

1. ACTION REQUESTED BY

COMPLAINT DOCKET NUMBER: *

OC20-021

2. RESPONDENT INFORMATION

Reply filed on behalf of (company name): *

Lind Exco

Contact Person: *

Tanner Brantley

Phone *

605 - 431 - 7540

####

Ext:

Name or Company Name: *

Lind Exco

Street Address or PO Box *

1641 Deadwood Ave

Street Address

Rapid City

City

Select a State

State / Province / Region

57701

Postal / Zip Code

United States

Country

Fax

Email *

Tannerb@lindexco.com

Date *

4 / 8 / 2020

MM DD YYYY

If yes, what specifically do you dispute?

The gas line in question on Abelia St. was not marked, in fact there was 2 crossings not marked. I also dispute telling the locator to not locate as I knew the locations of the crossings and only going to 12" deep. The only request I made of the locator was to start at my current location so I could begin work, on the verification ticket that was called in. The locator did not locate the crossings on the original ticket nor the N. End of Abelia. Upon discovering there wasn't locates on N. End of abelia st, requested verification to have marks as the site was not marked properly the first time. Locator had come out and started locating crossings and told him we need the N. End marked FIRST, as that is where I was starting and then waiting. It is my assumption that at this point he assumed he was finished and left. Seeing as how he had located the crossings, I did not believe they marked the site improperly/incomplete a second time.

Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation? *

- Yes No

If yes, please explain:

The complainant implied the same gas line was hit on 2 separate occasions, which is not the case, on the same road. The first hit in question was a 2" gas line on Mondo Rd., the second was a road crossing on Abelia St., which was a 1" line. Both were on the same project, but different lines and roads. Also in the complaint, it is said contractor admitted fault, which is untrue. The only potential at fault statement made, which could have been misconstrued as admission, is that I was guiding the grader operator and had told him where to go. Otherwise the 1" line was not located, and it turn damaged. There is also a claim that the paint was for missing the lines, which was true of the marked lines but my paint was also for areas that needed attention due to process of the work and in no way location of the lines. At this point I believe they assumed that is what the paint was for which is only partially true, as we use paint to mark grades, soft

5. EXCAVATION / LOCATE INFORMATION: if applicable**Was a locate requested from SD One Call? ***


- Yes No

If yes, please provide the ticket number and a copy of the locate ticket

From: locates@sd811.com <locates@sd811.com>
Sent: Wednesday, March 11, 2020 8:46 AM
To: mandj@lindexco.com
Subject: Locate Message

To update or view a map of the dig location click here to go to the South Dakota 811 Portal Site.
Want to process your own tickets and receive your ticket number immediately? Contact our Remote Apps department for a quick training. Click here to view a short video explaining the process.

Date

4 / 8 / 2020 

MM DD YYYY

Were you previously aware of these allegations? *

- Yes
- No
- Not Sure

3. STATUTORY VIOLATION (if known):

Do you believe the statutes listed (if any) by the complainant were violated? *

- Yes
- No

Why or why not?

MDU did not, their locator ELM did, not entirely marking the site

4. BASIC FACTS

Do you dispute the alleged violation of SD One Call statute or rule occurred? *

- Yes
- No

If yes, what specifically do you dispute?

The gas line in question on Abelia St. was not marked, in fact there was 2 crossings not marked. I also dispute telling the locator to not locate as I knew the locations of the crossings and only going to 12" deep. The only request I made of the locator was to start at my current location so I could begin work, on the verification ticket that was called in. The locator did not locate the crossings on the original ticket nor the N. End of Abelia. Upon discovering there wasn't locates on N. End of abelia st, requested verification to have marks as the site was not marked properly the first time. Locator had come out and started locating crossings and told him we need the N. End marked FIRST, as that is

Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation? *

- Yes
- No

If yes, please explain:

The complainant implied the same gas line was hit on 2 seperate occasions, which is not the case, on the same road. The first hit in question was a 2" gas line on Mondo Rd., the second was a road crossing on Abelia St., which was a 1" line. Both were on the same project, but different lines and roads. Also in the complaint, it is said contractor admitted fault, which is untrue. The only potential at fault statement made, which could have been misconstrued as admission, is that I was guiding the grader operator and had told him where to go. Otherwise the 1" line was not located, and it turn damaged. There is also a claim that the point was for missing the lines, which was true of the marked lines but my point

Was a locate requested from SD One Call? *

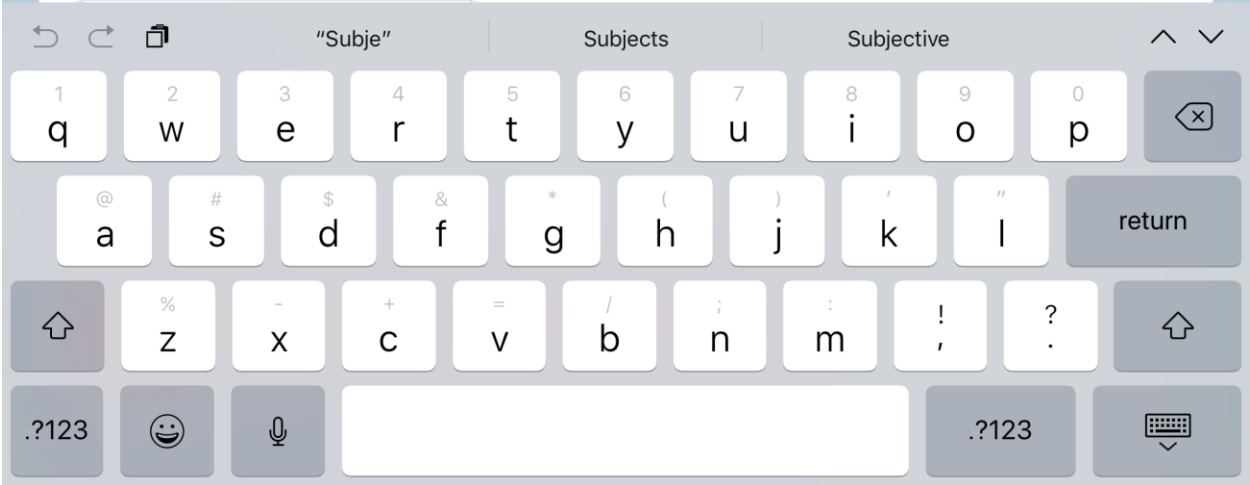
- Yes
- No

If yes, please provide the ticket number and a copy of the locate ticket

South Dakota 811 Locate Request
Ticket Number:
2007174980
Old Ticket:
2006573581
Source:
Voice
Date:
3/11/2020 9:46:04 AM

If a locate was requested, TICKET NUMBER, DATE, AND TIME ARE MANDATORY.

Locate ticket #



2006573581

Start date on ticket:

3 / 5 / 2020

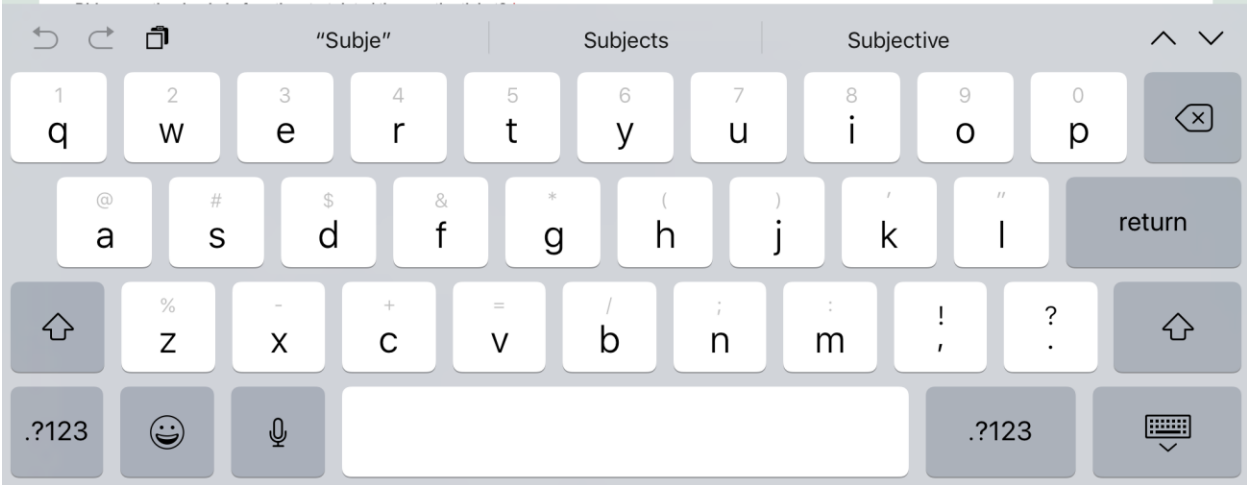
MM DD YYYY

Start time on ticket:

10 : 00 AM

HH MM AM/PM

IMPORTANT: IF A LOCATE TICKET IS TO BE CONSIDERED AS EVIDENCE, A COPY OF THE LOCATE TICKET MUST BE ATTACHED WHEN SUBMITTING THIS FORM.



Did excavation begin before the start date / time on the ticket? *

- Yes
- No
- NA

Was a minimum horizontal clearance of 18 inches maintained between a marked facility and mechanical equipment? *

- Yes
- No
- NA

Were buried facilities exposed by hand or non-invasive equipment prior to excavation? *

- Yes
- No
- NA

Were facilities marked? *

- Yes
- No
- NA

Was the marking complete prior to the start time on the ticket? *

- Yes
- No
- NA

Was the excavation site pre-marked with white paint? *

- Yes
- No
- NA

Was the facility marked accurately (within 18 inches)? *

- Yes
- No
- NA

Was there reasonable care to maintain locate marks for the life of project? *

- Yes
- No
- NA

Did the complainant correctly describe the type of facility involved? *

- Yes
- No

Provide detail: *

Yes the description is accurate

Provide detail: *

Yes the damage description is correct

Was the one-call notification center immediately notified of the damage, dislocation, or disturbance? *

- Yes
- No

Please provide a copy of the Damage Ticket

----- Forwarded Message -----
From: locates@sd811.com <locates@sd811.com>
To: tanner_brantley@yahoo.com <tanner_brantley@yahoo.com>
Sent: Monday, March 23, 2020, 04:36:34 PM EDT
Subject: Locate Message

To update or view a map of the dig location click here to go to the South Dakota 811 Portal Site.
Want to process your own tickets and receive your ticket number immediately? Contact our Remote Apps department for a quick training. Click here to view a short video explaining the process.

Was the operator of the facility immediately notified of the damage, dislocation, or disturbance? *

- Yes
- No

Was there an escape of any flammable, toxic, or corrosive gas or liquid? *

- No
- Yes and 911 was called
- Yes and 911 was not called

Did the complainant correctly describe the damages that resulted from the alleged violation? *

- Yes
- No

Were damages on public right of way or private property?

- Public
- Private

7. FUTURE COMPLIANCE:

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules: *

To ensure no further damage, before and equipment digs within 10' of a marked line, lines will be potholed by hand or jet vac. We will also have a spotter When we are within 5, to ensure that we do not encroach where a machine should not be.

8. PAST VIOLATIONS:

Has a complaint been filed against you in the past for SD One Call violations? *

- Yes
- No
- Yes, I don't recall the date

9. OTHER INFORMATION:

Please provide any additional information to support your position:

A new ticket was called in on the 3/5 for the entire site. ELM did not complete the site as I discovered on 3/11, and requested a verification for it to be completed. ELM arrived again, began marking the crossings which I did not immediately need, and asked him to start on N. End of Abelia before continuing. I saw the crossings marked and had painted areas to avoid with rippers as well as areas I needed to do work with. As we were working I was guiding/instructing the grader operator where I needed him and at what depths, and we found the unmarked gas line. We took great care to avoid any areas where the line was marked and avoided these areas by upwards of 5' either direction as I had just recently had a damage on the other street on the project. We had uncovered the gas line in another location on Abelia and verified that we would in fact be in close proximity to the lines and exercised this extra caution. Once the damage ticket

LOCATE TICKETS, PHOTOS, WITNESS STATEMENTS AND ANY OTHER DOCUMENTATION TO SUPPORT YOUR ARGUMENT MUST BE ATTACHED WHEN SUBMITTING THIS FORM.

Attachment Information

File names should not include symbols. Example:(\$, &, *, %) etc.

7. FUTURE COMPLIANCE:

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules: *

To ensure no further damage, before and equipment digs within 10' of a marked line, lines will be potholed by hand or jet vac. We will also have a spotter When we are within 5, to ensure that we do not encroach where a machine should not be.

8. PAST VIOLATIONS:

Has a complaint been filed against you in the past for SD One Call violations? *

- Yes
- No
- Yes, I don't recall the date

9. OTHER INFORMATION:

Please provide any additional information to support your position:

A new ticket was called in on the 3/5 for the entire site. ELM did not complete the site as I discovered on 3/11, and requested a verification for it to be completed. ELM arrived again, began marking the crossings which I did not immediately need, and asked him to start on N. End of Abelia before continuing. I saw the crossings marked and had painted areas to avoid with rippers as well as areas I needed to do work with. As we were working I was guiding/instructing the grader operator where I needed him and at what depths, and we found the unmarked gas line. We took great care to avoid any areas where the line was marked and avoided these areas by upwards of 5' either direction as I had just recently had a damage on the other street on the project. We had uncovered the gas line in another location on Abelia and verified that we would in fact be in close proximity to the lines and exercised this extra caution. Once the damage ticket

LOCATE TICKETS, PHOTOS, WITNESS STATEMENTS AND ANY OTHER DOCUMENTATION TO SUPPORT YOUR ARGUMENT MUST BE ATTACHED WHEN SUBMITTING THIS FORM.

Attachment Information

File names should not include symbols. Example:(\$, &, *, %) etc.