

**California Underground Facilities Safe Excavation Board**

In the Matter of  
The City and County of San Francisco,  
Department of Technology,  
Respondent

Case No. D222980003

**DECISION REGARDING NOTICE OF PROBABLE VIOLATION(S)**

On July 10, 2023, The Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case No. D222980003. On May 09, 2023, Board investigative staff issued a Notice of Probable Violation to the City and County of San Francisco, Department of Technology (Respondent). Respondent made a timely request for an informal hearing and submitted written documents to the Board for consideration. The informal hearing was held during the July 10, 2023, public Board meeting.

Board members Bianchini, Charland, Del Toro, Johns, Johnson, Muñoz, and Voss participated in the decision.

**FINDINGS**

Having considered the investigation report, the written response from the Respondent, and the statements provided by the Respondent and Board investigative staff at the informal hearing, the Board finds that a violation of Government Code (Gov. Code) section 4216.3, subdivision (c)(1)(A) occurred.

**VIOLATION SUMMARY**

**Respondent failed to provide an electronic positive response.**

The Dig Safe Act, Gov. Code section 4216.3, subdivision (c)(1)(A) requires operators to provide an electronic positive response (EPR) through the regional notification center before the legal excavation start date and time. Respondent acknowledged that they failed to timely provide an EPR.

**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 and County of San Francisco Board of Supervisors (Board of Supervisors). The Board of Supervisors may accept, amend, or reject this Board's recommendation.

**SANCTIONS**

**The Board recommends that Respondent be ordered take the Board's education course.**

The following factors were considered relevant to this sanction determination:

- Respondent did not provide an EPR prior to the legal excavation start date and time.
- Respondent does not have a history of similar violations before the Board.

/s/ Amparo Muñoz  
Amparo Muñoz, Chair

Date: 08/04/2023