


Washington State Dig Law Safety Committee
A Standing Committee of Washington Utilities Coordinating Council
COMMUNICATION – COOPERATION -
COORDINATION
P.O. Box 734 • Poulsbo, WA 98370

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STATE OF WASH
UTIL. AND TRANSP
COMMISSION



Committee Members Represent:

- Local Government
- Natural Gas Utility
- Contractors
- Excavators
- Electric Utility
- Consumer – Owned Utility
- Pipeline Utility
- Insurance Industry
- Utilities and Transportation Commission
- Telecommunications Company
- Three At – Large Positions

May 6, 2015

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

Re: Review Committee Decision - Case Number 14-030
Flatiron West Inc. vs SPU

Dear Mr. King,

The Washington State Dig Law Safety Committee received a complaint regarding a potential violation of the Washington State Dig Law RCW 19.122.030(3)(4). The complaint was received from Flatiron West Inc. and the respondent in this complaint is Seattle Public Works. The Review Committee of the Safety Committee heard the complaint on May 6, 2015.

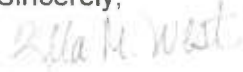
The complainant alleged violation of 19.122.030 (3) (4) since Seattle Public Utilities (SPU) did not locate their underground facilities. The Review Committee finds that the Respondent, SPU, did violate RCW 19.122.030 (4)(a)(iii) by not providing copies of the best reasonably available records. In addition, the Safety Committee finds that SPU violated 19.122.030 (3)(a) by not marking their locatable underground facilities; specifically manholes.

The Safety Committee recommends a warning regarding the violation of 19.122.030 (4)(a)(iii) for not providing copies of the best reasonably available records, since SPU has already upgraded their maps. Additionally, the Safety Committee recommends a penalty of \$1000 for not marking locatable underground facilities along with the expectation that SPU will begin to mark locatable facilities immediately. The Review Committee was unclear on how to proceed with the practice by SPU of not locating its sanitary and storm sewer mains, due to SPU's interpretation of the law that they are unlocatable. The Review Committee has asked that the Executive Board of the Safety Committee draft a letter to the UTC asking for a review of the law by the State Attorney General regarding SPU's interpretation to determine if their practice does in fact meet the requirements under the law. This letter will follow shortly.

If there is another confirmed violation of 19.122 within a 12-month period from the UTC confirmation date, future penalty amounts could be increased up to \$5000.

Please let me know if you have any questions regarding this case. I may be contacted at 509.966.0272.

Sincerely,

A handwritten signature in cursive script that reads "Zella West".

Zella West, Vice-Chair

Cc: Flatiron West, Inc.
Seattle Public Utilities
Lynda Holloway, UTC