**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. **SUBJECT OF NOTICE**
   - TITLE(S):
   - FIRST SECTION AFFECTED

2. **REQUESTED PUBLICATION DATE**

3. **NOTICE TYPE**
   - Notice on Proposed Regulatory Action
   - Other

4. **AGENCY CONTACT PERSON**
   - TELEPHONE NUMBER
   - FAX NUMBER (Optional)

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

1a. **SUBJECT OF REGULATION(S)**
1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. **SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S)**
   - INCLUDING TITLE 26, IF TOXICS RELATED

3. **TYPE OF FILING**
   - Regular Rulemaking (Gov. Code §11346)
   - Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11346.3, 11349.4)
   - Emergency (Gov. Code §11346.1(b))

4. **SECTION(S) AFFECTED**
   - TITLE(S)
   - AFFECTED
   - ADOPT
   - AMEND
   - REPEAL

5. **TYPE OF FILING**
   - Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1(b))
   - Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.

6. **ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE**

7. **CONTACT PERSON**
   - TELEPHONE NUMBER
   - FAX NUMBER (Optional)
   - E-MAIL ADDRESS (Optional)
   - Deborah Yang (916) 568-2969 deborah.yang@fire.ca.gov

8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

   **SIGNATURE OF AGENT HEAD DESIGNEE**
   - DATE 11/29/2018
   - TYPED NAME AND TITLE OF SIGNATORY
   - Tony Marino, Executive Officer

**FOR USE BY OFFICE OF ADMINISTRATIVE LAW (OAL) ONLY**

**ENDORSED - FILED**

in the office of the Secretary of State of the State of California

NOV 30 2018

1:32 PM
This action by the California Underground Facilities Safe Evacuation Board adopts a fee schedule and procedures for members of regional notification centers.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2019.
TEXT OF REGULATION (Final)

California Code of Regulations
Title 19. Public Safety

Division 4. California Underground Facilities Safe Excavation Board
Chapter 1. General

Article 1. General

§ 4010. Fees.

(a) (1) Each member of a regional notification center as defined in Government Code, section 4216, subdivision (q) who receives more than 200 locate request transmissions in the previous calendar year shall pay a fee to support the operational expenses of the California Underground Facilities Safe Excavation Board as provided in the following formula:

\[
\text{Fee} = \frac{\text{member locate request transmissions}}{\text{statewide locate request transmissions}} \times \text{Board operational expenses}
\]

(2) In the formula above:
(A) "member locate request transmissions" represents the number of locate request transmissions the member of the regional notification center received in the previous calendar year;
(B) "statewide locate request transmissions" is the total number of locate request transmissions issued by the regional notification centers in the previous calendar year, not including those locate request transmissions issued to members who received less than 200 locate request transmissions in the previous calendar year; and
(C) "Board operational expenses" is the sum of the estimated operational expenses, including any loan repayment, of the California Underground Facilities Safe Excavation Board in the current calendar year, subject to the State Budget Act. The "Board operational expenses" is $7 million for each calendar year 2019, 2020, and 2021, subject to the State Budget Act. The "Board operational expenses" is $3.8 million for calendar year 2022 and each calendar year thereafter, subject to the State Budget Act.

(3) The "member locate request transmissions," "statewide total locate request transmissions," and the "Board operational expenses" shall be reflected on the invoice to each member of a regional notification center.

(b) (1) Each member of a regional notification center shall remit the fee under subdivision (a) to the regional notification center by the due date in the billing statement issued by the regional notification center.

(2) At least semi-annually on April 1 and October 1, the regional notification centers shall submit to the California Underground Facilities Safe Excavation Board the
fees received by the regional notification centers as of the date of submittal to the California Underground Facilities Safe Excavation Board.

(c) If a member fails to pay the fee by the due date in the billing statement as provided in subdivision (b), the Board shall issue an invoice to seek and obtain the fee directly from the member and charge the member a late fee of 5% of the amount of the fee, in addition to the fee due in the billing statement. The regional notification centers shall inform the Board of any failure to pay the fee and shall provide a copy of the member's billing statement.

(d) For purposes of this section, "locate request transmission" means the notification provided by a regional notification center to an operator to locate and field mark in response to a new or renewed ticket, as identified in Government Code section 4216.2, subdivision (e), to a new ticket created to replace an expired ticket, as identified in Government Code section 4216.2, subdivision (i), or to a ticket requesting a remark, as identified in Government Code section 4216.3, subdivision (b).