



Washington State Dig Law Safety Committee

A Standing Committee of Washington Utilities Coordinating Council

COMMUNICATION – COOPERATION – COORDINATION

5808 A Summitview PMB 227 • Yakima, WA 98908

May 15, 2014

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

Dave Lykken, Pipeline Safety Director
Members of the Commission
Utilities and Transportation Commission
1300 Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: Review Committee Decision - Case Number 14002
BCA Directional Drilling vs. Century Link

Dear Mr. Lykken:

The Washington State Dig Law Safety Committee received a complaint regarding a potential violation of the Washington State Dig Law RCW 19.122 for work performed in August of 2013. The complaint was filed with the Safety Committee on December 26, 2013. On May 14, 2014 the Review Committee of the Safety Committee heard the complaint. The Complainant in this case is BCA Directional Drilling and the Respondent is Century Link.

The complainant alleged violation of RCW 19.122.030(3)(a), failure to mark locatable facilities with reasonable accuracy. The Review Committee, after hearing testimony and information provided by both parties, has determined that violations have occurred for both the respondent, Century Link, and the complainant, BCA Directional Drilling.

The Review Committee finds that the respondent, Century Link, did violate RCW 19.122.030(3)(a), by not meeting the requirement of reasonable accuracy as defined in RCW 19.122.020(23). By simply placing a standard symbol for a duct, but failing to clearly identify the outer edges of the duct, Century Link did not provide reasonable accuracy for an excavator to understand the limits of the duct.

The Review Committee also finds the claimant, BCA Directional Drilling, violated two provisions within RCW 19.122. BCA Directional Drilling violated RCW 19.122.040(2)(a) requiring an excavator to determine the precise location of underground utilities that are marked. In this case BCA Directional Drilling after locating an initial 4-inch conduit, did not use reasonable care to look for additional potential conduits within the 24-inch tolerance zone allowed for utility markings, nor did they make contact with the facility operator when they only discovered one 4-inch conduit for a locate of a duct. BCA Directional Drilling also violated RCW 19.122.053(1) by failing to report the hit on the Century Link facility within the required 45-days.

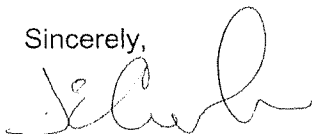
The Review Committee Does not feel that the violations of either party warrants a financial penalty or mandatory training. As such, the Review Committee recommends for both parties the following penalty:

1. A warning letter identifying the violation(s) for both Century Link and BCA Directional Drilling.
2. Within the warning letter, the UTC should recommend training for both parties, specifically the "Dig Safe" training provided through NUCA. In the Case of Century Link, the letter should identify the need for training for both Century Link and their contract locator, Locating, Inc.

In addition the Safety Committee has identified an area that we believe deserves additional discussion and review of procedures in respect to utility marking for facility operators who own and operate duct systems, such as Telecom Companies, and for excavators working within the corridors of those duct systems. We are recommending that the UTC take the lead on establishing meetings for both parties to further discuss and make recommendations on either improved best practice standards, and/or potential dig law changes that would better ensure that duct systems are better identified, and protected during excavation activities. The Safety Committee would also like to have some of its members be a part of this process.

Please let me know if you have any questions regarding this case and the additional content in this letter. I can be contacted at 206.442.2110.

Sincerely,



Jon Cornelius
Chair

Cc: BCA Directional Drilling
Century Link