



Washington State Dig Law Safety Committee

P.O. Box 734 • Poulsbo, WA 98370

June 30, 2021

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

Mark Johnson, Executive Director and Secretary
Members of the Commission
Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

Re: Review Committee Decision – Case 20-047 James Libra vs.
Kodiak Fence & Gate

Dear Mr. Johnson:

The Washington State Dig Law Safety Committee received a complaint regarding a potential violation of Washington State Dig Law RCW 19.122.030 for work performed on October 1, 2020.

On June 17, 2021, the committee formed a review board and heard Case 20-047 filed by James Libra against Kodiak Fence & Gate.

The review board determined that the respondent violated both RCW 19.122.030(5) for excavating before the locator had marked all known utilities and RCW 19.122.040(2)(a) for failing to use reasonable care to avoid damaging said utilities before determining the precise location.

Therefore, the committee recommends a total penalty of being assessed to the respondent as follows:

- \$1,000 penalty for one violation of RCW 19.122.030(5)
- \$1,000 penalty for one violation of RCW 19.122.040(2)(a)

The recommended penalties total \$2,000 with an opportunity to suspend \$1,800 on the condition that the owners and field staff for Kodiak Fence & Gate attend NUCA dig safe training and incur no additional violations of RCW 19.122 within twelve months of receiving a penalty assessment order.



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Please let me know if you have any questions regarding this case. You contact me at 206-794-9823.

Sincerely,

Jim Walton, Chair

Cc: Lynda Holloway

James Libra

Shaun Dagley