

California Underground Facilities Safe Excavation Board

In the Matter of
City of Huntington Beach,
Respondent

Case No. 23NTS0024

DECISION REGARDING NOTICE OF PROBABLE VIOLATION

On April 14, 2025, the Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case No. 23NTS0024. Board investigative staff issued a Notice of Probable Violation (NOPV) to the City of Huntington Beach (Respondent), dated February 24, 2025, alleging violations of Government Code (Gov. Code) section 4216.3(c)(1)(A) and California Code of Regulations title 19, section 4151(c). Respondent did not submit a response to the NOPV.

Board members Charland, Clausen, Johns, Johnson, and Sorem participated in the decision. Board Member Muñoz was not present for the meeting.

FINDING

Having considered the investigation report, the Board finds that Respondent violated Gov. Code section 4216.3(c)(1)(A) and California Code of Regulations title 19, section 4151(c).

VIOLATION SUMMARY

Respondent did not provide an electronic positive response to ticket A233330415-00A. Further, the operator did not respond to requests for information from the Board's Investigators regarding the failure to provide an electronic positive response.

JURISDICTION

This matter is subject to the jurisdiction of the HUNTINGTON BEACH CITY COUNCIL.

SANCTIONS

The Board RECOMMENDS that the HUNTINGTON BEACH CITY COUNCIL order Respondent to take the Board's education course and pay a penalty of \$1000.

The following factors were considered relevant to this sanction determination:

- Respondent failed to provide an electronic positive response to a notice of excavation.
- Respondent failed to cooperate with the Board's investigators.
- The violation did not result in death or substantial injury or environment or property damage.

/s/ William Johns
William Johns, Chair

Date: May 12, 2025