

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

IMPORTANT: This form is provided only as assistance in preparing your South Dakota One Call Complaint. 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. You may include additional information as necessary.

Complaint filed on behalf of or by:	Montana Dakota Utilities
Contact Person:	Marcus Christensen
Phone	(605) 355-4035
Name or Company Name	Montana Dakota Utilities
Street Address or PO Box	PO Box 1060 Rapid City, South Dakota 57709 United States
Email	marcus.christensen@mdu.com
Date	Apr 06, 2021
Name of excavator / facility operator:	Jimmy Dowden
Phone	(605) 430-7764
Name or Company Name	Dowden Creative Construction
Street Address or PO Box	305 8th street Sturgis, South Dakota 57785 United States
Email	dowdenconstructionsd@gmail.com
Is this party aware of your allegations?	No

Provide detail including whom you spoke with:

I tried reaching out to contractor prior to filing and left a voicemail.

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:

Contractor did not maintain the minimum clearance from underground facilities. The contractor should have also called in a re-spot ticket since at the the time of locates there was snow on the ground. by the time the contractor showed up to do there work the snow had melted and the marks where gone. I also noticed that the flags were gone as well.

Street Address / location of alleged violation: 7916 Duke Parkway St

City Spearfish

State South Dakota

Date of alleged violation: Mar 18, 2021

Time of alleged violation: 09:30 AM

Describe your allegation:

Contractor did not maintain the minimum clearance from underground facilities. The contractor should have also called in a re-spot ticket since at the the time of locates there was snow on the ground. by the time the contractor showed up to do there work the snow had melted and the marks where gone. I also noticed that the flags were gone as well.

Do you believe the alleged violation to be intentional? No

Why or why not?

Contractor did have valid locate ticket at the time of the damage.

Was a locate requested from SD One Call? Yes

Locate ticket #: 2105460998

Start date on ticket: Feb 25, 2021

Start time on ticket: 09:15 AM

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

Hit the gas line with the excavator.

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:

3/4" (P) Gas Line

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) 355-4035

Depth of Cover (If unsure put N/A)

~18"-24"

Pressure: (If none, write none)

50psig

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:

gas service line - \$600

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

If yes, provide detail (how many customers for how long):

1 customer 2 hours

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

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? No

Please provide a Fire Department or Emergency Services incident report, if available Not Available

Attachment Information

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