



Committee Members
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Three At – Large Positions

Washington State Dig Law Safety Committee

A Standing Committee of Washington Utilities Coordinating Council

COMMUNICATION – COOPERATION -

COORDINATION

P.O. Box 734 • Poulsbo, WA 98370

April 14, 2015

Steve King, Executive Director and Secretary
Members of the Commission
Utilities and Transportation Commission
1300 Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: Review Committee Decision - Case Number 14-029
City of Lacey vs Old Town Construction

Dear Mr. King:

The Washington State Dig Law Safety Committee received a complaint regarding a potential violation of the Washington State Dig Law RCW 19.122.031 (1) (A) as defined in 19.122 .020(5). The complaint was received from City of Lacey and the respondent in this complaint is Old Town Construction, LLC. The Review Committee of the Safety Committee heard the complaint on 3-25-2015.

The complainant alleged violation of 19.122.031 (1) (a) as an emergency is defined in 19.122.020 (5). The complainant further alleged that Old Town Construction called in an emergency locate ticket that was not, in fact an emergency as defined in the law. Mr. Tollefson did not debate the issue and acknowledged that he called in the ticket on short notice to complete his work. Mr. Tollefson inferred that during the call to request a locate ticket, he was advised that the only way to get his locate done during his time frame was to make it an emergency ticket. A recording of the call to the center was available for review. Mr. Tollefson elected not to present that call in support of his claim. The Review Committee finds that the Respondent, Old Town Construction, did violate RCW 19.122.031(1)(a) as an emergency is defined by RCW19.122.020(5).

The Safety Committee recommends a penalty of \$1,000 be assessed for this violation, with the provision that \$800 be deferred if both the excavator and his office staff complete Dig Safe training through NUCA within 90 days. If Old Town Construction either fails to perform the training, or commits a further violation of RCW 19.122 within a 12-month period from the UTC confirmation date, then the full \$1,000.00 will be due and payable at that time.

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION



Please let me know if you have any questions regarding this case. I can be contacted at 425.430.7212.

Sincerely,

Dave Christensen, Chair

Cc: John Dunlap
Evan Tollefson
Lynda Holloway, UTC

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