



**For Immediate Release:** 03/09/17

Audrey Zibelman, Chair

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**17020/16-G-0440; 16-G-0465**

**Commission Issues \$85,000 Penalty for Dig Safely Violations  
— Largest-Ever Penalty Sends Strong Signal to Protect Utility Infrastructure —**

**ALBANY** — As a result of tougher penalty sanctions approved by Governor Andrew M. Cuomo, the New York State Public Service Commission (Commission) today issued its largest-ever penalty against an excavator for violating New York’s Dig Safely rules. Strengthened with the ability to issue higher penalties, the Commission found that a Long Island City contractor committed numerous violations of the rules designed to protect underground pipes and wires from damage, and as a result, was hit with a record penalty of \$85,000 — the largest such penalty issued by the Commission to date.

“Ensuring public safety is a fundamental responsibility of companies working near underground utility pipes and wires, and making sure these companies meet those obligations is one of our core missions,” said Commission Chair Audrey Zibelman. “The public demands excavators safeguard life and property when working with critical infrastructure, and we will not shy away from making sure excavators meet that requirement.”

The company, New York Paving Inc. of Long Island City, Queens County, has a history of violating Dig Safely rules. Between May 2014 and May 2016, the company was cited by the Commission 10 times in the counties of Nassau, Queens and Richmond for failing to provide notice of intent to excavate to the one-call notification system. During this period, New York Paving damaged gas pipes ranging from a ½-inch natural gas service line up to a 6-inch natural gas main. Damage to large main lines are of particular concern because of the potential harm that could result. In each instance, those failures resulted in damage to underground pipes in National Grid’s New York City and Long Island service territories, thankfully with no injuries or loss of life.

Given the number of violations, Department Staff moved swiftly to prevent further violations from occurring. At Staff’s request, National Grid has been working with NY Paving to make safety improvements. Specifically, NY Paving designated staff who are responsible for providing notice to Dig Safely on behalf of NY Paving. As a result, the company has made more than 20,000 calls to Dig Safely since October 2016.

New York Paving was contracted to perform paving restoration work, and claimed that the general contractor for these projects provided notice of intent. Under the rules, however, the company actually performing the excavation work is responsible for providing notice of intent to excavate to the one-call notification system. New York Paving did the excavation work on behalf of the utility and thus was required to provide notice of intent to excavate to the notification system.

Prior to the changes signed into law by Governor Cuomo in 2013, the Commission would have been limited under the circumstances to seeking a total of \$10,000 against the company. With the latest sanctions, however, the Commission was able to seek more than eight times that amount.

Since 2013, 1,094 citations and fines totaling \$3.25 million have been issued against excavators for failure to notify the one-call system before excavating. The money that is collected through the fines is then used to fund training in safe-excavation practices.

The keys to preventing damage to underground facilities are the two "one-call notification systems" that serve as communication links between contractors/excavators and the operators of underground facilities. New York 811 is the one-call notification system serving New York City and Long Island and Dig Safely New York is the other, serving the remainder of the State. New York is a leader in its use of financial incentives and penalties related to gas safety. Excavators who damage underground facilities due to their failure to follow the regulations are not only subject to civil penalties, but also are liable for repair costs related to the damage.

The Commission, which oversees some 92,000 miles of gas pipelines, prides itself on its zealous safety oversight. The Commission's rigorous review of utilities' natural gas infrastructure and operations exceeds federal requirements, prescribes aggressive safety performance metrics, and holds utilities financially accountable to meet standards. The Commission conducts thousands of incident investigations.

For more information about Dig Safely New York, go to [www.digsafelynewyork.com](http://www.digsafelynewyork.com) or call 315-437-7394. For more information about New York 811, visit [www.newyork-811.com](http://www.newyork-811.com) or call 1-800-272-4480.

Today's decision may be obtained by going to the Commission Documents section of the Commission's Web site at [www.dps.ny.gov](http://www.dps.ny.gov) and entering Case Numbers 16-G-0440 and 16-G-0465 in the input box labeled "Search for Case/Matter Number". Many libraries offer free Internet access. Commission documents may also be obtained from the Commission's Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500). If you have difficulty understanding English, please call us at 1-800-342-3377 for free language assistance services regarding this press release.