RESOLUTION No. 20-04-01

RESOLUTION OF THE CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD ADOPTING EMERGENCY REGULATIONS TO IMPLEMENT A PROCESS FOR RECEIVING AND EVALUATING APPLICATIONS FOR GOOD-CAUSE EXTENSIONS OF THE DEADLINE FOR ELECTRONIC POSITIVE RESPONSES TO LOCATE-AND-MARK REQUESTS

WHEREAS, pursuant to the Dig Safe Act of 2016 (Stats. 2016, ch. 809) (the Act), codified in Government Code section 4216 *et seq.*, the California Underground Facilities Safe Excavation Board (the Board) is required 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; and

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 (2019-2020), introduced by Assembly Member Levine, amended Government Code section 4216.3 to require, by January 2021, every operator to provide an electronic positive response through the appropriate regional notification center, which must then make the response available to the excavator before the legal excavation start time; and

WHEREAS, subdivision (d) of Government Code section 4216, as amended by Assembly Bill 1166 (2019-202), requires the Board to adopt regulations that implement a process for receiving and evaluating operator requests for an extension of the January 2021 deadline;

THEREFORE, BE IT RESOVED, that the Board hereby approves the proposed regulation in substantially the form submitted to the Board by the staff. The Executive Officer is authorized, for and on behalf of the Board, to proceed as required by the Administrative Procedures Act and by Government Code section 4216.3 to adopt the proposed regulations and submit the regulations, with the required supporting documentation, to the Office of Administrative Law.

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

This resolution shall take effect immediately upon approval.

Date of Adoption: April 13, 2020

I hereby certify that the attached resolution is a true and exact copy of Resolution No. 20-04-01 adopted by the California Underground Facilities Safe Excavation Board on April 13, 2020: RESOLUTION OF THE CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD ADOPTING EMERGENCY REGULATIONS TO IMPLEMENT A PROCESS FOR RECEIVING AND EVALUATING APPLICATIONS FOR GOOD-CAUSE EXTENSIONS OF THE DEADLINE FOR ELECTRONIC POSITIVE RESPONSES TO LOCATE-AND-MARK REQUESTS

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Tony Marino	Carl Voss
Executive Officer	Chair

Date: April 13, 2020