form for an agreement between parties regarding excavation and agricultural operations. The form has been updated with a new Board logo, corrected references to relevant regulations, and a new version number.

- In 2022 the Board updated its logo. The logo is displayed on the ACE Agreement 01. The Form has been updated to include the new logo and delete the old logo.

- The ACE Agreement 01 references regulation sections 4300-4302. Section 4300 is not relevant to this form as it is the chapter effective date. There are no sections between section 4300 and section 4302 and section 4302 does not exist. The form should reference sections 4002 and 4351. Section 4002 incorporates the form into regulation and section 4351 mandates the use of the form in certain circumstances.

California Code of Regulations, title 19, sections 4002 and 4351~~4300-4302~~

- Outdated form version reference: The form has been updated. The new version number reflects the date of the revised form.

Form No. ACE Agreement 01 (09-01-2023~~07-01-2020~~)

These changes to Form No. ACE Agreement 01 do not affect requirements, rights, responsibilities, conditions, prescription, or other regulatory element of any California Code of Regulations provision because they are technical changes.

10. **Incorporated Reference, Form No. ACE Agreement 02**

This incorporated reference, Area of Continual Excavation Agreement--Flood Control Facilities, is a mandated form for an agreement between parties regarding excavation and flood control facilities. The form has been updated with a new Board logo, corrected references to relevant regulations, and a new version number.

- In 2022 The Board updated its logo. The logo is displayed on the ACE Agreement 02. The Form has been updated to include the new logo and delete the old logo.

- The ACE Agreement 02 references regulation sections 4300 and 4350-4351. Section 4300 is not relevant to this form as it is the chapter effective date. Sections 4350 and 4351 are not relevant to this form as they relate to agriculture operations. The form should reference sections 4002 and 4361. Section 4002 incorporates the form into regulation and section 4361 mandates the use of the form in certain circumstances.

California Code of Regulations, title 19, sections 4002 and 4361~~4300 and 4350-4351~~

- Outdated form version reference: The form has been updated. The new version number reflects the date of the revised form.

Form No. ACE Agreement 02 (09-01-2023~~07-01-2020~~)

These changes to Form No. ACE Agreement 02 do not affect requirements, rights, responsibilities, conditions, prescription, or other regulatory element of any California Code of Regulations provision because they are technical changes.