

California Underground Facilities Safe Excavation Board

In the Matter of
Los Angeles Department of Water and
Power,
Respondent

Case No. C223470004

DECISION REGARDING NOTICE OF PROBABLE VIOLATIONS

On November 13, 2023, the Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case No. C223470004. Board investigative staff issued six separate Notices of Probable Violation (NOPVs) to the Los Angeles Department of Water and Power (Respondent), each dated September 18, 2023, and each alleging a violation of Government Code (Gov. Code) section 4216.3, subsections (a)(1)(A) and (c)(1)(A). Respondent did not submit a response to any of the six NOPVs. Board investigative staff withdrew its recommendation to the Board for alleged violations of Gov. Code section 4216.3, subsection (c)(1)(A) for all six NOPVs at the November 13, 2023, Board meeting. This decision, No. 2023_11_C223470004-0201-3, is for ticket No. A222840201-00A.

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

FINDINGS

Having considered the investigation report the Board finds that a violation of Gov. Code section 4216.3, subsection (a)(1)(A) occurred.

VIOLATION SUMMARY

Respondent failed to respond appropriately before the legal excavation start date and time. Government Code section 4216.3, subsection (a)(1)(A) requires operators 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 installations, or (3) state that no installations are within the work area. Respondent failed to perform any of the three actions before 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 Los Angeles Board of Water and Power Commissioners which may accept, amend, or reject this Board's recommendation.

SANCTIONS

The Board RECOMMENDS that the LOS ANGELES BOARD OF WATER AND POWER COMMISSIONERS order Respondent to take the Board's education course and pay a penalty of \$1 (one dollar).

The following factors were considered relevant to this sanction determination:

- Respondent refused to comply with the Dig Safe Act requirements for responding to a locate request from a call center. Respondent did (1) locate and mark the work area, (2) provide information about the location of any subsurface installations, or (3) state that no installations were within the work area, before the legal excavation start date and time.
- Respondent is a recipient of multiple NOPVs from one investigation and the Board has recommended a sanction of significance in an earlier case.

/s/ Amparo Muñoz
Amparo Muñoz, Chair

Date: 12/22/2023