



City of Salinas

PUBLIC WORKS DEPARTMENT • 200 Lincoln Ave • Salinas, California 93901

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October 1, 2025

Via Electronic Mail Only: enforcement.dig@energysafety.ca.gov

Anona Bonner
Chief of Investigations
Underground Safety Board
715 P Street, 15th Floor
Sacramento, California 95814

Re: **Case No. D222970001**
City of Salinas' Response to Notice of Probable Violation

Dear Ms. Bonner:

We are in receipt of the Underground Safety Board's (Board) Notice of Probable Violation (Notice) dated September 11, 2025, related to the above-referenced case, alleging the City of Salinas (City) violated Government Code section 4216.3(c)(1)(A) by failing to provide an electronic positive response before the legal excavation start date and time. The City understands and acknowledges the importance of providing electronic responses to tickets. The City further acknowledges that it failed to provide an electronic response to the requested 811 ticket in this instance; however, the City contests both the violation and the proposed penalties but does not seek a formal hearing before the Board.

According to the Notice, on July 19, 2022, West Valley Construction Company (West Valley) notified USA North 811 of excavation work planned to be done near 201 Harrison Road, Salinas, California 93907. As a result, USA North 811 created ticket XX220002686 with a legal start date and time of July 21, 2022, at 5:01 P.M. On July 21, 2022, at 6:28 P.M., the City received an electronic response code of "Code 999-Late Notice" to the ticket. The City provided an electronic positive response to the ticket on September 20, 2022, of "Clear-No Conflict." On October 24, 2022, West Valley was digging with an excavator to install a 12" water main under ticket XX220002686 when they struck an unmarked, approximately 3/4" 100-pair telecommunications cable, on Harrison Road, Salinas, California.

The basis for the City's contest of the violation and of the proposed penalties is (1) the location of the

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incident at issue in this case is outside of the City's jurisdiction; the location is within the boundaries of the unincorporated area of Monterey County and (2) the factors to be considered by the Board under Government Code section 4216.19(e) weigh in favor of imposing no penalty on the City.

The location of the work done under the ticket (near 201 Harrison Road) is within the unincorporated area of Monterey County outside the jurisdiction of the City. Even though the location is outside the City's jurisdiction, the City provided a late response to the ticket. Though the City's response was late, the City's response was given prior to the commencement of excavation work. The City recently implemented a digital system to respond to such tickets, a transition from paper responses. All responsible employees, including the employee who provided this late response, have been re-trained on the digital response system.

Under Government Code section 4216.19(e) when considering whether to impose penalties, the Board shall consider the following: (1) the type of violation and its gravity; (2) the degree of culpability; (3) the operator's or excavator's history of violations; (4) the operator's or excavator's history of work conducted without violations; and (5) the efforts taken by the violator to prevent violation and, once the violation occurred, the efforts taken to mitigate the safety consequences of the violation. Each of the factors to be considered weigh in the City's favor.

The Type of Violation and its Gravity.

While the City acknowledges an obligation to respond to tickets, the late response occurred for a project outside the City's jurisdiction. The fact that the City has no facilities in the area should have been known by West Valley, the entity that initiated the ticket.

The Degree of Culpability.

During the time period subject to the investigation, the City was transitioning from a paper-driven process to an electronic process for receiving and responding to tickets. At the time, not all City staff members were fully familiarized with the electronic process. The City has since ensured all City staff associated with receipt and response to tickets have been trained on the electronic process.

The City's History of Violations.

The City has no history of violations for failure to respond to tickets.

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The City's History of Work Conducted Without Violations.

The City has no history of violations with respect to its public works projects.

The Efforts Taken By the City to Prevent Violation and, One the Violation Occurred, the Efforts Taken to Mitigate the Safety Consequences of the Violation.

The City has enrolled the appropriate City employees in the Underground Safety Board's education course, which is a corrective action recommended in the Notice. As mentioned above, the City has trained all appropriate City employees on the electronic process for better tracking and response to tickets, including those outside the City's boundaries and jurisdiction, i.e., "No Conflict."

The City believes that the Board should decline to impose any corrective action or penalties. The City has already voluntarily implemented the corrective action recommended in the Notice. The City has cooperated with the investigation, the violation did not cause death or injury, environment or property damage, or pose any significant risk of such. The City did not act willfully or knowingly and does not have a history of violations. The City has taken action to mitigate safety consequences by implementing training and implementing additional technology.

We appreciate the Board's consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Jacobs", is written over the printed name.

David Jacobs
Public Works Director