

Underground Facilities Safe Excavation Board

In the Matter of
Coastal Development Group, Respondent

Case No. 21LA01481

DECISION REGARDING NOTICE OF PROBABLE VIOLATION(S)

On May 9, 2022, The Office of Energy Infrastructure Safety Underground Safety Board (the “Board”) considered Case # 21LA01481.

Coastal Development Group. (“Respondent”) answered the Notice of Probable Violation with a plea of “no contest.”

Board members Bianchini, Del Toro, Johns, Munoz, and Voss participated in the decision. Board members Charland and Johnson recused themselves and did not participate in the decision.

FINDINGS

Having considered the report of investigation and the Respondent’s plea, the Board finds that probable violations of Government Code sections 4216.2(g) and 4216.4(a)(1) occurred.

The Board finds that an order directing Coastal Development Group to take the Board’s education course is an appropriate sanction.

The Board will transmit the investigation results and the recommended penalty to the Contractors State License Board.

VIOLATION SUMMARY

Respondent Excavated Before All Operators Had Responded

An excavator cannot begin to excavate until after all the operators listed on the call-center ticket have responded.¹ Respondent conducted excavation work before all utility operators had marked the locations of facilities in the delineated area.

Respondent Did Not Locate the Gas Line with Hand Tools Before Using Power Tools in the Tolerance Zone

¹ Gov. Code § 4216.2(g)

An excavator must locate marked subsurface installations with hand tools before using power tools within the tolerance zone.² Respondent used powered equipment prior to locating the line and damaged the gas line.

SANCTIONS

Referral to the Contractors State License Board is Appropriate

When the Board finds a probable violation of Dig Safe laws, the Board may “transmit the investigation results and any recommended penalty” to the appropriate agency, identified in Government Code section 4216.6(c) or (d).³ Section 4216.6(c)(1) provides that the Registrar of Contractors of the Contractors State License Board shall enforce the requirements of Article 2 (commencing with section 4216) on contractors. The investigation report indicates that the Contractors State License Board has issued a license to Coastal Development Group.

An Order to Take the Board’s Education Course is Appropriate

Section 4216.19(e) provides that sanctions shall be graduated and may include notification and information letters, direction to attend relevant education, and financial penalties.

The following factors were considered relevant to the sanction determination:

Respondent received information through electronic positive response that all utilities had not been marked but proceeded to excavate; the violation did not result in substantial injury or damage, Respondent does not have a history of violations before the Board and Respondent’s employees cooperated with the investigation.

/s/ Marjorie Del Toro
Marjorie Del Toro, Chair
Underground Safety Board

Date: August 8, 2022

² Gov. Code § 4216.4(a)(1)

³ Gov. Code § 4216.19(d)