



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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Aug. 7, 2017

Steven V. King, Executive Director and Secretary  
Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. William James Bryant*  
Commission Staff's Recommendation to Close Investigation  
Docket D-170755

Dear Mr. King:

On June 29, 2017, the Utilities and Transportation Commission (commission) received a referral from the Washington State Dig Law Safety Committee (Safety Committee), which was assigned Docket D-170755. The referral alleged one violation of RCW 19.122 against a private homeowner named William James Bryant.

On June 21, 2017, the Safety Committee reviewed two complaints filed against Mr. Bryant for alleged violations of RCW 19.122.030(1)(a), for failing to provide notice to a one-number locating service prior to excavating. The Safety Committee found that Mr. Bryant committed one violation of RCW 19.122.030(1)(a) in Case 17-018, but did not violate the dig law in Case 17-019. The Safety Committee recommended a \$500 penalty be imposed for the single violation. Mr. Bryant was not present during the review and did not provide any documents or information to the Safety Committee.

Staff conducted an investigation into the alleged violation in Case 17-018 and found that Mr. Bryant did properly contact a one-number locator service and obtain a dig ticket number prior to performing an excavation to install fence posts. The alleged violation date in Case 17-018 is April 25, 2017, and Mr. Bryant initially requested utility locates on March 10, 2017, and was provided dig ticket number 17064874. Mr. Bryant then requested an update to the existing utility locates on April 11, 2017, and was provided dig ticket number 17109359.

Staff concludes that Mr. Bryant did not violate RCW 19.122.030(1)(a) on April 25, 2017, because a valid dig ticket was in effect at the time of the alleged incident. The Safety Committee

William James Bryant

D-170755

Page 2 of 2

was not provided this information at the time of their review and therefore based their recommendation solely on the information provided by the complainant. Staff believes that if the Safety Committee had been provided this information they also would have determined that Mr. Bryant was not in violation of the dig law, or recommended a penalty.

Staff recommends that this investigation be closed as unfounded and no further action be taken.

Sincerely,

Sean C. Mayo

Pipeline Safety Director