

15 DAY TEXT OF PROPOSED REGULATIONS

California Code of Regulations

Title 19. Public Safety

Division 4. California Underground Facilities Safe Excavation Board

The 45-day text proposed to be added appears in underline.
No changes are being made to the 45-day text.

Chapter 1. General

Article 1. General

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) Each member shall provide at least one valid and current contact that includes the name, telephone number, and email address of an individual or business unit that can reach 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.

Authority cited: Sections 4216.4 and 4216.22, Government Code.

Reference: Sections 4216.1, 4216.4, and 4216.12, Government Code.

Chapter 4. Area of Continual Excavation Article 1. General

Section 4305. Persons Eligible to Work Under a Continual Excavation Ticket

An excavator who contacts a regional notification center to request a continual excavation ticket shall communicate information about the extent of the area of excavation, the location of subsurface infrastructure within the area of continual excavation, and the type of work described within the continual excavation ticket to all workers, including any subcontractors, authorized by the excavator to perform work within the area of continual excavation.

Authority cited: Sections 4216.10, 4216.11 and 4216.22, Government Code.

References: Sections 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 electronic contact information to the regional notification center and the excavator has granted the regional notification center permission to use the electronic contact information to provide a reminder notification in advance of ticket expiration, the regional notification center shall use the excavator's electronic contact information to provide one or more notifications to the excavator 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 ten 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.

(c) For the purposes of this section “electronic contact information” means an email address, a short message service (SMS) number, or another means of electronic communication offered by a regional notification center.

Authority cited: Sections 4216.10, 4216.11, and 4216.22, Government Code.

Reference: Sections 4216.10 and 4216.12, Government Code.

Section 4345. Onsite Meeting and Plan Following Renewal of a Continual Excavation Ticket Near High Priority Subsurface Installations

An excavator may continue excavation pursuant to an Area of Continual Excavation Agreement (Agricultural Operations) or an Area of Continual Excavation Agreement (Flood Control Facilities) for thirty days following the renewal of a continual excavation ticket to allow the excavator and the operator of the high priority subsurface installation to set up an onsite meeting at a mutually agreed upon time to renew or to develop and agree to a new area of continual excavation plan pursuant to Section 4351 or Section 4361.

Authority cited: Sections 4216.11 and 4216.22, Government Code.

Reference: Sections 4216.10, 4216.11, 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 name, telephone number, and an email address.

(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.

Authority cited: Sections 4216.11 and 4216.22, Government Code.

Reference: Sections 4216.2, 4216.3, 4216.11, and 4216.12, Government Code.

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 responded to the excavator with a locate and field mark as provided in Government Code section 4216.3, subdivision (a)(1)(A)(i).

(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 does not indicate a subsurface installation 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 does not indicate street lighting or traffic signal.

(5) The excavator has classified the soil within the tolerance zone as Type A or Type B, as provided in Appendix A of Section 1541.1 of Title 8.

(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 conform to the following requirements:

(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 40 lbs.

(C) The bit used shall be no less than 4 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 the subsurface installation as indicated by the field mark.

(c) An excavator shall request consultation with the operator of the subsurface

installation to determine how to safely proceed if the use of hand tools, or equipment other than hand tools as permitted in this section, is not a safe and effective means of determining the exact location of the subsurface installation. The operator of the subsurface installation shall respond to such a request within two working days not including the date the operator received the request and shall discuss with the excavator how the excavator can safely and effectively proceed. An excavator may use equipment other than as permitted in subdivisions (a) and (b), if the excavator and operator agree in writing upon the equipment to be used and the manner in which it will be used.

(d) 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).

Authority cited: Sections 4216.4, 4216.12, 4216.18, and 4216.22, Government Code.

Reference: Sections 4216.2, 4216.4, 4216.10, and 4216.12, and 4216.18, Government Code.