



# CALIFORNIA EXCAVATION MANUAL



## APWA Uniform Color Code

These are the colors our utility members will use to mark their underground facilities at your dig site



Proposed Excavation



Electric



Water



Gas-Oil-Steam



Communication  
CATV



Reclaimed Water  
Irrigation Slurry



Temporary Survey  
Marking



Sewer Storm Drain



Quick, Easy & Available 24/7

**811**express.com



Submit Your Tickets Online Anytime  
in 5 Fast & Easy Steps

## USA NORTH 811 CENTER OVERVIEW

USA North 811 provides a free and effective damage prevention service that protects our citizens, communities, environment, essential public services, and underground facilities in California. Our objective is to attain and transmit excavation activities, beginning within the following 14 calendar days, from homeowners and excavators/contractors to all regional participating members of the notification center. In response to the receipt of planned excavation reports our members will either 1) mark or stake the horizontal path of their facility; 2) provide information about the location of their facility, or 3) advise the excavator about the clearance, of facilities that they own, operate, and/or maintain.

### REGIONAL NOTIFICATION CENTERS IN CALIFORNIA

#### **Underground Service Alert of Northern California and Nevada (USA North 811)**

811 / (800) 642-2444, [www.usanorth811.org](http://www.usanorth811.org)

Contact Center hours of operation: 24/7

Serves the following counties in Northern & Central California:

Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

#### **Underground Service Alert of Southern California (DigAlert)**

811 / (800) 422-4133, [www.digalert.org](http://www.digalert.org)

Serves the following counties in Southern California:

Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura

Contact Center hours of operation: Monday–Friday, 6 a.m.–7 p.m., excluding holidays

## **Be knowledgeable of all Federal, State, County, City or Local Requirements:**

- Construction Code
- Contractor License Code
- Safety Code
- Franchise Code
- OSHA
- Federal, State, County, City or Local Ordinances
- Others that apply

## **GENERAL EXCAVATION INFORMATION**

- Prior to starting an excavation, examine the excavation site for physical evidence that would indicate the existence of underground facilities (e.g. manholes, valve covers, water meters, fire hydrants, sewer cleanouts, storm drains, vaults, utility maintenance boxes, pole risers, etc). Always excavate as cautiously and prudently as possible.
- USA North 811 accepts notifications for excavation work on public and private property, Military Bases, Indigenous People's Reservations and even waterways in California.
- Our members will mark or stake the horizontal path, provide information about the location, or provide clearance to the excavator for facilities that they own, operate or maintain. Excavators should practice caution since the presence of private and non-member utility lines is possible. **Note:** *CalTrans and non-pressurized sewer lines, storm drains and drain lines are exempt from being members.*
- Limit your excavation description to a site that can be completed within a 28 calendar day period from the date of your notice to

USA North 811. This will provide our members a reasonable time allocation of 2 working days to locate.

- Dividing larger excavation areas into smaller manageable sites helps our members to promptly respond to your excavation site.
- As work on one excavation site nears completion, create your next excavation ticket with USA North 811 and continue this process until your entire excavation area is complete.
- When working on private property the excavator should determine what facilities belong to the property owner (e.g. water, well, sewer, septic tanks, gas, propane lines, electrical, etc.) and what easement(s) may exist on the property, if any. In general, the responsibility of underground facilities transfers to the property owner behind the curb, sidewalk, clean out, and at the meter or point of demarcation. USA North 811 notifies only its utility members of your excavation work. For your safety, you should notify any non-member directly.
- USA North 811 recommends that the excavator that created the notification should remove all markings upon project completion. Utility markings serve a vital role in safety while the job is active, but can be viewed as unsightly to the community once the work is completed.

## FIVE STEPS TO A SAFE EXCAVATION

1. **Survey and Mark:** Survey your proposed excavation site. Make a list of affected operators of underground facilities (utility operators) at your job site, their needs and requirements. Mark the excavation site on paved surfaces with white spray chalk, water based, UV paint or an equivalent non-permanent marking medium. Alternatively, white flags, stakes, whiskers, etc., can be used for delineation (home-owners may use flour). **Note:** *Temporary markings should be clearly visible, functional, and considerate to surface aesthetics and the local community. Please be advised to the application of local ordinances regarding delineation.*

- 2. Contact 811 Before You Dig:** Contact USA North 811 between two working days and 14 calendar days prior to your dig. Only operators who are members of the regional notification centers will be notified. Compare your list of affected operators determined in Step 1, with the list of operators notified by the regional notification center. For your safety contact any operator at your job site that is not a member.
- 3. Wait the Required Time:** The legal two working days to 14 calendar days' notice allows adequate time for members to examine their underground facility records and respond to the site. Excavators are required by law to wait until all operator(s) of subsurface installations have provided a positive response to their excavation site. A positive response includes operator's marking, or staking the horizontal path of their facility with the appropriate color code, providing information about the location of their facility, or advising the excavator of clearance. Depending on our member's workload, they may contact you to try to negotiate a new start time for your excavation.
- 4. Respect the Marks:** Preserve facility marks for the duration of the job. If any of the operator markings are not reasonably visible, you must notify USA North 811 and request remarking by the affected operator(s). When you request for an operator(s) to re-mark their facilities, you will be asked if you would like the entire or specific area of the original location remarked, and if the area is delineated in white; this information will allow the members to respond to your request. **Note:** *A ticket is active for 28 calendar days in California from the date of its issuance. You must have an active ticket for the entire duration of your excavation.*
- 5. Dig With Care:** Hand excavate within 24" of the outside diameter of the facility. Facilities that are in conflict with your excavation are to be located with hand tools and protected before power equipment is used. Notify the affected operator(s) of any contact, scrape, dent, nick or damage to their facility.

## NO RESPONSE FOLLOW-UP UTILITY MEMBER FAILED TO RESPOND

This process starts when the excavator notifies USA North 811 that both:

- The legal-notice (two business to 14 calendar days) and the start date/time has passed
- A member(s) has failed to respond to-the ticket.

When a member successfully negotiates a new start date/time with an excavator, the negotiated start date/time becomes the legal start date/time for that excavation notice.

Once the start date/time has passed, the excavator should determine if all members have responded. The members will: mark or stake the horizontal path of their facilities, provide information about the location of their facilities, or advise the excavator of clearance. If the excavator determines that a member(s) has failed to respond in one of these manners the following steps are to be taken.

- 1) **No Response Follow-up:** Contact USA North 811 after the original or agreed upon legal start date/time, that the work was to begin, and request to send a “No Response Follow-up” to the member(s) (name the particular member(s)) that failed to respond to your notice. Request the member(s) to call and respond ASAP or call and provide clearance.
- 2) **Second No Response Follow-up:** Wait at least an hour or more, from your last call, to provide our member(s) an opportunity to call and respond to your first request. After this time has passed and the member(s) still has not contacted you, contact and request USA North 811 to send a “Second No Response Follow-up” to the member(s) (name the particular member(s)) that has failed to respond to your notice. Request the member(s) to call and respond

ASAP or call and provide clearance.

- 3) Third No Response Follow-up:** Wait at least an hour or more, from your last call, to provide our member(s) an opportunity to call and respond to your second request. After this time has passed and the member(s) still has not contacted you, contact and request USA North 811, to send a “Third No Response Follow-up” to the member(s) (name the particular member(s)) that has failed to respond to your notice. Request the member(s) to call and respond ASAP or call and provide clearance. **Note:** USA North 811 will attempt to make a call to the member(s) terminal involved and ask the member(s) to respond ASAP once the Third No Response Follow-up message has been transmitted.

**Warning:** *There may be unidentified underground facilities at your job site. The excavator should review the job site for physical evidence of facilities not located, i.e. manholes, valve covers, water meters, sewer cleanouts, vaults, storm drains, fire hydrant, utility maintenance boxes, pole risers, or other facility indicators such as pavement patches etc.*

## **DAMAGE / EXPOSED NOTIFICATION**

An excavator discovering or causing damage to a subsurface installation shall immediately notify the operator of the installation.

USA North 811 accepts damage / exposed notices from the excavator and transmits the notice to our members in the area of the damage. USA North 811 will also provide the excavator with the emergency telephone number for the member whose facility was damaged.



## EMERGENCY NOTIFICATION

If the damage results in the escape of any flammable, toxic, or corrosive gas or liquid, or endangers life, health or property, then the excavator responsible must immediately call 911 and notify the facility owner/operator.

The excavator takes reasonable measures to protect themselves and those in immediate danger, the public, property, and the environment until the facility owner/operator or emergency responders have arrived and completed their assessment.

## WHAT IS ELECTRONIC POSITIVE RESPONSE

Electronic Positive Response (+Res or PosRes) is a system that encourages communication from member utility companies to USA North 811; notifying us of the status of the ticket or the method they chose to respond to a ticket. Excavation law in California and Nevada already requires that all utility members respond to every request they receive by either marking the site, notifying the excavator that the site is clear of their facilities, or providing information to the excavator regarding the location of the facilities (i.e. maps, drawings, etc.). Electronic Positive Response goes one step further by allowing the utility member to then notify USA North 811 how they chose to respond to the ticket. USA North 811 will then publish these responses online allowing contractors, excavators, and homeowners in California and Nevada the ability to check the status of responses to their ticket request online 24x7.

At this time, electronic positive response is voluntary in both California and Nevada. Therefore you may not always see an electronic positive response from all utility members posted online. Please make sure and do your due diligence in tracking responses from the utility members on your ticket request. You need to ensure that you have received a response from all utility members on your ticket before proceeding with your digging project. For more information regarding electronic positive response, go online to [www.USANorth811.org](http://www.USANorth811.org)

## ONLINE PLATFORMS

### **E-Ticket Program**

The E-Ticket Program gives users the ability to create all location types and manage tickets in an online platform 24/7. The program gives users the ability to extend tickets and send follow up messages without having to pick up the phone. The program is free, although we do require new users to complete our online training. Sign up today at [www.USANorth811.org](http://www.USANorth811.org)

### **811Express.com**

811Express.com is the fastest way to create a ticket at a single address location. No training is required and a ticket can be created within 3 minutes or less! See for yourself and create your next single address location at [811Express.com](http://811Express.com)

### **Design Inquiry Membership**

The Design Inquiry Membership provides participants with 24/7 access to USA North 811's online engineering contact information inquiry program. The resulting inquiries provide the participant with a list of the engineering contact information for each USA North 811 member who may have facilities at the designated design site. Using the USA North 811 member engineering contact information, you will be able to contact each USA North Member identified, and request that they provide you with their underground facility as-built drawings, red-line their facilities on your design drawings, and/or discuss your design work with them.

### **Web Ticket Management System for Utility Members**

WebTMS is an online platform that enables Utility Members to easily manage and respond to incoming tickets. Users are able to automatically distribute and assign tickets to team members within their organization. USA North 811 provides WebTMS to all Utility Members free of charge. Contact our Member Services Department today to sign up for the program.

WebTMS Features:

- Receive Paperless Tickets
- Manage Tickets Remotely
- Auto-Assign Tickets by Location

- Create Automated Responses
- Reporting Tools
- Ticket Archiving

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## **“CGA Best Practices - Appendix B**

*View the entire CGA Best Practices Document online at  
<http://commongroundalliance.com/best-practices-guide>*

# Uniform Color Code and Marking Guidelines

The information contained in this appendix is intended to supplement information for existing practices found within CGA Best Practices.<sup>8/</sup>

## BEST PRACTICES CHAPTER 4—LOCATING AND MARKING

***Practice Statement 4–3: Color Code: A uniform color code and set of marking symbols is adopted nationwide.***

### Uniform Color Code<sup>9/</sup>

The following APWA uniform color code (ANSI Z535.1) shall be adopted as the uniform color code for marking excavation sites and underground facilities in conflict with an excavation. This recommendation is not intended to preempt any existing state requirement that specifies other colors.

White	Proposed Excavation
Pink	Temporary Survey Markings
Red	Electric Power Lines, Cables, Conduit, and Lighting Cables
Yellow	Gas, Oil, Steam, Petroleum, or Gaseous Materials
Orange	Communication, Alarm or Signal Lines, Cables, or Conduit
Blue	Potable Water
Purple	Reclaimed Water, Irrigation, and Slurry Lines
Green	Sewers and Drain Lines

### References:

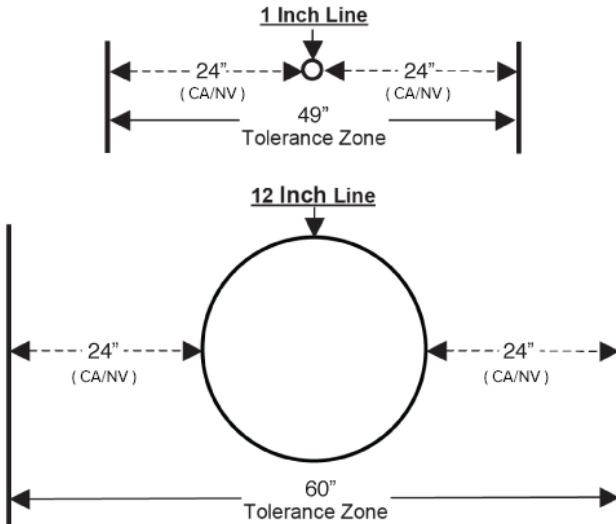
- APWA Uniform Color Code
- Existing operating practices from various states' one call centers
- Existing one call laws from various states
- ANSI Standard Z535.1 Safety Color Code

## BEST PRACTICES CHAPTER 5—EXCAVATION

***Practice Statement 5–19: Excavation Tolerance Zone: The excavator observes a tolerance zone that is comprised of the width of the facility plus 18 in. on either side of the outside edge of the underground facility on a horizontal plane. This practice is not intended to preempt any existing state/provincial requirements that currently specify a tolerance zone of more than 18 in. California and Nevada require a 24” tolerance zone on either side of the outside edge of the underground facility.***

### Tolerance Zone<sup>40/</sup>

The following examples are of tolerance zones for a 1 in. and 12 in. line:



## BEST PRACTICES CHAPTER 5—EXCAVATION

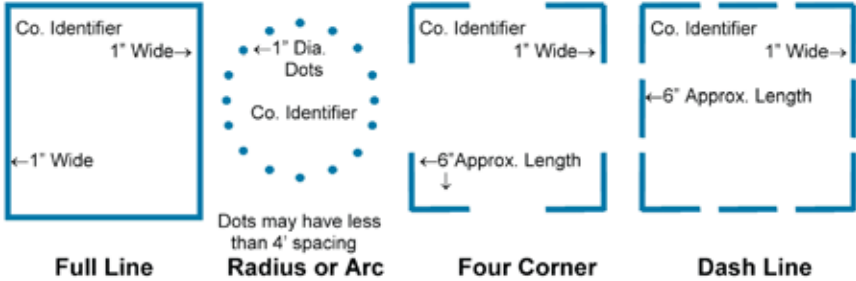
***Practice Statement 5–2: White Lining: When the excavation site cannot be clearly and adequately identified on the locate ticket, the excavator designates the route and/or***

***area to be excavated using white premarking prior to the arrival of the locator.***

## Guidelines for Excavation Delineation<sup>9/</sup>

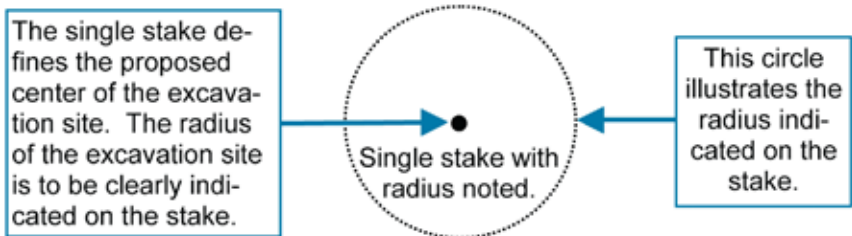
The following marking illustrations are examples of how excavators may choose to mark their area of proposed excavation. The use of white marking products (e.g., paint, flags, stakes, whiskers, or a combination of these) may be used to identify the excavation site.

### Single Point Excavations Markings



Delineate in white<sup>62/</sup> the proposed area of excavation using a continuous line, dots marking the radius or arcs, dashes marking the four corners of the project, or dashes outlining the excavation project. Limit the size of each dash to approximately 6 in. to 12 in. long and 1 in. wide with interval spacing approximately 4 ft to 50 ft apart. Reduce the separation of excavation marks to a length that can reasonably be seen by the operator's locators when the terrain at an excavation site warrants. Dots of approximately 1 in. diameter typically are used to define arcs or radii and may be placed at closer intervals in lieu of dashes.

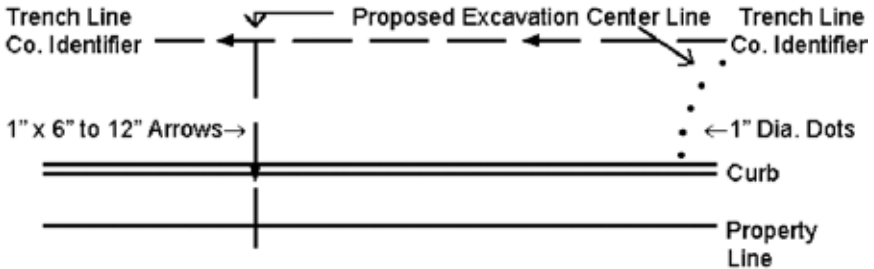
### Single Stake Marking Center Point of Excavation Site





When an excavation site is contained within a 50 ft maximum radius or less, it can be delineated with a single stake that is positioned at the proposed center of the excavation. If the excavator chooses this type of delineation, they must convey that they have delineated the excavation site with a single stake at the center of the excavation and include the radius of the site in the notification to the one call center. This single stake is white in color and displays the excavator's company identifier (name, abbreviations, or initials) and the radius of the excavation site in black letters on the stake or with a notice attached to the stake.

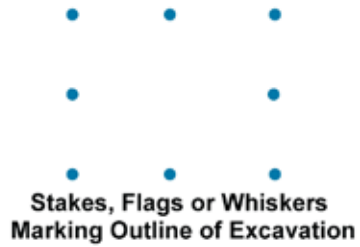
### ***Trenching, Boring, or Other Continuous-Type Excavations***



### ***Continuous Excavation Marking***

Mark in white<sup>62/</sup> the proposed centerline of planned excavation using 6 in. to 12 in. × 1 in. arrows approximately 4 ft to 50 ft apart to show direction of excavation. Reduce the separation of excavation marks to a length that can reasonably be seen by the operator's locators when the terrain at an excavation site warrants. Mark lateral excavations with occasional arrows showing excavation direction from centerline with marks at curb or property line if crossed. Dots may be used for curves and closer interval marking.

## ***Stake, Flag, or Whisker Excavation Markers***



Delineate the proposed area of excavation using stakes, flags, or whiskers instead of spray paint to mark radius or arcs; the four corners of the project; or when outlining the excavation project. Limit the interval spacing to approximately 4 ft to 50 ft. Reduce the separation of excavation marks to a length that can reasonably be seen by the operator's locators when the terrain at an excavation site warrants. Stakes, flags, or whiskers provided to illustrate arcs or radii may be placed at closer intervals to define the arc or radius. Stakes, flags, or whiskers are white in color and display the excavator's company identifier (name, abbreviations, or initials).

### **BEST PRACTICES CHAPTER 4—LOCATING AND MARKING**

***Practice Statement 4–3: Color Code: A uniform color code and set of marking symbols is adopted nationwide.***

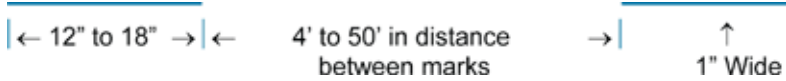
#### **Guidelines for Operator Facility Field Delineation<sup>9/</sup>**

Operator markings of facilities include the following:

- The appropriate color for their facility type
- Their company identifier (name, initials, or abbreviation) when other companies are using the same color
- The total number of facilities and the width of each facility
- A description of the facility (HP, FO, STL, etc).

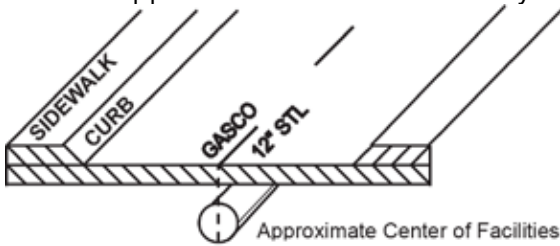
Use paint, flags, stakes, whiskers, or a combination to identify the operator's facility(s) at or near an excavation site.

1. Marks in the appropriate color are approximately 12 in. to 18 in. long and 1 in. wide, spaced approximately 4 ft to 50 ft apart. When marking facilities, the operator considers the type of facility being located, the terrain of the land, the type of excavation being done, and the method required to adequately mark the facilities for the excavator.

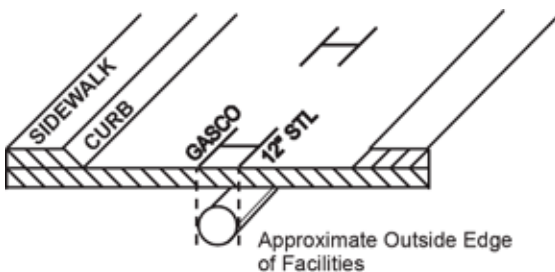


2. The following marking examples illustrate how an operator may choose to mark their subsurface installations:

- a. **Single Facility Marking:** Used to mark a single facility. This can be done in one of two ways—1) placing the marks over the approximate center of the facility:



- or 2) placing the marks over the approximate outside edges of the facility with a line connecting the two horizontal lines (in the form of an H) to indicate there is only one facility:

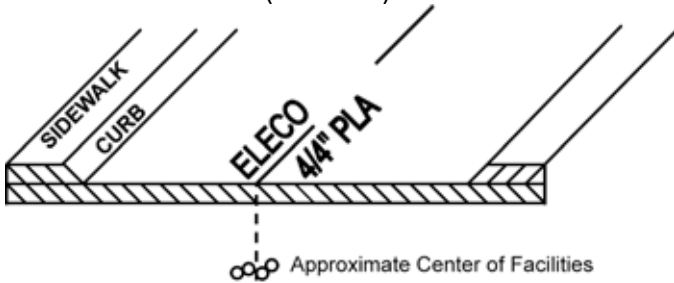


These examples indicate an operator's 12 in. facility. When a facility can be located or toned separately from other fa-

cilities of the same type, it is marked as a single facility.<sup>41/</sup>

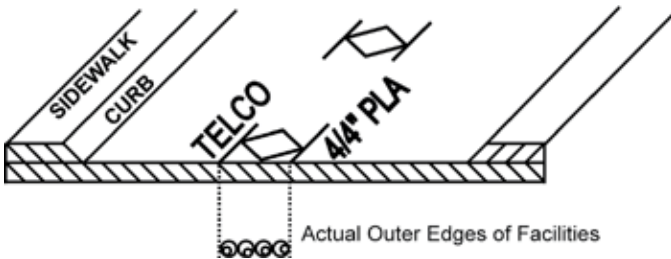
- b. **Multiple Facility Marking:** Used to mark multiple facilities of the same type (e.g., electric), where the separation does not allow for a separate tone for each facility, but the number and width of the facilities is known. Marks are placed over the approximate center of the facilities and indicate the number and width of the facilities.

**Example:** four plastic facilities that are 4 in. in diameter (4/4" PLA)



- c. **Conduit Marking:** Used for any locatable facility being carried inside conduits or ducts. The marks indicating the outer extremities denote the actual located edges of the facilities being represented.

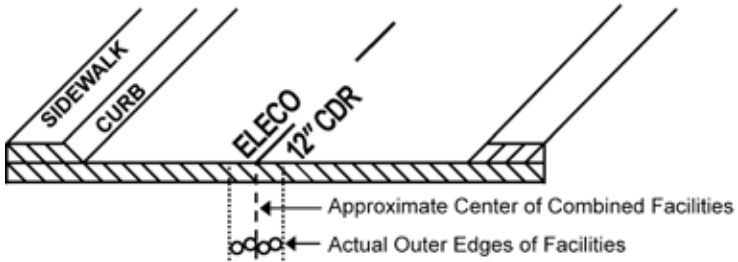
**Example:** four plastic conduits that are 4 in. in diameter (4/4" PLA), and the marks are 16 in. apart, indicating the actual left and right edges of the facilities



- d. **Corridor Marking:** Used to mark multiple facilities of the same type (e.g., electric), bundled or intertwined in the

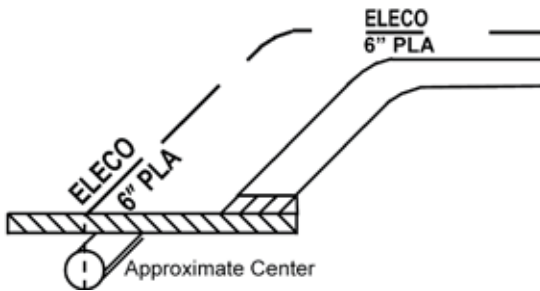
same trench, where the total number of facilities is not readily known (operator has no record on file for the number of facilities). Marks are placed over the approximate center of the facilities and indicate the width of the corridor. The width of the corridor is the distance between the actual located outside edges of the combined facilities.

**Example:** a 12 in. corridor  
(12" CDR)

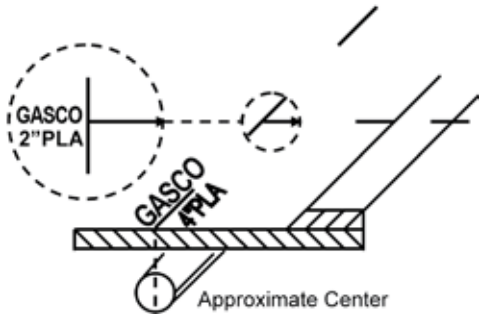


- Changes in direction and lateral connections are clearly indicated at the point where the change in direction or connection occurs, with an arrow indicating the path of the facility. A radius is indicated with marks describing the arc. When providing offset markings (paint or stakes), show the direction of the facility and distance to the facility from the markings.

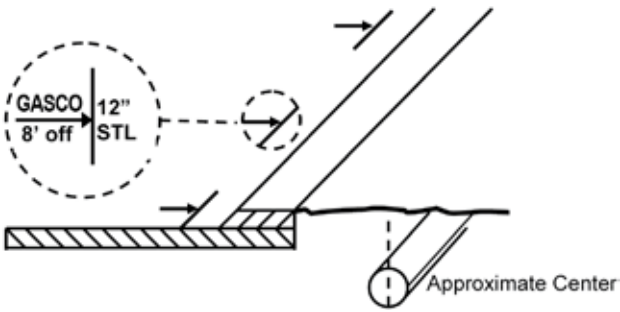
**Example:** radius



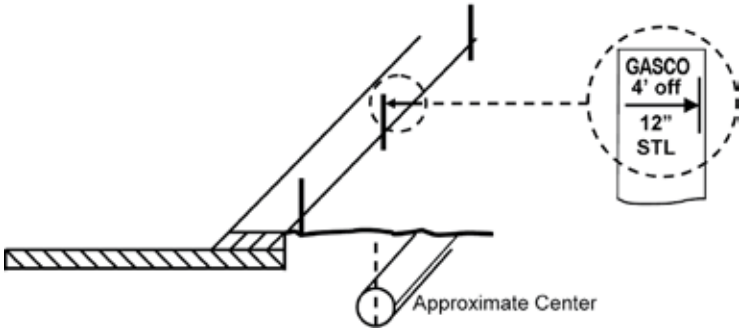
**Example:** lateral connection



**Example:** painted offset (off)



**Example:** staked offset (off)



- 4. An operator's identifier (name, abbreviation, or initials) is placed at the beginning and at the end of the proposed work. In addition, subsequent operators using the same color mark their company identifier at all points where their facil-

ity crosses another operator’s facility using the same color. Reduce the separation of excavation marks to a length that can reasonably be seen by the operator’s locators when the terrain at an excavation site warrants.

**Examples:**

CITYCO

ELECO

TELCO

- Information regarding the size and composition of the facility is marked at an appropriate frequency.

**Examples:** the number of ducts in a multi-duct structure, width of a pipeline, and whether it is steel, plastic, cable, etc.

TELCO

GASCO

WATER-  
CO

9/4” CAB

4” PLA

12” STL

Facilities installed in a casing are identified as such.

**Examples:** 6 in. plastic in 12 in. steel and fiber optic in 4 in. steel

GASCO

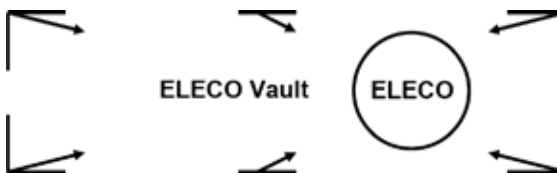
TELCO

6” PLA/12” STL

FO (4” STL)

- Structures such as vaults, inlets, and lift stations that are physically larger than obvious surface indications are marked so as to define the parameters of the structure.

**Example:**



7. Termination points or dead ends are indicated as such.

**Example:**



8. When there is “No Conflict” with the excavation, complete one or more of the following:

- Operators of a single type of facility (e.g., TELCO) mark the area “NO” followed by the appropriate company identifier in the matching APWA color code for that facility.

**Example: NO TELCO**

- Operators of multiple facilities mark the area “NO” followed by the appropriate company identifier in the matching APWA color code for that facility with a slash and the abbreviation for the type of facility for which there is “No Conflict.”

**Example: NO GASCO/G/D** illustrates that GASCO has no gas distribution facilities at this excavation site. The following abbreviations are used when appropriate: /G/D (gas distribution); /G/T (gas transmission); /E/D (electric distribution); /E/T (electric transmission).

- Place a clear plastic (translucent) flag that states “No Conflict” in lettering matching the APWA color code of the facility that is not in conflict. Include on the flag the operator’s identifier, phone number, a place to write the locate ticket number, and date. Operators of multiple facilities indicate on the flag which facilities are in “No Conflict” with the excavation (see the previous example).
- If it can be determined through maps or records that the proposed excavation is obviously not in conflict with their facility, the locator or operator of the facility may notify the excavator of “No Conflict” by phone, fax, or e-mail, or through the



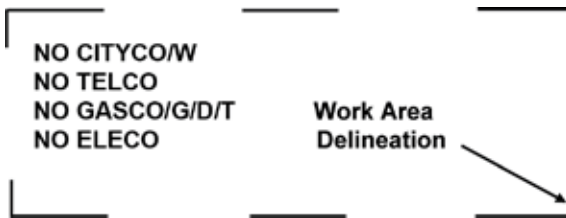
one call center, where electronic positive response is used. Operators of multiple facilities indicate a “No Conflict” for each facility (see the previous examples).

- Place “No Conflict” markings or flags in a location that can be observed by the excavator and/or notify the excavator by phone, fax, or e-mail that there is “No Conflict” with your facilities. When the excavation is delineated by the use of white markings, place “No Conflict” markings or flags in or as near as practicable to the delineated area.

Caution: Allow adequate space for all facility mark-outs.

“No Conflict” indicates that the operator verifying the “No Conflict” has no facilities within the scope of the delineation; or when there is no delineation, there are no facilities within the work area as described on the locate ticket.

### Example:



### Color Code Identifiers

White	Proposed Excavation
Pink	Temporary Survey Markings
Red	Electric Power Lines, Cables, Conduit, and Lighting Cables
Yellow	Gas, Oil, Steam, Petroleum, or Gaseous Materials
Orange	Communication, Alarm or Signal Lines, Cables, or Conduit
Blue	Potable Water
Purple	Reclaimed Water, Irrigation, and Slurry Lines
Green	Sewers and Drain Lines

## **Common Abbreviations**

### **Facility Identifier**

CH	Chemical
E	Electric
FO	Fiber Optic
G	Gas
LPG	Liquefied Petroleum Gas
PP	Petroleum Products
RR	Railroad Signal
S	Sewer
SD	Storm Drain
SS	Storm Sewer
SL	Street Lighting
STM	Steam
SP	Slurry System
TEL	Telephone
TS	Traffic Signal
TV	Television
W	Water
W	Reclaimed Water "Purple"

### **Underground Construction Descriptions**

C	Conduit
CDR	Corridor
D	Distribution Facilit
DB	Direct Buried
DE	Dead End
JT	Joint Trench
HP	High Pressure
HH	Hand Hole

MH	Manhole
PB	Pull Box
R	Radius
STR	Structure (vaults, junction boxes, inlets, lift stations)
T	Transmission Facility

### Infrastructure Material

ABS	Acrylonitrile - Butadiene - Styrene
ACP	Asbestos Cement Pipe
CI	Cast Iron
CMC	Cement Mortar Coated
CML	Cement Mortar Lined
CPP	Corrugated Plastic Pipe
CMP	Corrugated Metal Pipe
CU	Copper
CWD	Creosote Wood Duct HDPE High Density Polyethylene
MTD	Multiple Tile Duct
PLA	Plastic (conduit or pipe)
RCB	Reinforced Concrete Box
RCP	Reinforced Concrete Pipe
RF	Reinforced Fiberglass
SCCP	Steel Cylinder Concrete Pipe
STL	Steel
VCP	Vertrified Clay Pipe

## Guide for Abbreviation Use

Follow these guidelines when placing abbreviations in the field:

- Place the Company Identifier at the top or at the left of the abbreviations.
- Place the abbreviations in the following order: Company Identifier / Facility Identifier / Underground Construction Descriptions / Infrastructure Material

**Example:** TELCO/TEL/FO/PLA indicates that TELCO has a telecommunication fiber optic line in a single plastic conduit. The use of the abbreviation /TEL is not necessary, because the orange marking would indicate that the facility was a communication line; but its use is optional.

- To omit one or more of the abbreviation types, use the order described above but omit the slash and abbreviation that does not apply.

**Example:** to omit /TEL), the result would be TELCO/FO/PLA.

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## **GOVERNMENT CODE - GOV**

### **TITLE 1. GENERAL [100 - 7914]**

*( Title 1 enacted by Stats. 1943, Ch. 134. )*

### **DIVISION 5. PUBLIC WORK AND PUBLIC PURCHASES [4000 - 4563]**

*( Division 5 enacted by Stats. 1943, Ch. 134. )*

### **CHAPTER 3.1. Protection of Underground Infrastructure [4215 - 4216.24]**

*( Heading of Chapter 3.1 amended by Stats. 1989, Ch. 928, Sec. 1. )*

### **ARTICLE 2. Regional Notification Center System [4216 - 4216.24]**

*( Article 2 added by Stats. 1989, Ch. 928, Sec. 4. )*

## 4216.

As used in this article, the following definitions apply:

(a) “**Active subsurface installation**” means a subsurface installation currently in use or currently carrying service.

(b) “**Board**” means the California Underground Facilities Safe Excavation Board.

(c) “**Area of continual excavation**” means a location where excavation is part of the normal business activities of agricultural operations and flood control facilities.

(d) “**Delineate**” means to mark in white the location or path of the proposed excavation using the guidelines in Appendix B of the “Guidelines for Excavation Delineation” published in the most recent version of the Best Practices guide of the Common Ground Alliance. If there is a conflict between the marking practices in those guidelines and other provisions of this article, this article shall control. “Delineation” also includes physical identification of the area to be excavated using alternative marking methods, including, but not limited to, flags, stakes, whiskers, or a combination of these methods, if an excavator makes a determination that standard delineation may be misleading to those persons using affected streets and highways, or be misinterpreted as a traffic or pedestrian control, and the excavator has contacted the regional notification center to advise the operators that the excavator will physically identify the area to be excavated using alternative marking methods.

(e) “**Electronic positive response**” means an electronic response from an operator to the regional notification center providing the status of an operator’s statutorily required response to a ticket.

(f) (1) “**Emergency**” means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

(2) “**Unexpected occurrence**” includes, but is not limited to, a fire, flood, earthquake or other soil or geologic movement, riot,



accident, damage to a subsurface installation requiring immediate repair, or sabotage.

(g) “**Excavation**” means any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of tools, equipment, or explosives in any of the following ways: grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, cable or pipe plowing and driving, or any other way.

(h) Except as provided in Section 4216.8, “**excavator**” means any person, firm, contractor or subcontractor, owner, operator, utility, association, corporation, partnership, business trust, public agency, or other entity that, with their, or his or her, own employees or equipment performs any excavation.

(i) “**Hand tool**” means a piece of equipment used for excavating that uses human power and is not powered by any motor, engine, hydraulic, or pneumatic device.

(j) “**High priority subsurface installation**” means high-pressure natural gas pipelines with normal operating pressures greater than 415kPA gauge (60psig), petroleum pipelines, pressurized sewage pipelines, high-voltage electric supply lines, conductors, or cables that have a potential to ground of greater than or equal to 60kv, or hazardous materials pipelines that are potentially hazardous to workers or the public if damaged.

(k) “**Inactive subsurface installation**” means either of the following:

(1) The portion of an underground subsurface installation that is not active but is still connected to the subsurface installation, or to any other subsurface installation, that is active or still carries service.

(2) A new underground subsurface installation that has not been connected to any portion of an existing subsurface installation.

(l) “**Legal excavation start date and time**” means two working days, not including the date of notification, unless the excavator specifies a later date and time, which shall not be more than 14 calendar days from the date of notification. For excavation in an area of continual excavation, “legal excavation start date and time” means

two working days, not including the date of notification, unless the excavator specifies a later date and time, which shall not be more than six months from the date of notification.

(m) “**Local agency**” means a city, county, city and county, school district, or special district.

(n) (1) “**Locate and field mark**” means to indicate the existence of any owned or maintained subsurface installations by using 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. If there is a conflict between the marking practices in the guidelines and this article, this article shall control.

(2) “**Locate and field mark**” does not require an indication of the depth.

(o) “**Operator**” means any person, corporation, partnership, business trust, public agency, or other entity that owns, operates, or maintains a subsurface installation. For purposes of Section 4216.1, an “operator” does not include an owner of real property where subsurface installations are exclusively located if they are used exclusively to furnish services on that property and the subsurface facilities are under the operation and control of that owner.

(p) “**Qualified person**” means a person who completes a training program in accordance with the requirements of Section 1509 of Title 8 of the California Code of Regulations Injury and Illness Prevention Program, that meets the minimum locators training guidelines and practices published in the most recent version of the Best Practices guide of the Common Ground Alliance.

(q) “**Regional notification center**” means a nonprofit association or other organization of operators of subsurface installations that provides advance warning of excavations or other work close to existing subsurface installations, for the purpose of protecting those installations from damage, removal, relocation, or repair.

(r) “**State agency**” means every state agency, department, division,

bureau, board, or commission.

(s) “**Subsurface installation**” means any underground pipeline, conduit, duct, wire, or other structure, except nonpressurized sewerlines, nonpressurized storm drains, or other nonpressurized drain lines.

(t) “**Ticket**” means an excavation location request issued a number by the regional notification center.

(u) “**Tolerance zone**” means 24 inches on each side of the field marking placed by the operator in one of the following ways:

(1) Twenty-four inches from each side of a single marking, assumed to be the centerline of the subsurface installation.

(2) Twenty-four inches plus one-half the specified size on each side of a single marking with the size of installation specified.

(3) Twenty-four inches from each outside marking that graphically shows the width of the outside surface of the subsurface installation on a horizontal plane.

(v) “**Working day**” for the purposes of determining excavation start date and time means a weekday Monday through Friday, from 7:00 a.m. to 5:00 p.m., except for federal holidays and state holidays, as defined in Section 19853, or as otherwise posted on the Internet Web site of the regional notification center.

*(Amended by Stats. 2017, Ch. 26, Sec. 45. Effective June 27, 2017.)*

#### **4216.1.**

Every operator of a subsurface installation, except the Department of Transportation, shall become a member of, participate in, and share in the costs of, a regional notification center. Operators of subsurface installations who are members of, participate in, and share in, the costs of a regional notification center, including, but not limited to, the Underground Service Alert—Northern California or the Underground Service Alert—Southern California are in compliance with this section and Section 4216.9. A regional

notification center shall not charge a fee to a person for notifying the regional notification center to obtain a ticket or to renew a ticket.

*(Amended by Stats. 2016, Ch. 809, Sec. 3. Effective January 1, 2017.)*

**4216.2.**

(a) Before notifying the appropriate regional notification center, an excavator planning to conduct an excavation shall delineate the area to be excavated. If the area is not delineated, an operator may, at the operator's discretion, choose not to locate and field mark until the area to be excavated has been delineated.

(b) Except in an emergency, an excavator planning to conduct an excavation shall notify the appropriate regional notification center of the excavator's intent to excavate at least two working days, and not more than 14 calendar days, before beginning that excavation. The date of the notification shall not count as part of the two-working-day notice. If an excavator gives less notice than the legal excavation start date and time and the excavation is not an emergency, the regional notification center will take the information and provide a ticket, but an operator has until the legal excavation start date and time to respond. However, an excavator and an operator may mutually agree to a different notice and start date. The contact information for operators notified shall be available to the excavator.

(c) When the excavation is proposed within 10 feet of a high priority subsurface installation, the operator of the high priority subsurface installation shall notify the excavator of the existence of the high priority subsurface installation to set up an onsite meeting prior to the legal excavation start date and time or at a mutually agreed upon time to determine actions or activities required to verify the location and prevent damage to the high priority subsurface installation. As part of the meeting, the excavator shall discuss with the operator the method and tools that will be used during the excavation and the information the operator will provide to assist in

verifying the location of the subsurface installation. The excavator shall not begin excavating until after the completion of the onsite meeting.

(d) Except in an emergency, every excavator covered by Section 4216.8 planning to conduct an excavation on private property that does not require an excavation permit may contact the appropriate regional notification center if the private property is known, or reasonably should be known, to contain a subsurface installation other than the underground facility owned or operated by the excavator. Before notifying the appropriate regional notification center, an excavator shall delineate the area to be excavated. Any temporary marking placed at the planned excavation location shall be clearly seen, functional, and considerate to surface aesthetics and the local community. An excavator shall check if any local ordinances apply to the placement of temporary markings.

(e) The regional notification center shall provide a ticket to the person who contacts the center pursuant to this section and shall notify any member, if known, who has a subsurface installation in the area of the proposed excavation. A ticket shall be valid for 28 days from the date of issuance. If work continues beyond 28 days, the excavator shall renew the ticket either by accessing the center's Internet Web site or by calling "811" by the end of the 28th day.

(f) A record of all notifications by an excavator or operator to the regional notification center shall be maintained for a period of not less than three years. The record shall be available for inspection by the excavator and any member, or their representative, during normal working hours and according to guidelines for inspection as may be established by the regional notification centers.

(g) Unless an emergency exists, an excavator shall not begin excavation until the excavator receives a response from all known operators of subsurface installations within the delineated boundaries of the proposed area of excavation pursuant to subdivision (a) of Section 4216.3 and until the completion of any onsite meeting, if required by subdivision (c).

(h) If a site requires special access, an excavator shall request an

operator to contact the excavator regarding that special access or give special instructions on the location request.

(i) If a ticket obtained by an excavator expires but work is ongoing, the excavator shall contact the regional notification center and get a new ticket and wait a minimum of two working days, not including the date of the contact, before restarting excavation. All excavation shall cease during the waiting period.

*(Amended by Stats. 2017, Ch. 26, Sec. 46. Effective June 27, 2017.)*

### **4216.3.**

(a) (1) (A) Unless the excavator and operator mutually agree to a later start date and time, or otherwise agree to the sequence and timeframe in which the operator will locate and field mark, an operator shall do one of the following before the legal excavation start date and time:

(i) Locate and field mark within the area delineated for excavation and, where multiple subsurface installations of the same type are known to exist together, mark the number of subsurface installations.

(ii) To the extent and degree of accuracy that the information is available, provide information to an excavator where the operator's active or inactive subsurface installations are located.

(iii) Advise the excavator it operates no subsurface installations in the area delineated for excavation.

(B) An operator shall mark newly installed subsurface installations in areas with continuing excavation activity.

(C) An operator shall indicate with an "A" inside a circle the presence of any abandoned subsurface installations, if known, within the delineated area. The markings are to make an excavator aware that there are abandoned subsurface installations within that delineated work area.

(2) Only a qualified person shall perform subsurface installation

locating activities.

(3) A qualified person performing subsurface installation locating activities on behalf of an operator shall use a minimum of a single-frequency utility locating device and shall have access to alternative sources for verification, if necessary.

(4) An operator shall amend, update, maintain, and preserve all plans and records for its subsurface installations as that information becomes known. If there is a change in ownership of a subsurface installation, the records shall be turned over to the new operator. Commencing January 1, 2017, records on abandoned subsurface installations, to the extent that those records exist, shall be retained.

(b) If the field marks are no longer reasonably visible, an excavator shall renotify the regional notification center with a request for remarks that can be for all or a portion of the excavation. Excavation shall cease in the area to be remarked. If the delineation markings are no longer reasonably visible, the excavator shall redelineate the area to be remarked. If remarks are requested, the operator shall have two working days, not including the date of request, to remark the subsurface installation. If the area to be remarked is not the full extent of the original excavation, the excavator shall delineate the portion to be remarked and provide a description of the area requested to be remarked on the ticket. The excavator shall provide a description for the area to be remarked that falls within the area of the original location request.

(c) Commencing January 1, 2018, every operator may supply an electronic positive response through the regional notification center before the legal excavation start date and time. The regional notification center shall make those responses available to the excavator.

(d) The excavator shall notify the appropriate regional notification center of the failure of an operator to identify subsurface installations pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a), or subdivision (b). The notification shall include the ticket issued by the regional notification center. A record of all notifications received pursuant to this subdivision shall be

maintained by the regional notification center for a period of not less than three years. The record shall be available for inspection pursuant to subdivision (f) of Section 4216.2.

(e) If an operator or local agency knows that it has a subsurface installation embedded or partially embedded in the pavement that is not visible from the surface, the operator or local agency shall contact the excavator before pavement removal to communicate and determine a plan of action to protect that subsurface installation and excavator.

*(Amended by Stats. 2016, Ch. 809, Sec. 5. Effective January 1, 2017.)*

#### **4216.4.**

(a) (1) Except as provided in paragraph (2), if an excavation is within the tolerance zone of a subsurface installation, the excavator shall determine the exact location of the subsurface installations in conflict with the excavation using hand tools before using any power-driven excavation or boring equipment within the tolerance zone of the subsurface installations. In all cases the excavator shall use reasonable care to prevent damaging subsurface installations.

(2) (A) An excavator may use a vacuum excavation device to expose subsurface installations within the tolerance zone if the operator has marked the subsurface installation, the excavator has contacted any operator whose subsurface installations may be in conflict with the excavation, and the operator has agreed to the use of a vacuum excavation device. An excavator shall inform the regional notification center of his or her intent to use a vacuum excavation device when obtaining a ticket.

(B) An excavator may use power-operated or boring equipment for the removal of any existing pavement only if there is no known subsurface installation contained in the pavement.

(3) An excavator shall presume all subsurface installations to be active, and shall use the same care around subsurface installations that may be inactive as the excavator would use around active



subsurface installations.

(b) If the exact location of the subsurface installation cannot be determined by hand excavating in accordance with subdivision (a), the excavator shall request the operator to provide additional information to the excavator, to the extent that information is available to the operator, to enable the excavator to determine the exact location of the installation. If the excavator has questions about the markings that an operator has placed, the excavator may contact the notification center to send a request to have the operator contact the excavator directly. The regional notification center shall provide the excavator with the contact telephone number of the subsurface installation operator.

(c) (1) An excavator discovering or causing damage to a subsurface installation, including all breaks, leaks, nicks, dents, gouges, grooves, or other damage to subsurface installation lines, conduits, coatings, or cathodic protection, shall immediately notify the subsurface installation operator. The excavator may contact the regional notification center to obtain the contact information of the subsurface installation operator. If the operator is unknown and the damage or discovery of damage occurs outside the working hours of the regional notification center, the excavator may follow the instructions provided by the regional notification center through its Internet Web site or the telephone line recorded message.

(2) An excavator shall call 911 emergency services upon discovering or causing damage to either of the following:

(A) A natural gas or hazardous liquid pipeline subsurface installation in which the damage results in the escape of any flammable, toxic, or corrosive gas or liquid.

(B) A high priority subsurface installation of any kind.

(d) Each excavator, operator, or locator shall communicate with each other and respect the appropriate safety requirements and ongoing activities of the other parties, if known, at an excavation site.

*(Amended by Stats. 2016, Ch. 809, Sec. 6. Effective January 1, 2017.)*

#### **4216.5.**

The requirements of this article apply to state agencies and to local agencies which own or operate subsurface installations, except as otherwise provided in Section 4216.1. A local agency which is required to provide the services described in Section 4216.3 may charge a fee in an amount sufficient to cover the cost of providing that service.

*(Added by Stats. 1989, Ch. 928, Sec. 4.)*

#### **4216.6.**

(a) (1) Any operator or excavator who negligently violates this article is subject to a civil penalty in an amount not to exceed ten thousand dollars (\$10,000).

(2) Any operator or excavator who knowingly and willfully violates any of the provisions of this article is subject to a civil penalty in an amount not to exceed fifty thousand dollars (\$50,000).

(3) Except as otherwise specifically provided in this article, this section is not intended to affect any civil remedies otherwise provided by law for personal injury or for property damage, including any damage to subsurface installations, nor is this section intended to create any new civil remedies for those injuries or that damage.

(4) This article shall not be construed to limit any other provision of law granting governmental immunity to state or local agencies or to impose any liability or duty of care not otherwise imposed by law upon any state or local agency.

(b) An action may be brought by the Attorney General, the district attorney, or the local or state agency that issued the permit to excavate, for the enforcement of the civil penalty pursuant to this section in a civil action brought in the name of the people of the State of California. If penalties are collected as a result of a civil suit brought by a state or local agency for collection of those civil penalties, the penalties imposed shall be paid to the general fund

of the agency. If more than one agency is involved in enforcement, the penalties imposed shall be apportioned among them by the court in a manner that will fairly offset the relative costs incurred by the state or local agencies, or both, in collecting these fees.

(c) The requirements of this article may also be enforced following a recommendation of the California Underground Facilities Safe Excavation Board by the following agencies, that shall act to accept, amend, or reject the recommendations of the board as follows:

(1) The Registrar of Contractors of the Contractors' State License Board shall enforce the provisions of this article on contractors, as defined in Article 2 (commencing with Section 7025) of Chapter 9 of Division 3 of the Business and Professions Code, and telephone corporations, as defined in Section 234 of the Public Utilities Code, when acting as a contractor, as defined in Article 2 (commencing with Section 7025) of Chapter 9 of Division 3 of the Business and Professions Code. Nothing in this section affects the California Public Utilities Commission's existing authority over a public utility.

(2) The Public Utilities Commission shall enforce the provisions of this article on gas corporations, as defined in Section 222 of the Public Utilities Code, and electrical corporations, as defined in Section 218 of the Public Utilities Code, and water corporations, as defined in Section 241 of the Public Utilities Code.

(3) The Office of the State Fire Marshal shall enforce the provisions of this article on operators of hazardous liquid pipeline facilities, as defined in Section 60101 of Chapter 601 of Subtitle VIII of Title 49 of the United States Code.

(d) A local governing board may enforce the provisions of this article on local agencies under the governing board's jurisdiction.

(e) Commencing July 1, 2020, the California Underground Facilities Safe Excavation Board shall enforce the provisions of this article on persons other than those listed in subdivisions (c) and (d).

(f) Moneys collected as a result of penalties imposed pursuant to subdivisions (c) and (e) shall be deposited into the Safe Energy

Infrastructure and Excavation Fund.

(g) Statewide information provided by operators and excavators regarding incident events shall be compiled and made available in an annual report by regional notification centers and posted on the Internet Web sites of the regional notification centers.

(h) For purposes of subdivision (g), the following terms have the following meanings:

(1) "Incident event" means the occurrence of excavator downtime, damages, near misses, and violations.

(2) "Statewide information" means information submitted by operators and excavators using the California Regional Common Ground Alliance's Virtual Private Damage Information Reporting Tool. Supplied data shall comply with the Damage Information Reporting Tool's minimum essential information as listed in the most recent version of the Best Practices guide of the Common Ground Alliance.

*(Amended by Stats. 2017, Ch. 26, Sec. 47. Effective June 27, 2017.)*

#### **4216.7.**

(a) If a subsurface installation is damaged by an excavator as a result of failing to comply with Section 4216.2 or 4216.4, or subdivision (b) of Section 4216.3, or as a result of failing to comply with the operator's requests to protect the subsurface installation as specified by the operator before the start of excavation, the excavator shall be liable to the operator of the subsurface installation for resulting damages, costs, and expenses to the extent the damages, costs, and expenses were proximately caused by the excavator's failure to comply.

(b) If an operator has failed to become a member of, participate in, or share in the costs of, a regional notification center, that operator shall forfeit his or her claim for damages to his or her subsurface installation arising from an excavation against an excavator who has complied with this article to the extent damages were

proximately caused by the operator's failure to comply with this article.

(c) If an operator of a subsurface installation without a reasonable basis, as determined by a court of competent jurisdiction, has failed to comply with the provisions of Section 4216.3, including, but not limited to, the requirement to field mark the appropriate location of subsurface installations within two working days of notification, as defined by subdivision (v) of Section 4216 and subdivision (b) of Section 4216.2, has failed to comply with subdivision (c) of Section 4216.2, or has failed to comply with subdivision (b) of Section 4216.4, the operator shall be liable for damages to the excavator who has complied with Section 4216.2, subdivisions (b) and (d) of Section 4216.3, and Section 4216.4, including liquidated damages, liability, losses, costs, and expenses, actually incurred by the excavator, resulting from the operator's failure to comply with these specified requirements to the extent the damages, costs, and expenses were proximately caused by the operator's failure to comply.

(d) An excavator who damages a subsurface installation due to an inaccurate field mark by an operator, or by a third party under contract to perform field marking for the operator, shall not be liable for damages, replacement costs, or other expenses arising from damages to the subsurface installation if the excavator complied with Sections 4216.2 and 4216.4.

This section is not intended to create any presumption or to affect the burden of proof in any action for personal injuries or property damage, other than damage to the subsurface installation, nor is this section intended to affect, create, or eliminate any remedy for personal injury or property damage, other than damage to the subsurface installation.

(e) For the purposes of this section, "inaccurate field mark" means a mark, or set of markings, made pursuant to Section 4216.3, that did not correctly indicate the approximate location of a subsurface installation affected by an excavation and includes the actual physical location of a subsurface installation affected by an excavation that should have been marked pursuant to Section

4216.3 but was not.

(f) Nothing in this section shall be construed to do any of the following:

(1) Affect claims including, but not limited to, third-party claims brought against the excavator or operator by other parties for damages arising from the excavation.

(2) Exempt the excavator or operator from his or her duty to mitigate any damages as required by common or other applicable law.

(3) Exempt the excavator or operator from liability to each other or third parties based on equitable indemnity or comparative or contributory negligence.

(g) This section shall become inoperative on July 1, 2020, and shall be repealed on January 1, 2021.

*(Amended by Stats. 2017, Ch. 26, Sec. 48. Effective June 27, 2017. Inoperative July 1, 2020. Repealed as of January 1, 2021, by its own provisions. See later operative version added by Sec. 49 of Stats. 2017, Ch. 26.)*

#### **4216.7.**

(a) If a subsurface installation is damaged by an excavator as a result of failing to comply with Section 4216.2, 4216.4, or 4216.10 or subdivision (b) of Section 4216.3, or as a result of failing to comply with the operator's requests to protect the subsurface installation as specified by the operator before the start of excavation, the excavator shall be liable to the operator of the subsurface installation for resulting damages, costs, and expenses to the extent the damages, costs, and expenses were proximately caused by the excavator's failure to comply.

(b) If an operator has failed to become a member of, participate in, or share in the costs of, a regional notification center, that operator shall forfeit his or her claim for damages to his or her subsurface installation arising from an excavation against an excavator

who has complied with this article to the extent damages were proximately caused by the operator's failure to comply with this article.

(c) If an operator of a subsurface installation without a reasonable basis, as determined by a court of competent jurisdiction, has failed to comply with the provisions of Section 4216.3, including, but not limited to, the requirement to field mark the appropriate location of subsurface installations within two working days of notification, as defined by subdivision (v) of Section 4216 and subdivision (b) of Section 4216.2, has failed to comply with subdivision (c) of Section 4216.2, or has failed to comply with subdivision (b) of Section 4216.4, the operator shall be liable for damages to the excavator who has complied with Section 4216.2, subdivisions (b) and (d) of Section 4216.3, and Section 4216.4, including liquidated damages, liability, losses, costs, and expenses, actually incurred by the excavator, resulting from the operator's failure to comply with these specified requirements to the extent the damages, costs, and expenses were proximately caused by the operator's failure to comply.

(d) An excavator who damages a subsurface installation due to an inaccurate field mark by an operator, or by a third party under contract to perform field marking for the operator, shall not be liable for damages, replacement costs, or other expenses arising from damages to the subsurface installation if the excavator complied with Section 4216.10 or Sections 4216.2 and 4216.4.

This section is not intended to create any presumption or to affect the burden of proof in any action for personal injuries or property damage, other than damage to the subsurface installation, nor is this section intended to affect, create, or eliminate any remedy for personal injury or property damage, other than damage to the subsurface installation.

(e) For the purposes of this section, "inaccurate field mark" means a mark, or set of markings, made pursuant to Section 4216.3 or 4216.10, that did not correctly indicate the approximate location of a subsurface installation affected by an excavation and includes the actual physical location of a subsurface installation affected by

an excavation that should have been marked pursuant to Section 4216.3 but was not.

(f) Nothing in this section shall be construed to do any of the following:

(1) Affect claims including, but not limited to, third-party claims brought against the excavator or operator by other parties for damages arising from the excavation.

(2) Exempt the excavator or operator from his or her duty to mitigate any damages as required by common or other applicable law.

(3) Exempt the excavator or operator from liability to each other or third parties based on equitable indemnity or comparative or contributory negligence.

(g) This section shall become operative on July 1, 2020.

*(Repealed (in Sec. 48) and added by Stats. 2017, Ch. 26, Sec. 49. Effective June 27, 2017. Section operative July 1, 2020, by its own provisions.)*

#### **4216.8.**

This article does not apply to any of the following persons:

(a) An owner of real property who contracts for an excavation project on the property, not requiring a permit issued by a state or local agency, with a contractor or subcontractor licensed pursuant to Article 5 (commencing with Section 7065) of Chapter 9 of Division 3 of the Business and Professions Code.

(b) An owner of residential real property, not engaged as a contractor or subcontractor licensed pursuant to Article 5 (commencing with Section 7065) of Chapter 9 of Division 3 of the Business and Professions Code, who as part of improving his or her principal residence or appurtenances thereto is performing or having performed excavation work not requiring a permit issued by a state or local agency.



(c) Any person or private entity that leases or rents power operated or power-driven excavating or boring equipment, regardless of whether an equipment operator is provided for that piece of equipment or not, to a contractor or subcontractor licensed pursuant to Article 5 (commencing with Section 7065) of Chapter 9 of Division 3 of the Business and Professions Code, if the signed rental agreement between the person or private entity and the contractor or subcontractor contains the following provision:

“It is the sole responsibility of the lessee or renter to follow the requirements of the regional notification center law pursuant to Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code. By signing this contract, the lessee or renter accepts all liabilities and responsibilities contained in the regional notification center law.”

*(Amended by Stats. 2004, Ch. 77, Sec. 3. Effective January 1, 2005.)*

#### **4216.9.**

(a) A permit to excavate issued by any local agency, as defined in Section 4216, or any state agency, shall not be valid unless the applicant has been provided an initial ticket by a regional notification center pursuant to Section 4216.2. For purposes of this section, “state agency” means every state agency, department, division, bureau, board, or commission, including the Department of Transportation.

(b) This article does not exempt any person or corporation from Sections 7951, 7952, and 7953 of the Public Utilities Code.

*(Amended by Stats. 2016, Ch. 809, Sec. 9. Effective January 1, 2017.)*

#### **4216.10.**

(a) In lieu of the notification and locate and field mark requirements of Sections 4216.2 and 4216.3, an excavator may contact a regional

notification center to request a continual excavation ticket for an area of continual excavation. The regional notification center shall provide a ticket to the person who contacts the center pursuant to this section and shall notify any member, if known, who has a subsurface installation in the area of continual excavation. The ticket provided to the excavator shall include the contact information for notified operators.

(b) An operator shall provide a response to the excavator pursuant to subdivision (a) of Section 4216.3.

(c) (1) When the area of continual excavation includes, or is within 10 feet of, a high priority subsurface installation, the operator of the high priority subsurface installation shall notify the excavator of the existence of the high priority subsurface installation to set up an onsite meeting prior to the legal excavation start date and time or at a mutually agreed upon time to determine actions or activities required to verify the location and to prevent damage to the high priority subsurface installation during the continual excavation time period. The onsite meeting shall be used to develop a mutually agreed upon plan for excavation activities that may be conducted within 25 feet of each side of the subsurface installation. Additional onsite meetings should also be held following unexpected occurrences or prior to excavation activities that may create conflicts with subsurface installations. As part of the meeting, the excavator shall discuss with the operator the method and tools that will be used during the excavation and the information the operator will provide to assist in verifying the location of the subsurface installation. The excavator shall not begin excavating until after the completion of the onsite meeting and information has been provided describing the activities that can be safely conducted to prevent damage to the high priority subsurface installation.

(2) When the area of continual excavation includes a subsurface installation but does not include, or is not within 10 feet of, a high priority subsurface installation, the excavator or the operator may request an onsite meeting at a mutually agreed upon time to determine actions or activities required to verify the location and to prevent damage to the subsurface installation during the continual excavation time period. The onsite meeting may be used

to develop a plan for excavation activities that may be conducted within five feet of each side of the subsurface installation. The operator and excavator may mutually agree to conduct additional onsite meetings following unexpected occurrences or prior to excavation activities that may create conflicts with subsurface installations. As part of the meeting, the excavator may discuss with the operator the method and tools that will be used during the excavation and the information the operator will provide to assist in verifying the location of the subsurface installation. If an onsite meeting is requested prior to the legal excavation start date and time, the excavator shall not begin excavating until after the completion of the onsite meeting and information has been provided describing the activities that can be safely conducted to prevent damage to the subsurface installation.

(3) The excavator and operator shall maintain records regarding the plan of excavation, any locate and field mark and standby activities, and any other information deemed necessary by the excavator and operator. Excavation activities outside the scope of the plan shall be undertaken subsequent to notification pursuant to Section 4216.2.

(d) A ticket for an area of continual excavation shall be valid for one year from the date of issuance. The excavator may renew the ticket within two working days either by accessing the regional notification center's Internet Web site or by calling "811."

(e) The board shall, in consultation with the regional notification centers, develop through regulation a process by which the renewal requirement for a continual excavation ticket may be modified or eliminated for areas of continual excavation in which no subsurface installations are present.

(f) This section shall become operative on July 1, 2020.

*(Amended by Stats. 2017, Ch. 26, Sec. 50. Effective June 27, 2017. Section initially operative July 1, 2020, by its own provisions.)*

**4216.11.**

On or before January 1, 2020, the board shall adopt regulations to establish minimum elements for the onsite meeting and minimum elements for the mutually agreed-upon plan described in paragraph (1) of subdivision (c) of Section 4616.10 for managing an area of continual excavation.

*(Added by Stats. 2017, Ch. 26, Sec. 51. Effective June 27, 2017.)*

**4216.12.**

(a) The California Underground Facilities Safe Excavation Board is hereby created under, and shall be assisted by the staff of, the Office of the State Fire Marshal.

(b) The board shall perform the following tasks:

(1) Coordinate education and outreach activities that encourage safe excavation practices, as described in Section 4216.17.

(2) Develop standards, as described in Section 4216.18.

(3) Investigate possible violations of this article, as described in Section 4216.19.

(4) Enforce this article to the extent authorized by subdivision (e) of Section 4216.6.

(c) Notwithstanding any other law, on and after January 1, 2020, the board shall be subject to review by the appropriate policy committees of the Legislature.

*(Amended by Stats. 2017, Ch. 26, Sec. 52. Effective June 27, 2017.)*

**4216.13.**

(a) The board shall be composed of nine members, of which seven shall be appointed by the Governor, one shall be appointed by the Speaker of the Assembly, and one shall be appointed by the Senate Committee on Rules.

(b) The seven members appointed by the Governor shall be appointed, as follows:

(1) Three members shall have knowledge and expertise in the operation of subsurface installations. Of those three members, one shall have knowledge and expertise in the operation of the subsurface installations of a municipal utility. At least one of the three members shall have knowledge and experience in the operation of high priority subsurface installations.

(2) Three members shall have knowledge and experience in contract excavation for employers who are not operators of subsurface installations. Of the three members, one member shall be a general engineering contractor, one member shall be a general building contractor, and one member shall be a specialty contractor. For the purposes of this section, the terms “general engineering contractor,” “general building contractor,” and “specialty contractor” shall have the meanings given in Article 4 (commencing with Section 7055) of Chapter 9 of Division 3 of the Business and Professions Code.

(3) One member shall have knowledge and expertise in performing or managing agricultural operations in the vicinity of subsurface installations.

(c) The member appointed by the Speaker of the Assembly shall have knowledge and expertise in representing in safety matters the workers employed by contract excavators.

(d) The member appointed by the Senate Committee on Rules shall have knowledge and expertise in subsurface installation location and marking and shall not be under the direct employment of an operator.

(e) The board may invite two directors of operations or other appropriate representatives of regional notification centers to be nonvoting ex officio members of the board.

*(Amended by Stats. 2017, Ch. 26, Sec. 53. Effective June 27, 2017.)*

**4216.14.**

(a) The term of a member of the board is four years. Of the first members of the board, four members, determined by lot, shall serve for two years so that the terms of the members shall be staggered.

(b) A member shall not be appointed for more than two consecutive full terms.

(c) To the extent possible, the appointing power shall fill any vacancy in the membership of the board within 60 days after the vacancy occurs.

(d) Upon the recommendation of the board, the Governor may remove a member appointed by the Governor for incompetence or misconduct.

(e) The board shall select a chairperson from among its members at the first meeting of each calendar year or when a vacancy in the chair exists.

(f) Subject to subdivision (g), the manner in which the chairperson is selected and the chairperson's term of office shall be determined by the board.

(g) A member of the board shall not serve more than two consecutive years as the chairperson of the board.

*(Added by Stats. 2016, Ch. 809, Sec. 13. Effective January 1, 2017.)*

**4216.15.**

The board shall meet at least once every three months. The board shall hold meetings in Sacramento and Los Angeles, and in other locations in the state it deems necessary.

*(Added by Stats. 2016, Ch. 809, Sec. 14. Effective January 1, 2017.)*

**4216.16.**

The board may obtain funding for its operational expenses from:

- (a) A federal grant.
- (b) A fee charged to members of the regional notification centers not to exceed the reasonable regulatory cost incident to enforcement of this article. The board shall apportion the fee in a manner consistent with formulas used by the regional notification centers. Revenues derived from the imposition of this fee shall be deposited in the Safe Energy Infrastructure and Excavation Fund.
- (c) Any other source.
- (d) The board shall not charge a fee to a person for notifying the regional notification center to obtain a ticket or to renew a ticket.

*(Added by Stats. 2016, Ch. 809, Sec. 15. Effective January 1, 2017.)*

**4216.17.**

(a) The board shall annually convene a meeting for the following purposes:

- (1) To understand the existing needs for education and outreach, including to those groups with the highest awareness and education needs, including, but not limited to, homeowners.
- (2) To facilitate discussion on how to coordinate existing education and outreach efforts with state and local government agencies, California operators, regional notification centers, and trade associations that fund outreach and education programs that encourage safe excavation practices.
- (3) To determine the areas in which additional education and outreach efforts may be targeted through use, upon appropriation by the Legislature, of the moneys in the Safe Energy Infrastructure and Excavation Fund pursuant to subdivision (c).

(b) In addition to state and local government agencies, California operators, regional notification centers, and trade associations

that fund outreach and education programs that encourage safe excavation practices, the meeting pursuant to subdivision (a) shall include representatives of groups that may be the target of those outreach and education efforts.

(c) Upon appropriation by the Legislature, the board shall grant the use of the moneys in the Safe Energy Infrastructure and Excavation Fund to fund public education and outreach programs designed to promote excavation safety around subsurface installations and targeted towards specific excavator groups, giving priority to those with the highest awareness and education needs, including, but not limited to, homeowners.

*(Added by Stats. 2016, Ch. 809, Sec. 16. Effective January 1, 2017.)*

**4216.18.**

The board shall develop a standard or set of standards relevant to safety practices in excavating around subsurface installations and procedures and guidance in encouraging those practices. When possible, standards should be informed by publicly available data, including, but not limited to, that collected by state and federal agencies and by the regional notification centers pursuant to subdivision (g) of Section 4216.6, and the board should refrain from using data about facility events not provided either to a state or federal agency or as statewide information, as defined in paragraph (2) of subdivision (h) of Section 4216.6. The standard or set of standards are not intended to replace other relevant standards, including the Best Practices of the Common Ground Alliance, but are to inform areas currently without established standards. The standard or set of standards shall address all of the following:

(a) Evidence necessary for excavators and operators to demonstrate compliance with Sections 4216.2, 4216.3, 4216.4, and 4216.10.

(b) What constitutes reasonable care, as required by paragraph (1) of subdivision (a) of Section 4216.4, in using hand tools around



subsurface installations within the tolerance zone, considering the need to balance worker safety in trenches with the protection of subsurface installations. As part of determining reasonable care, the board shall consider the appropriate additional excavating depth an excavator should make if either of the following occur:

- (1) The subsurface installation is delineated within the tolerance zone but it is not in conflict with the excavation.
- (2) The location of a subsurface installation is determined, but additional subsurface installations may exist immediately below the located subsurface installation.
- (c) What constitutes reasonable care, as required by paragraph (1) of subdivision (a) of Section 4216.4, in grading activities on road shoulders and dirt roads which may include standards for potholing.

*(Amended by Stats. 2017, Ch. 26, Sec. 54. Effective June 27, 2017.)*

#### **4216.19.**

- (a) The board shall investigate possible violations of this article.
- (b) The board may investigate reports of incident events, as defined in paragraph (1) of subdivision (h) of Section 4216.6 and complaints from affected parties and members of the public.
- (c) In determining whether to pursue an investigation, the board shall consider whether the parties have settled the matter and whether further enforcement is necessary as a deterrent to maintain the integrity of subsurface installations and to protect the safety of excavators and the public.
- (d) If the board, upon the completion of an investigation, finds a probable violation of the article, the board shall transmit the investigation results and any recommended penalty to the state or local agency pursuant to subdivision (c) or (d) of Section 4216.6.
- (e) Sanctions shall be graduated and may include notification and information letters, direction to attend relevant education, and

financial penalties. When considering the issuance of citations and assessment of penalties, the board shall consider all of the following:

- (1) The type of violation and its gravity.
- (2) The degree of culpability.
- (3) The operator's or excavator's history of violations.
- (4) The operator's or excavator's history of work conducted without violations.
- (5) The efforts taken by the violator to prevent violation and, once the violation occurred, the efforts taken to mitigate the safety consequences of the violation.
- (f) This section shall become operative on July 1, 2020.

*(Amended by Stats. 2017, Ch. 26, Sec. 55. Effective June 27, 2017. Section initially operative July 1, 2020, by its own provisions.)*

**4216.21.**

- (a) For an investigation that the board undertakes as a result of a complaint of a violation of Section 4216.2, 4216.3, or 4216.4, the complainant shall not file an action in court for damages based on those violations until the investigation is complete, or for 6 months after the investigation begins, whichever comes first, during which time, applicable statutes of limitation shall be tolled.
- (b) If a complainant files an action in court against a person for damages based upon violations of Section 4216.2, 4216.3, or 4216.4, after the completion of a board investigation in which the person was found not to have violated the article, the complainant shall also notify the board when the action is filed.
- (c) This section only applies to a claim for damages to a subsurface installation.
- (d) This section shall become inoperative on July 1, 2020, and shall be repealed on January 1, 2021.

*(Amended by Stats. 2017, Ch. 26, Sec. 56. Effective June 27, 2017. Inoperative July 1, 2020. Repealed as of January 1, 2021, by its own provisions. See later operative version added by Sec. 57 of Stats. 2017, Ch. 26.)*

#### **4216.21.**

(a) For an investigation that the board undertakes as a result of a complaint of a violation of Section 4216.2, 4216.3, 4216.4, or 4216.10, the complainant shall not file an action in court for damages based on those violations until the investigation is complete, or for 6 months after the investigation begins, whichever comes first, during which time, applicable statutes of limitation shall be tolled.

(b) If a complainant files an action in court against a person for damages based upon violations of Section 4216.2, 4216.3, 4216.4, or 4216.10, after the completion of a board investigation in which the person was found not to have violated the article, the complainant shall also notify the board when the action is filed.

(c) This section only applies to a claim for damages to a subsurface installation.

(d) This section shall become operative on July 1, 2020.

*(Repealed (in Sec. 56) and added by Stats. 2017, Ch. 26, Sec. 57. Effective June 27, 2017. Section operative July 1, 2020, by its own provisions.)*

#### **4216.22.**

Consistent with all laws of this state, the board may prescribe rules and regulations as may be necessary or proper to carry out the purposes and intent of this act and to exercise the powers and duties conferred upon it by this act.

*(Added by Stats. 2016, Ch. 809, Sec. 20. Effective January 1, 2017.)*

**4216.23.**

(a) Notwithstanding Section 10231.5, the board shall report to the Governor and the Legislature on or before February 1, 2018, and each year thereafter, on the activities of the board and any recommendations of the board.

(b) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795.

*(Added by Stats. 2016, Ch. 809, Sec. 21. Effective January 1, 2017.)*

**4216.24.**

The Safe Energy Infrastructure and Excavation Fund is hereby established in the State Treasury. Moneys deposited into the fund shall be used, upon appropriation by the Legislature, to cover the operational expenses of the board and for the purposes specified in subdivision (b) of Section 4216.17, except that revenues derived from penalties imposed pursuant to Section 4216.6 shall not be used for operational expenses.

*(Added by Stats. 2016, Ch. 809, Sec. 22. Effective January 1, 2017.)*

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