

Formstack Submission For: [South Dakota One Call Reply Form](#)

Submitted at 05/02/22 9:01 AM

Complaint Docket Number:	0C22-002
Reply filed on behalf of (company name):	Runge Enterprises, Inc.
Contact Person:	Robert Roth
Phone Number:	(605) 334-4833
Ext:	
Name or Company Name:	Runge Enterprises, Inc.
Street Address or PO Box:	P.O. Box 86490 Sioux Falls, SD 57118
Fax:	(605) 334-1989
Email:	bob@runge-enterprises.com
Date:	May 02, 2022
Were you previously aware of these allegations?:	Yes
Provide detail including whom you spoke with.:	Spoke with Joe Muth on 4/8/2022 near 1:00-1:30 PM. Mr. Muth informed me that he would be filing a complaint against Runge. I asked why, he said we damaged a 600 pair line on 41st Street on 4/7/2022 and failed to call SD811 to report a damaged line. I said I was unaware of the damaged line and informed him that we were excavating on 41st Street and finding all kinds of private utility lines that the equipment operators assumed were abandoned. I do

not think we talked about damage to the 1.25" conduit during the conversation?

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

Yes

Why or why not?:

We failed to call SD811 to report a damage to 600 pair line that we assumed to be abandoned because of confusion with all the other utility lines, which were abandoned, that we exposed during our excavation process. The Lumen damaged line was within the planned street grade and from previous discussions with the project design engineer we were of the understanding that the private utilities for the project were either relocated or abandoned prior to work beginning so conflicts would be avoided. No one from Runge concealed or attempted to conceal any damage, dislocation, or disturbance, nor did we attempt to repair the line as outlined in 49-7A-12. Runge did not damage this 600 pair line intentionally and then intentionally decided to not call SD811 to report the damaged line. I do not think we cut the 1.25" conduit with a saw? Again, I don't think this conduit was talked about with Joe Muth on 4/8/2022. The picture of the orange conduit within the complaint appears to be a conduit that is pulled apart with either a rope or wire within it? I did not see any other pictures within the complaint showing any sawed conduits. I asked the operators about talking with Brian Trapp from MidAmerican regarding the 600 pair line damage. Runge's operators informed me they did not talk with Mr. Trapp regarding the damage to the 600 pair line.

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

Yes

unintentional nature of the alleged violation?:

If yes, please explain.:

Runge disputes any statements regarding intentional nature of the alleged violation. Especially the sawing of the 1.25" conduit.

Was a locate requested from SD One Call?:

Yes

Locate ticket #:

2209061666 / 2209462973

Start date on ticket:

Apr 04, 2022

Start time on ticket:

10:15 AM

Copy of the locate ticket:

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If no, please explain why no locate request was made.:

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? :

No

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

Was the excavation site pre-marked with white paint?: No

Was the facility marked accurately (within 18 inches)?: Yes

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

Provide details:

Facilities were likely marked prior to pavement removals. Marks were likely removed during the pavement removals. It does not appear that a respot was called in after the pavement was removed?

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

Provide details:

I believe the complainant described the damages to best of my knowledge. Not agreeing with sawing of the 1.25" conduit. Conduit appears to be pulled apart and not sawed. Not agreeing to the damages being intentional.

Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?: No

File:

If No, why not?:

This was the first day of grading on the project. Runge's operators encountered several abandoned lines during the grading process and were confused as to what was live and what was abandoned. Runge's

operators were of the understanding that all lines encountered during the grading work were abandoned lines.

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

No

If No, why not?:

Runge assumed that the 600 pair line hit was one of the many abandoned lines on the project. The operators were not aware of the damage to the 1.25" conduit. The picture of the 1.25" conduit appears to have been exposed by hand digging after the grading work?

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

No

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

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

Yes

If no, provide details.:

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

Public

Did complainant correctly describe how operator service was affected?:

No

Provide Details:

Complaint correctly described damage to 600 pair line. The complaint did not describe correctly the cutting of the 1.25" conduit in my opinion. The

conduit appears to be pulled apart. The 600 pair line was assumed to be abandoned thus no damage report was called in.

Was anyone injured as a result of facility damage?:

No

If yes, provide details.:

Length of hospitalization:

Were there fatalities?:

No

If yes, provide details.:

Other information regarding injuries or damages:

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

Since being informed of damage to the Lumen line and damage to a MidAmerican gas line on the project, it became obvious to Runge and others on the project that the private utilities would be an issue going forward. Runge postponed any grading on 41st Street from 4/8/2022 to 4/14/2022. We asked for a meeting between owner, engineers, contractors, and private utilities on the project to discuss this issue. That meeting was held on April 12, 2022 at 1:00 PM. After the meeting, Joe Muth with Lumen emailed me on April 13th to clarify which lines which be active versus abandoned going forward. In addition, after the meeting Runge implemented a plan to have the utilities potholed prior to our grading operations. The potholing helped. Even with the potholing, lines were still discovered during the grading process and the operators called in damage reports to SD811. I believe all those damage reports came back as abandoned lines?

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

No

If yes, when was it filed?:

Please provide any additional information to support your position.:

There was confusion from us and other contractors regarding the private utility lines being in conflict with the work. It was our understanding that the design team spent two years, prior to the project beginning, coordinating with the private utilities to either relocate or abandon their lines. This was stated at least twice prior to construction beginning. Pre-bid meeting on 12/2/2021, Special meeting between owner, contractor, and design team on 2/9/2022, and Preconstruction meeting on 3/17/2022. The following individuals, besides myself, were informed at these meetings that the private utilities have either been relocated out of the planned construction or abandoned: Greg Branaugh (605-366-7743) with D&G Concrete, Eric Lerssen (605-212-5381) and Jessica Satiroff (402-669-7643) with Infrastructure Design Group, and Dillon LeBrun (605-323-7825) with Runge. Even during the preconstruction meeting when it was mentioned, not one person from any of the private utilities stood up and provided contrary information on their lines to what was being said.

I will admit that I probably did not handle the discussion with Joe Muth well on 4/8/2022. I was still upset and troubled by the events of hitting the MidAmerican gas line on 41st Street on 4/7/2022. I have attached a copy of the invoice from Bender showing an effort by Runge to pothole for the private utilities prior to excavation. In addition, I attached the email calling for meeting with private utilities on 3/12/2022. I plan to do better going forward and making sure Runge's operators call in any lines they maybe expose or damaged.

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

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