TEXT OF PROPOSED REGULATIONS

California Code of Regulations
Title 19. Public Safety

Division 4. California Underground Facilities Safe Excavation Board

Section 4003. Valid and Current Contact Information for Members of Regional Notification Centers

(a) Members of regional notification centers shall maintain valid and current contact information, including phone number, email, and address, with the appropriate regional notification center, and shall promptly inform the appropriate regional notification center of any changes to the contact information.

(1) At least one valid and current contact shall include name, telephone number and email address for a person authorized to respond to inquiries regarding the determination of the exact location of subsurface installations operated by the member.

(b) Regional notification centers shall provide updated contact information for their members to the Board upon request by the Board.

NOTE: Authority cited: Sections 4216.4 and 4216.22, Government Code. Reference: Sections 4216.1 and 4216.12, Government Code.

Chapter 4. Area of Continual Excavation
Article 1. General

Section 4301. Activities Eligible for a Continual Excavation Ticket

A person may request a continual excavation ticket only for normal business activities of agricultural operators and flood control facilities.

NOTE: Authority cited: Sections 4216.10 and 4216.22, Government Code. Reference: 4216, 4216.10, and 4216.12, Government Code.

Section 4305. Scope of a Valid Continual Excavation Ticket

(a) An excavator may not perform excavation under a valid continual excavation ticket in the following circumstances:

(1) The excavator intends to perform excavation outside the area of continual excavation as had been provided when requesting the existing valid continual excavation ticket.

(2) The excavator intending to perform excavation is someone other than the excavator or the authorized representative of the excavator who requested the existing valid continual excavation ticket.

(3) The excavator intends to perform excavation activities within 10 feet of a high priority subsurface installation using methods or tools that are not described in an Area of Continual Excavation Agreement (Agricultural Operations) completed pursuant to Section 4302(b)(3) or are not described in an Area of Continual Excavation Agreement (Flood Control Facilities) completed pursuant to Section 4351(b)(3).

(4) The excavator intends to perform excavation activities within 5 feet of a subsurface installation that is not a high priority subsurface installation using methods or tools that are not described in a plan for excavation activities developed pursuant to Government Code section 4216.10 (c)(2).

(b) (1) If an excavator is prohibited from performing excavation pursuant to subdivision (a), the excavator may contact the regional notification center to request a ticket pursuant to Government Code section 4216.2 or a new continual excavation ticket pursuant to Government Code section 4216.10.

(2) The excavator may perform an excavation prohibited pursuant to paragraph (3) of subdivision (a) if the excavator and operator have amended or completed a new Area of Continual Excavation Agreement (Agricultural Operations) pursuant to Section 4302(b)(3) or Area of Continual Excavation Agreement (Flood Control Facilities) pursuant to Section 4351(b)(3).

(3) The excavator may perform an excavation prohibited pursuant to paragraph (4) of subdivision (a) if the excavator and operator have amended or developed a new plan for excavation activities pursuant to Government Code section 4216.10 (c)(2).

NOTE: Authority cited: Section 4216.22, Government Code. Reference: 4216, 4216.2, 4216.10, and 4216.12, Government Code.

Section 4307. Operator Requirements in Installing New Subsurface Installations in an Area of Continual Excavation

(a) If an operator installs a high priority subsurface installation within 10 feet of an area of continual excavation during the period of time in which a continual excavation ticket is valid, the operator shall do the following prior to operating the high priority subsurface installation:

(1) Notify the excavator to set up an onsite meeting prior to operating the high priority subsurface installation.

(2) Provide a response to the excavator pursuant to Government Code section 4216.3, subdivision (a).

(A) If the operator locates and field marks the high priority subsurface installation as provided in Government Code section 4216.3, subdivision (a)(1)(A)(i), the excavator and operator shall agree to the method to be used under the guidelines in Appendix B of the "Guidelines for Operator Facility Field Delineation" published in the most recent version of the Best Practices guide of the Common Ground Alliance and in conformance with the uniform color code of the American Public Works Association.

(b) (1) If an operator installs a subsurface installation that is not a high priority subsurface installation in an area of continual excavation during the period of time in which a continual excavation ticket is valid, the operator shall do the following prior to operating the subsurface installation:

(A) Provide a response to the excavator pursuant to Government Code section 4216.3, subdivision (a).

(i) If the operator locates and field marks the high priority subsurface installation as provided in Government Code section 4216.3, subdivision (a)(1)(A)(i), the excavator and operator shall agree to the method to be used under the guidelines in Appendix B of the "Guidelines for Operator Facility Field Delineation" published in the most recent version of the Best Practices guide of the Common Ground Alliance and in conformance with the uniform color code of the American Public Works Association.

(2) The excavator or the operator may request an onsite meeting pursuant to Government Code section 4216.10 (c)(2).

NOTE: Authority cited: Sections 4216.10 and 4216.22, Government Code. Reference: 4216, 4216.3, 4216.10, and 4216.12, Government Code.

Section 4310. Continual Excavation Ticket Renewal Reminder Notifications

(a) In response to a request from an excavator for a continual excavation ticket, a regional notification center shall provide the excavator with a continual excavation ticket and information or tools to assist the excavator with renewing the ticket.

(b) (1) If the excavator requesting a continual excavation ticket has provided contact information to the regional notification center in the form of an email address or short message service (SMS) number, the regional notification center shall provide one or more notifications to the excavator by means of email, SMS, or both as a reminder to alert the excavator of the need to renew the ticket.

(2) At least one reminder notification shall be sent no earlier than two months before ticket expiration and no later than fifteen days prior to ticket expiration. The reminder notification shall include the continual excavation ticket number and expiration date of the ticket. The reminder notification may include a hyperlink or other means by which the excavator may access a portal for electronic ticket renewal.

NOTE: Authority cited: Sections 4216.10 and 4216.22, Government Code. Reference: 4216.10 and 4216.12, Government Code.

Chapter 5. Pre-Excavation Responsibilities
Article 1. Responsibilities of Excavators

Section 4401. Valid and Current Contact Information for Excavators Using the Regional Notification Centers

(a) When notifying a regional notification center of intent to excavate pursuant to Government Code section 4216.2, subdivision (b) or Government Code section 4216.10, subdivision (a), an excavator shall provide the contact information of a person knowledgeable in the proposed excavation activities so that an operator may contact the person regarding excavation activities that may occur around subsurface installations in the area of proposed excavation.

(1) The contact information shall include a telephone number, an email address, or both.

(2) The contact information shall be accurate during the period in which the ticket is valid. If either the person knowledgeable in the proposed excavation activities or the contact information for the person knowledgeable in the proposed excavation activities changes during the period in which the ticket is valid, the excavator shall provide updated contact information to the regional notification center.

NOTE: Authority cited: Section 4216.22, Government Code. Reference: Sections 4216.2, 4216.3, 4216.4, and 4216.10, Government Code.

Chapter 6. Excavations Around Subsurface Installations
Article 1. Determining Exact Location of a Subsurface Installation

Section 4500. Determining the Tolerance Zone for a Subsurface Installation When an Operator's Response Does Not Include a Locate and Field Mark

If an operator responds pursuant to Government Code section 4216.3, subdivision (a)(1)(A)(ii) to an excavator's notification of intent to excavate, the excavator may determine the location of the center of the tolerance zone according to subsurface installation location information provided by the operator.

NOTE: Authority cited: Sections 4216.4, and 4216.22, Government Code. Reference: Section 4216, 4216.3, 4216.4, 4216.10, 4216.12, and 4216.18.

Section 4501. Use of Equipment Other Than Hand Tools to Determine the Exact Location of a Subsurface Installation

(a) An excavator may use equipment other than hand tools within the tolerance zone of a subsurface installation for the purpose of determining the exact location of the subsurface installation if all of the following conditions are satisfied:

(1) The operator has provided a response to the excavator as provided in Government Code section 4216.3, subdivision (a)(1)(A).

(2) The equipment conforms to the requirements as specified in subdivision (b) and has not been modified to function outside those requirements.

(3) The field mark or subsurface installation location information provided by the operator pursuant to Government Code 4216.3, subdivision (a)(1)(A)(ii) does not indicate a facility type classified under the orange category of the "Guidelines for Operator Facility Field Delineation" in Appendix B of the most recent version of the Best Practices Guide of the Common Ground Alliance and in conformance with the uniform color code of the American Public Works Association.

(4) The field mark as identified using abbreviations in the "Guidelines for Operator Facility Field Delineation" in Appendix B of the most recent version of the Best Practices Guide of the Common Ground Alliance or subsurface installation location information provided by the operator pursuant to Government Code 4216.3, subdivision (a)(1)(A)(ii) does not indicate street lighting or traffic signal.

(5) The use of a hand tool would be ineffective based on the soil conditions.

(b) An excavator may use equipment other than hand tools within the tolerance zone of a subsurface installation for the purpose of determining the exact location of a subsurface installation consistent with the requirements of subdivision (a) if the equipment and the equipment's manner of use conforms to the following parameters:

(1) Equipment configuration and specifications:

(A) The tool shall be a handheld percussive pneumatic, electric, or hydraulic hammer that drives a bit.

(B) The tool weight without accessory shall not exceed 30 lbs.

(C) The bit used shall be no less than 5.5 inches wide, have a rounded edge, and present no sharp surfaces.

(2) Manner of equipment use:

(A) The equipment must be used according to the manufacturer's instructions.

(B) The bit edge shall be placed parallel, not perpendicular, to the orientation of subsurface installation as indicated by the field mark or subsurface installation location information provided by the operator pursuant to Government Code 4216.3, subdivision (a)(1)(A)(ii).

(c) If the use of equipment other than hand tools as defined in this section is not effective in exposing the subsurface installation for the purpose of determining the exact location of the subsurface installation, the excavator shall contact the operator of the subsurface installation to determine how to proceed in a manner that protects the safety of the excavator and of the public and maintains the integrity of the subsurface installation. An excavator may use equipment other than hand tools that does not conform to the parameters in subdivision (b) if the excavator and operator agree on the equipment to be used and the manner in which it will be used.

(d) When the excavation is proposed within 10 feet of a high priority subsurface installation, the excavator shall discuss any use of equipment other than hand tools in determining the exact location of the subsurface installation with the operator as part of the discussion of the methods and tools to be used during the excavation.

(e) This section shall not apply to the use of a vacuum excavation device, which is determined by Government Code 4216.4, subdivision (a)(2)(A).

NOTE: Authority cited: Sections 4216.4 and 4216.22, Government Code. Reference: Sections 4216.2, 4216.3, 4216.4, 4216.10, and 4216.12.

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