

Service Date: November 21, 2025

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**NOTICE OF PENALTIES INCURRED AND DUE
FOR VIOLATIONS OF LAWS AND RULES**

PENALTY ASSESSMENT: D-250808

PENALTY AMOUNT: \$2,000

Investigation # 9174

SERVICE VIA EMAIL

King County Department of Transportation
Roads Services Division
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Renton, WA 98056
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UBI: 601-317-996
Phone: (206) 641-1705

YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE

The Washington Utilities and Transportation Commission (Commission) believes that King County Department of Transportation, Road Services (King County Road or Company) violated Revised Code of Washington (RCW) 19.122.030(3) by failing to accurately locate its underground facilities on two occasions.

RCW 19.122.070(1) states, in part, that violations of any provision of the chapter are subject to a civil penalty of not more than \$1,000 for an initial violation and not more than \$5,000 for each subsequent violation within a three-year period.

On October 3, 2025, the Safety Committee heard case 25-070 filed by Ceccanti, Inc. (Ceccanti or Complainant) against King County Road and determined King County Road violated RCW 19.122.030(3)(a) by failing to accurately locate its underground facilities. The Safety Committee recommended that the Commission impose a \$2,000 penalty.¹

Commission staff (Staff) reviewed the documents, reports, and communications with the Safety Committee and agreed with the Safety Committee's findings and recommendations.

The Commission hereby notifies you that it is assessing a \$2,000 penalty (Penalty Assessment) against you on the following grounds:

Alleged Violation 1:

The alleged violation concerns RCW 19.122.030(3)(a), which states, in part, that a facility operator must provide the excavator with reasonably accurate information by marking its facility location.

¹ WDLSC Recommendation Letter - Case 25-070

The Complainant states that on May 1, 2025, King County Road failed to provide the excavator with reasonably accurate information by marking its facility for the intersection of 4th and 148th Street, Burien, WA.

Analysis:

The complaint submitted by Ceccanti on July 29, 2025, documented that King County Road failed to locate its conduits for the signal lights at 4th and 148th Street, Burien, Washington, and mislocated the facilities in two locations on June 10, 2025. The complaint explained that the Complainant spent time locating with a vac truck in two locations, going three feet in each direction and eight feet deep, and did not find any facilities. Ceccanti then found the facilities 12 feet from the marked location during construction. Ceccanti noted that it spent two days attempting to find the mislocated utilities.² Ceccanti provided photographs documenting the location of the excavation and area where the locate paint was placed.³ The complaint noted that the date for both violations occurred on June 10, 2025, however, Complainant confirmed the violation dates were May 1, 2025, and June 13, 2025, at 4th and 148th Street on either side of the intersection.

King County Road did not provide any documents during the peer review but emailed Staff on November 4, 2025, that it had sent 6 employees to the online Dig Safe training.

Alleged Violation 2:

The alleged violation concerns RCW 19.122.030(3)(a), which states, in part, that a facility operator must provide the excavator with reasonably accurate information by marking its facility location.

The Complainant states that on June 13, 2025, King County Road failed to provide the excavator with reasonably accurate information by marking its facility for the intersection of 4th and 148th Street, Burien, WA.

The alleged violations concern RCW 19.122.030(3)(a), which states, in part, that a facility operator must provide the excavator with reasonably accurate information by marking its facility location.

Analysis:

The complaint submitted by Ceccanti on July 29, 2025, documented that King County Road failed to locate its conduits for the signal lights at 4th and 148th Street, Burien, Washington, and mislocated the facilities in two locations on June 10, 2025. The complaint explained that the Complainant spent time locating with a vac truck in two locations, going three feet in each direction and eight feet deep, and did not find anything. Ceccanti then found the facilities 12 feet from the marked location during construction. Ceccanti noted that it spent two days attempting to find the mislocated utilities. Ceccanti provided photographs documenting the location of the excavation and area where the locate paint

² Complaint Case 25-070.

³ Ceccanti Inc Photo Documentation.

was placed. The complaint noted that the date for both violations occurred on June 10, 2025, however, Complainant confirmed the violation dates were May 1, 2025, and June 13, 2025, at 4th and 148th Street on either side of the intersection.

The Commission considered the following factors in determining the appropriate penalty amount for the violation:

1. **How serious or harmful the violation(s) is/are to the public.**
These incidents could have been significantly more harmful to Company workers, utility technicians, nearby homeowners, and the public, and it could have resulted in serious injury and/or loss of property.
2. **Whether the violation(s) is/are intentional.**
The violation(s) appear(s) to be due to King County Road failing to accurately locate its buried facilities. King County Road has been penalized by the Commission on one occasion for a violation of RCW 19.122.030(2). King County Road is aware of the requirements to comply with the dig law.
3. **The likelihood of recurrence.**
The likelihood of recurrence depends on King County Road's actions going forward, and its willingness to accurately provide excavators with reasonably accurate information by marking its facility locations as required by Washington State's Dig Law.
4. **The Company's previous violations and penalties.**
 - **Warning Letters**
 - On March 21, 2019, the Commission mailed an Alleged Violation of Washington Dig Law letter to King County Road. The letter included detailed information about Washington State's Underground Utility Damage Prevention Act, requirements for submitting utility locate requests before excavating, and the possibility of penalties for each violation. The Commission mailed the letter after receiving a report of damage caused by King County Road on November 20, 2018, that occurred because the Company failed to submit a request to locate underground utilities before excavating.
 - **Penalty Assessments**
 - On September 16, 2019, the Commission issued King County Road a Penalty Assessment of \$2,000 for one violation of RCW 19.122.030(2) – in docket DG-190733.

The Commission has considered these factors and agrees with the Safety Committee's findings of probable violation and penalty recommendation, as follows:

- **First Violation:** \$1,000 penalty for one violation of RCW 19.122.030(3)(a) that occurred on May 1, 2025, at the intersection of 4th and 148th Street, Burien, Washington, for failing to accurately locate ticket #25170461 submitted on April 28, 2025.

- **Second Violation:** \$1,000 penalty for one violation of RCW 19.122.030(3)(a) that occurred on June 13, 2025, at the intersection of 4th and 148th Street, Burien, Washington, for failing to accurately locate ticket #25246689 submitted on June 10, 2025.

The total penalty is \$2,000 for two violations of RCW 19.122.030(3)(a) with an offer to suspend a \$1,600 of the penalty for 90 days, and then waive it, subject to the conditions that:

- 1) Company management and field crew responsible for excavation must complete NUCA Dig Safe Training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
- 2) The Company must submit documentation of training completion to the Commission Commission's web portal at <https://efiling.utc.wa.gov/Form>.

Further violation of RCW 19.122 will result in progressive penalty assessment up to maximum allowable by law.

These facts, if proven at a hearing and not rebutted or explained, are sufficient to support the Penalty Assessment.

Your penalty is due and payable now. If you believe the violation(s) did not occur, you may deny committing the violation(s) and contest the penalty through evidence presented at a hearing or in writing. Or, if there is a reason for the violation(s) that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of the penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request to contest the violation(s) or for mitigation of the penalty must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. *See* RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation(s) or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of their decision.

You must act within 15 days after receiving this Penalty Assessment to do one of the following:

- Pay the \$2,000 penalty amount due; or
- Pay \$400 and notify the Commission that you accept the offer to suspend a \$1,600 portion of the penalty amount for 90 days, and then waive it, subject to the following conditions:
 - Company management and field crew responsible for excavation at the time of the incident, must complete NUCA Dig Safe training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and

- The Company must submit documentation of training completion (Certificate) to the Commission. (See attached **NUCA Dig Safe Training Verification Record**). or
- Contest the occurrence of the violation; or
- Admit the violation(s) but request mitigation of the penalty amount.

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal at <https://efiling.utc.wa.gov/Form> **within FIFTEEN (15) days** after you receive this Penalty Assessment. If you are unable to use the web portal, you may submit it via email to records@utc.wa.gov. If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington 98504-7250.

If you wish to make your payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).⁴

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection.

DATED at Lacey, Washington, and effective November 21, 2025.

/s/Connor Thompson
CONNOR THOMPSON
Director, Administrative Law Division

⁴ <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT D-250808 Investigation # 9174

PLEASE NOTE: You must complete and sign this document and send it to the Commission within 15 days after you receive the Penalty Assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, competent to testify to the matters set forth below, and I have personal knowledge of those matters. I hereby make, under oath, the following statements:

- [] 1. **Payment of penalty.** I admit that the violation(s) occurred and:
[] Enclose \$2,000 in payment of the penalty.
OR [] Attest that I have paid the penalty in full through the Commission's payment portal.
- [] 2. **Accept conditions.** I admit that the violation(s) occurred and enclose \$400 toward the payment of the penalty. I also accept the Commission's offer to suspend for 90 days, and ultimately waive, the remaining \$1,600 penalty amount subject to the following conditions:
- o Company management and field crew responsible for excavation at the time of the incident (**indicate names below**), must complete NUCA Dig Safe training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
 - o The Company must submit documentation of training completion (Certificate) to the Commission. (See attached **NUCA Dig Safe Training Verification Record**).
- [] 3. **Contest the violation(s).** I believe that the alleged violation(s) did not occur for the reasons I describe below (**if you do not include reasons supporting your contest here, your request will be denied**):
- [] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.
- OR [] b) I ask for a Commission decision based solely on the information I provide above.
- [] 4. **Request mitigation.** I admit the violation(s), but I believe that the penalty should be reduced for the reasons set out below (**if you do not include reasons supporting your application here, your request will be denied**):
- [] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.

OR [] b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: _____ [Month/Day/Year], at _____ [City, State]

Name of Respondent (Company) – please print

Signature of Applicant

RCW 9A.72.020 “Perjury in the first degree.”

- (1) A person is guilty of perjury in the first degree if in any official proceeding he or she makes a materially false statement which he or she knows to be false under an oath required or authorized by law.
- (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his or her statement was not material is not a defense to a prosecution under this section.
- (3) Perjury in the first degree is a class B felony.

