

1. COMPLAINT DOCKET NUMBER: OC15-010

2. RESPONDENT INFORMATION

Reply filed on behalf of (company name):Construction Signing Corp.

Contact Person: Kyle Schievelbein

Phone: (605) 373-9009

Ext: NA

Address or PO Box: 111 N GARFIELD AVE

SIOUX FALLS, Minnesota 57104

United States

Fax:

Email: schievelbein9@aol.com

Date: Nov 23, 2015

Were you previously aware of these allegations?: Yes

Provide detail including whom you spoke with: On 9-26-15 I received a call from one of our employees saying that they had hit a gas line on Highway 19 just north of Highway 38. I was on the scene around 12:00 pm. I talked with Daryl and the Q3 as soon as I was at the hit. As I was on the way to Highway 19 I was on the phone with SD811 notifying them of the hit gas line and getting emergency locates. Also I was trying to find the locate for that area that I was sure I had submitted on 9-22-15. I was doing locates for Highway 19 on 9-22 and ended up submitting the locates for 249th st. and north to Hwy 34. We in fact did have locates for the location of the hit that expired on 9-9-15 that is why I was refreshing them on 9-22-15. Back to the day of the hit I watched as Q3 dug up the gas line and pinched it off and then left for lunch. I also left at that time.

3. BASIC FACTS

Do you dispute the alleged violation of SD One Call statute or rule occurred?: No

If yes, what specifically do you dispute?:

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

If yes, please explain: Our company has been in business for over 20 years and we call in locates for everything we do from traffic control to permanent signing, delineation and mailboxes. We always make sure that if another contractor is doing dirt work or seeding that we do a respot just to be safe. Safety is always a key factor in our operations. We install steel posts into the ground and that could be very dangerous for everyone involved. To my knowledge this would be the first time we hit something when we were possibly at fault. We made a mistake and we are going to pay to get it fixed.

4. EXCAVATION / LOCATE INFORMATION: if applicable

Was a locate requested from SD One Call?: No

Locate ticket #:

Start date on ticket:

Start time on ticket:

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?: NA

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?: No

Was the marking complete prior to the start time on the ticket?: NA

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?: No

Did the complainant correctly describe the type of facility involved?: Yes

If not, provide detail:

5. DAMAGES: (Please provide pictures)

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

If no, provide detail:

Were damages on public right of way or private property?: Public

Did complainant correctly describe how operator service was affected?: Yes

If no, provide detail:

Was anyone injured as a result of facility damage?: No

If yes, provide detail:

Length of hospitalization:

Were there fatalities?: No

If yes, provide detail:

Other information regarding injuries or damages:

6. STATUTORY VIOLATION (if known):

Do you believe the statutes listed (if any) by the complainant were violated?: No

Why or why not?: I do not think we violated the statutes, we made a mistake. We would never intentionally go out to a job site without locates and start to auger holes for mailboxes. We have never had a violation to my knowledge before this one. It is true that we did not have locates and we are responsible to pay to fix the damages. When I sent my employees to the job site I was sure in my mind that we had locates.

7. FUTURE COMPLIANCE:

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules: If the future we will print all of the locate tickets that we get on our emails and check and double check that we have locates before we head to a job site. We have always followed the law when it comes to locates. It is a safety issue and we pride ourselves on safety. When a locate has been setting to long and we know it has been disturbed we will call in a re-spot or refresh the locate ticket. We are a small business and can not afford to make these mistakes.

8. PAST VIOLATIONS:

Has a complaint been filed against you in the past for SD One Call violations?: No

If yes, when was it filed?:

9. OTHER INFORMATION:

Please provide any additional information to support your position: Att. #1 is the locate ticket that expired on 9-9-15 for the location of the hit. Att. #2 is the locates I did on 9-22 for 249th st and North to Hwy 34.

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

Attachment #1 [20151123084752.pdf](#)

Attachment #2 [20151123084718.pdf](#)

Attachment #3

Attachment #4

Attachment#5

Attachment #6

Attachment #7

Attachment #8

Attachment #9

Attachment #10

2015-11-23 06:42:12