

California Underground Facilities Safe Excavation Board

In the Matter of
City of East Palo Alto,
Respondent

Case No. C233385010

DECISION REGARDING NOTICE OF PROBABLE VIOLATION

The Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) issued a Notice of Probable Violation (NOPV) to City of East Palo Alto (Respondent) on September 15, 2025. Respondent submitted a response to the NOPV. On November 17, 2025, the Board considered Case No. C233385010. Board members Clausen, Johns, Johnson, Muñoz, Simonian, and Sorem participated in the decision.

FINDINGS

Having considered the investigation report and the Respondent’s response, the Board finds that violations of Government (Gov.) Code sections 4216.3(a)(1)(A) and 4216.3(c)(1)(A) occurred.

VIOLATION SUMMARY

Gov. Code section 4216.3(a)(1)(A): failed to respond to a locate request from a call center in one of three ways before the legal excavation start date and time: (1) locate and mark the work area, (2) provide information about the location of subsurface installation, or (3) state that no installations are within the work area.

Gov. Code section 4216.3(c)(1)(A): failed to provide electronic positive response through the regional notification center prior to the legal start date and time.

JURISDICTION

When the Board finds a probable violation of the Dig Safe Act (Gov. Code section 4216 et seq.), the Board must transmit the investigation results and any recommended penalty to the appropriate agency identified in Gov. Code section 4216.6, subsection (c) or (d). This matter is subject to the jurisdiction of the City of East Palo Alto City Council which may accept, amend, or reject this Board’s recommendation.

SANCTIONS

The Board RECOMMENDS that the City of East Palo Alto City Council order Respondent to take the Board's education course and pay a penalty of \$5,000.

The following factors were considered relevant to this sanction determination:

- Respondent's violations were serious.
- Respondent should benefit from taking the Board's education course.

/s/ William Johns
William Johns, Chair

Date: February 2, 2026