

**South Dakota One Call Notification Board**  
**PO Box 187**  
**Rapid City, SD 57709**

IMPORTANT: This form is provided only as assistance in preparing responses to South Dakota One Call Complaints. Although it is not required, we encourage you to use this form. Please be as thorough as possible to assist the Enforcement Panel in making its determination.

<b>COMPLAINT DOCKET NUMBER:</b>	OC20-056
<b>Reply filed on behalf of (company name):</b>	C.E. Landscapes
<b>Contact Person:</b>	Tyler Mills
<b>Phone</b>	(605) 430-2387
<b>Name or Company Name:</b>	C.E. Landscapes
<b>Street Address or PO Box</b>	5768 Sparrow Hawk Trl Rapid City, South Dakota 57703 United States
<b>Email</b>	<a href="mailto:TslIM14@hotmail.com">TslIM14@hotmail.com</a>
<b>Date</b>	Nov 24, 1987
<b>Were you previously aware of these allegations?</b>	No
<b>Do you believe the statutes listed (if any) by the complainant were violated?</b>	No

**Why or why not?**

Sorry this is the first time I have done this, I hope I fill everything out correctly. I personally did not hit the gas line with the excavator, my employee Blake Hufstutler did. SD 1 Call was called and any digging did not occur until the locates were complete. The downfall and 90% sure why the accident happened was the dirt at that particular location was nothing but powder and paint lines were very hard to see. We saved all the flags that were put in the ground and even in a different location in the yard we knew it was going to be a high travel area and knew being able to preserve the flags or the paint markings was near impossible. We locates in that area were in a straight line so we pounded rebar in the ground and run a string line from pin to pin to mark the locates. It was complete accident, and possibly miss marked. Another employee Connor Anderson was working on the valve box not far from where the incident happened and over heard the two MDU workers tell the locator who marked gas lines, "you owe drinks on this one for miss locating." But I am not here to argue that at all, it would be all he said she said. If you look at the last picture the closest MDU flag to the hit location is a good 12-15 ft. With the dirt on the site being as explained above, I personally if I was a locator knowing the paint lines will not stay there put an abundance of flags. My opinion. I know 100% it was negligence on Blake's part, as this is first accident in all aspects he has had with me. And when he did call me he felt so terrible and scared.

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

**If yes, what specifically do you dispute?**

Sorry this is the first time I have done this, I hope I fill everything out correctly. I personally did not hit the gas line with the excavator, my employee Blake Hufstutler did. SD 1 Call was called and any digging did not occur until the locates were complete. The downfall and 90% sure why the accident happened was the dirt at that particular location was nothing but powder and paint lines were very hard to see. We saved all the flags that were put in the ground and even in a different location in the yard we knew it was going to be a high travel area and knew being able to preserve the flags or the paint markings was near impossible. We locates in that area were in a straight line so we pounded rebar in the ground and run a string line from pin to pin to mark the locates. It was complete accident, and possibly miss marked. Another employee Connor Anderson was working on the valve box not far from where the incident happened and over heard the two MDU workers tell the locator who marked gas lines, "you owe drinks on this one for miss locating." But I am not here to argue that at all, it would be all he said she said. If you look at the last picture the closest MDU flag to the hit location is a good 12-15 ft. With the dirt on the site being as explained above, I personally if I was a locator knowing the paint lines will not stay there put an abundance of flags. My opinion. I know 100% it was negligence on Blake's part, as this is first accident in all aspects he has had with me. And when he did call me he felt so terrible and scared.

**Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?** No

**Was a locate requested from SD One Call?** Yes

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

2023183731

I do not have a copy of the locate ticket, I deleted it when the job was complete. I went through my email account and searched for it, and even the Deleted Folder it was not in there as the dates from that only go back to 9/7/20. As never having going through this before, I did not think I needed it anymore.

**Locate ticket #** 2023183731

**Start date on ticket:** Aug 20, 2020

**Start time on ticket:** 11:00 AM

**Did excavation begin before the start date / time on the ticket?** No

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

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

No

**Were facilities marked?**

NA

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

Yes

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

NA

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

NA

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

Yes

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

Yes

**Provide detail:**

Sorry this is the first time I have done this, I hope I fill everything out correctly. I personally did not hit the gas line with the excavator, my employee Blake Hufstutler did. SD 1 Call was called and any digging did not occur until the locates were complete. The downfall and 90% sure why the accident happened was the dirt at that particular location was nothing but powder and paint lines were very hard to see. We saved all the flags that were put in the ground and even in a different location in the yard we knew it was going to be a high travel area and knew being able to preserve the flags or the paint markings was near impossible. We locates in that area were in a straight line so we pounded rebar in the ground and run a string line from pin to pin to mark the locates. It was complete accident, and possibly miss marked. Another employee Connor Anderson was working on the valve box not far from where the incident happened and over heard the two MDU workers tell the locator who marked gas lines, "you owe drinks on this one for miss locating." But I am not here to argue that at all, it would be all he said she said. If you look at the last picture the closest MDU flag to the hit location is a good 12-15 ft. With the dirt on the site being as explained above, I personally if I was a locator knowing the paint lines will not stay there put an abundance of flags. My opinion. I know 100% it was negligence on Blake's part, as this is first accident in all aspects he has had with me. And when he did call me he felt so terrible and scared.

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

Yes

**Provide detail:**

3/4" Gas Line Hit by Mini Excavator.

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

**Please provide a copy of the Damage Ticket**

C E LANDSCAPES

5768 SPARROW HAWK TRL

RAPID CITY, SD 57703

Name Phone Email

Caller TYLER MILLS (605) 430-2387 [TSLIM14@HOTMAIL.COM](mailto:TSLIM14@HOTMAIL.COM)

Contact TYLER MILLS (605) 430-2387 [TSLIM14@HOTMAIL.COM](mailto:TSLIM14@HOTMAIL.COM)

Alt Phone (605) 430-2387

Phone: (605) 430-2387

Fax:

Type: Excavator

State: SD

County: PENNINGTON

Place: RAPID CITY

Street:

650 ENCHANTED PINES

DR

Intersection: STUMER RD

Nature of Work: irrigation system

Meet Requested: False

TRSQ:

Work Date: 8/20/2020 4:30 PM

Done For: milhouse construction

Duration:

Explosives: False

Right of Way: False

Tunnel/Bore: False

Meet Date/Time:

Depth: 16 in

TICKET 2023386108

Ticket Number: 2023386108 Old Ticket:

Source: Voice Type: Damage

Date: 8/20/2020 3:21 PM

Update By: 9/8/2020 4:30 PM Expires On: 9/10/2020 4:30 PM

R E S P O N S E S T A T U S A S O F M O N D A Y , A U G U S T 3 1 , 2 0 2 0 1 1 : 4 4 A M

S T A T U S C O D E N A M E F A C I L I T I E S

C O M P A N Y I N F O R M A T I O N

W O R K I N F O R M A T I O N

D R I V I N G D I R E C T I O N S

R E M A R K S

DAMAGE - 2023183731 - HIT GAS LINE - CREW ON SITE - CUST W/ OUT SVC - GAS IS BLOWING - WORKING IN THE FRONT

YARD

Utilities must respond within 2 hours M-F and within 4 hours after working hours.

M E M B E R S

C O D E N A M E

BH1 Black Hills Power and Light Company

UW1 CTLQL-CenturyLink

RCC City Of Rapid City

TC1 Midcontinent Communications

**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 not called

**If Yes, but if 911 was not called, or if you don't know, explain why.**

Again this was the first time we have hit a utility, and the MDU workers and the locator did say next time call 911.00

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

Yes

**Were damages on public right of way or private property?**

Private

**Did complainant correctly describe how operator service was affected?**

Yes

**Provide detail:**

The 3/4" Gas Line was owned by the home owner. It was located in his front yard.

**Was anyone injured as a result of facility damage?**

No

**Were there fatalities?**

No

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

If markings will not stay with the soil conditions, I will take pictures and reference points with my phone, or grab my sprinklers flags and flag the lines to where you can actually tell where the utilities are.

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

No

**Attachment Information**

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