

**California Underground Facilities Safe Excavation Board**

In the Matter of  
Sacramento County Regional Parks,  
Respondent

Case No. D223400004

**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. D223400004. On May 09, 2023, Board investigative staff issued Sacramento County Regional Parks (“Respondent”) a Notice of Probable Violation (NOPV). Respondent made a timely request for an informal hearing and submitted written documents to the Board for consideration. Prior to the start of the July 10 meeting, Respondent withdrew their request for an informal hearing and rested on their written response. The Board did not hold an informal hearing for this NOPV during the July 10, 2023, public Board meeting.

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 investigation report and the written response from Respondent, the Board finds that a violation of Government Code (Gov. Code) section 4216.2, subdivision (b) occurred.

**VIOLATION SUMMARY**

**Respondent failed to notify the regional notification center prior to excavating.**

The Dig Safe Act, Gov. Code section 4216.2, subdivision (b) requires an excavator to notify the appropriate regional notification center prior to beginning excavation and to wait to begin excavating until after the legal excavation start date and time. Respondent conducted excavation work without first notifying the regional call center.

**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 Sacramento County 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 obtain a ticket prior to beginning excavation.
- The violation resulted in property damage.
- Respondent cooperated with the investigation.
- Respondent does not have a history of similar violations before the Board.

/s/ Amparo Muñoz  
Amparo Muñoz, Chair

Date: 08/04/2023