

Complaint filed on behalf of or by:

Montana Dakota Utilities

Contact Person:

Marcus Christensen

Phone

(605) 355-3035

Name or Company Name

Montana Dakota Utilities

Street Address or PO BoxPo Box 1060
Rapid City, South Dakota 57709
United States**Email**marcus.christensen@mdu.com**Date**

Jul 21, 2020

Name of excavator / facility operator:

Nelson Construction

Phone

(605) 391-0119

Name or Company Name

Nelson Construction

Street Address or PO Box6612 Greenfield Dr
Rapid City, South Dakota 57703
United States**Email**nelsenconstruction@rap.midco.net**Is this party aware of your allegations?**

No

ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:

49-7A-8. Location of underground facilities--Marking.

An operator shall, upon receipt of the notice, advise the excavator of the location of underground facilities in the proposed excavation area by marking the location of the facilities with stakes, flags, paint, or other clearly identifiable marking within eighteen inches horizontally from the exterior sides of the underground facilities. The board shall promulgate rules, pursuant to chapter 1-26, to establish the response time for operators to mark the underground facilities. The response time shall be no later than forty-eight hours after the receipt of the notice, excluding Saturdays, Sundays, and legal holidays of the state or the excavation start time provided by the excavator, whichever is later. The response time may be less than forty-eight hours for emergency or subsequent inquiries to the original locate request and may be longer than forty-eight hours for nonexcavation requests. Excavators shall maintain a minimum horizontal clearance of eighteen inches between a marked underground facility and the cutting edge of any mechanical equipment. If excavation is required within eighteen inches, horizontally, the excavator shall expose the facility with hand tools or noninvasive methods approved pursuant to rule and shall protect and support the facility prior to further excavation with mechanical equipment.

Other information to support your position:

The contractor punctured MDU 2 inch gas main that run along the road with the tooth of the bucket on there equipment. It appears the locate marks had faded that week and there should have been a respot for utilities submitted.

Street Address / location of alleged violation:

0 Windriver Rd

City	Box Elder
State	SD
Date of alleged violation:	Jul 09, 2020
Time of alleged violation:	06:30 PM
Describe your allegation:	The contractor punctured MDU 2 inch gas main that run along the road with the tooth of the bucket on there equipment. It appears the locate marks had faded that week and there should have been a respot for utilities submitted.
Do you believe the alleged violation to be intentional?	No
Was a locate requested from SD One Call?	Yes
Locate ticket #:	2018351250
Start date on ticket:	Jul 06, 2020
Start time on ticket:	12:00 PM
Did the excavator wait until the start date / time on the ticket before commencing excavation?	Yes
Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?	No
Explain	Contract hit the 2 inch gas main with the tooth on the bucket of the backhoe.
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?	No
Were facilities marked?	Yes
Was the marking complete prior to the start time on the ticket?	Yes
Did the excavator pre-mark with white paint?	No

Was the facility marked accurately (within 18 inches)?	Yes
Did the excavator use reasonable care to maintain locate marks for the life of project?	No
Type of facility involved:	2" Poly Gas Main
Operator of facility (if known):	Montana Dakota Utilities
Operator address (Street or PO Box):	Po Box 1060 Rapid City, South Dakota 57709 United States
Operator Phone	(605) 355-3035
Depth of Cover (If unsure put N/A)	~24"
Pressure: (If none, write none)	50 psig
Voltage: (If none, write none)	None
# of cable pairs: (If none, write none)	None
Was the facility damaged?	Yes
If yes, provide detail and an estimate of damage:	2 inch gas main - after hours \$800-\$1000
Were damages on public right of way or private property?	Public
Was anyone injured as a result of facility damage?	No
Were there fatalities?	No
Was operator service affected?	Yes
Was the one-call notification center immediately notified of the	Yes

damage, dislocation, or disturbance?

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

Yes

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

Yes and 911 was contacted by an Excavator

Please provide a Fire Department or Emergency Services incident report, if available

Not Available

Attachment Information

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