

SECOND UPDATE TO INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS Title 19. PUBLIC SAFETY Division 4. CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD

SECOND UPDATE OF INITIAL STATEMENT OF REASONS

The California Underground Facilities Safe Excavation Board (“Board”) has provided an update to the Initial Statement of Reasons. The Board made available a 45-day public comment period for the proposed regulation from May 17, 2019 through July 1, 2019. Following the close of the 45-day public comment period, changes were made to the text of the proposed regulation in response to comments received regarding the proposed regulation, and the Board made available a 15-day public comment period from January 23, 2020 through February 7, 2020. The Board is providing notice of a 15-day public comment period for modifications to the text of regulations. The changes being made are as follows:

MODIFICATIONS TO TEXT OF THE PROPOSED REGULATIONS:

Specific sections which have been modified: 4201(b) and 4201(c).

Section 4201(b). Changes clarify the nature of the evidence the Board will evaluate in determining whether to assess sanctions for violation of the Dig Safe laws.

Necessity: Deleted the text, “*Any of the following may be considered to determine*” and added in its place “*In determining ... the Board must consider evidence that is relevant to any of the following matters:*” The change made clear that the Board will consider evidence relevant to matters specified in the regulation.

Section 4201(c). Changes clarify the nature of the evidence the Board will evaluate in determining whether to issue an order for corrective action following violation of the Dig Safe laws.

Necessity: Deleted the text, “*Any of the following may be considered to determine*” and added in its place “*In determining ... the Board must consider evidence that is relevant to any of the following matters:*” The change made clear that the Board will consider evidence relevant to matters specified in the regulation.