



## Pipeline Safety Division Investigation Report

### Investigation regarding: **Rivertown Construction Llc**

UPPAC Database Record ID: 3450

Investigator: Howard Friend

Report Date: 12/13/2012

Damage Date: 8/7/2012

Damage Address: 211 E Locust St.

City: Dale

County: Spencer

### The Parties

Excavator: **Rivertown Construction Llc**

Contact: Christopher Matey, Project Engineer

Address: 5266 Vann Rd. Po Box 444, Newburgh, In 47630

Telephone: (812) 853-8122

Facility Owner: Community Natural Gas, Inc.

Contact: Donald Kieffer

Address: 118 N Division Street, Mt Carmel, IL 62863

### Pipeline Facility

Facility Type: Natural Gas

Facility Function: Service/Drop

**Investigation regarding: Rivertown Construction Llc**

UPPAC Database Record ID: 3450

**Damage Impact**

Product release: Yes

Ignition: No

Service Interruption: True

Number of Customers Affected: 1

Injuries:

Fatalities:

Repair Cost (if known): \$184

**Excavator Activities/Cause of damage information:**

Excavator request locates: Yes Indiana 811 ticket Number: 1207201381

Type of Equipment: Backhoe/Trackhoe

Type of work performed: Curb / Sidewalk

**Synopsis:** A natural gas service was damaged during excavation for a curb/sidewalk.

**Findings:** Reported by Community Natural Gas, Inc.; excavator's response to initial notice was received on 10/16/2012. The excavator had a valid locate request and the operator provided accurate locate marks. The excavator reports the facility was exposed and was damaged during backfill operations.

**Conclusion:** There was a failure to maintain clearance with mechanized equipment.

**Violation: IC 8-1-26-20(b): Failure to plan excavation to avoid damage or interference with underground facilities; Failure to maintain two (2) feet clearance with mechanized equipment.**



## INFORMATION REQUEST

State Form 54909 (2-12)

INDIANA UTILITY REGULATORY COMMISSION – PIPELINE SAFETY DIVISION

**Case Number:** 3450

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*The Pipeline Safety Division of the Indiana Utility Regulatory Commission requests any and all information you can provide regarding the following criteria.*

*Upon completion of answers select email button for submission.*

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### The Parties

#### Excavator Information:

Business Name: River Town Construction, LLC

Responsible Party Personal Name: Christopher S Matey

Title (if any): Project Engineer

Address (number and street): PO Box 444

City, State and ZIP Code: Newburgh, IN 47629

Preferred Telephone Number (area code): 812-853-8122

Cellular Telephone Number (area code): 812-629-8544

Email Address: cmatey@rangleinc.com

#### Facility Information:

Business Name: Community Natural Gas, Inc

Responsible Party Personal Name: Kurt Songer

Title (if any): \_\_\_\_\_

Address (number and street): 303 North Washington Street

City, State and ZIP Code: Dale, Indiana 47523 \_\_\_\_\_

Preferred Telephone Number (area code): 812-937-2376 \_\_\_\_\_

Cellular Telephone Number (area code): \_\_\_\_\_

Email Address: \_\_\_\_\_

**Locator Service Information:**

Business Name: Community Natural Gas, Inc \_\_\_\_\_

Responsible Party Personal Name: Kurt Songer \_\_\_\_\_

Title (if any): \_\_\_\_\_

Address (number and street): 303 North Washington Street \_\_\_\_\_

City, State and ZIP Code: Dale, Indiana 47523 \_\_\_\_\_

Preferred Telephone Number (area code): 812-937-2376 \_\_\_\_\_

Cellular Telephone Number (area code): \_\_\_\_\_

Email Address: \_\_\_\_\_

**Cause of Damage Information**

Type of Equipment (select one): Backhoe/Trackhoe

Type of Work Performed (select one): Curb/Sidewalk

**Other Information (Witness, Police, Fire, Other):**

Personal Contact: Don Anderson \_\_\_\_\_

Business/Organization Name: River Town Construction, LLC \_\_\_\_\_

Title (if any): General Superintendant \_\_\_\_\_

Address (number and street): PO Box 444 \_\_\_\_\_

City, State and ZIP Code: Newburgh, Indiana 47629 \_\_\_\_\_

Preferred Telephone Number (area code): 812-853-8122 \_\_\_\_\_

Cellular Telephone Number (area code): \_\_\_\_\_

Email Address: \_\_\_\_\_

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**Utility Line Impact**

**Location of Damage:**

Address (*number and street*): 211 East Locust Street \_\_\_\_\_

City, State and ZIP Code: Dale, IN \_\_\_\_\_

Nearest Intersection: Locust Street and Dunn Street \_\_\_\_\_

**Product Type (*select one*):** Natural Gas

**Facility Type (*select one*):** Service/Drop

**Size (Diameter/etc.):** 1/2" \_\_\_\_\_

**Pressure (PSIG/Inches):** \_\_\_\_\_

**Interruption in Service:**  Yes  No **Number of Customers Affected:** 1 \_\_\_\_\_

**Evacuation:**  Yes  No **If yes, How Many Evacuated?** \_\_\_\_\_

**Repair Cost (if known):** \$ 184.38 \_\_\_\_\_

**Release of Product:**  Yes  No

**Ignition and/or Fire:**  Yes  No

**Excavator Notify 811:**  Yes  No

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**Locate Information**

**Excavator Request Locate:**  Yes  No

**Indiana 811 Locate Ticket Number:** 1207201381 \_\_\_\_\_

- Locate Marks Visible:**  Yes  No
- Locate Marks Correct:**  Yes  No
- Excavator "White Lined":**  Yes  No
- Maps Used to Mark Facilities:**  Yes  No
- Was Locate Provided within Two (2) Working Days:**  Yes  No
- Operator Employees On-site during Excavation:**  Yes  No
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**Incident Impact Information**

**Number of Outpatient Treated:** <sup>0</sup> \_\_\_\_\_

**Number of Inpatient Treated:** <sup>0</sup> \_\_\_\_\_

**Number of Fatalities:** <sup>0</sup> \_\_\_\_\_

**Fire Department Response:**  Yes  No

**Police Department Response:**  Yes  No

**Ambulance Response:**  Yes  No

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**Additional Information / Comments**

SEE ATTACHED

**NARRATIVE STATEMENT**

Your Pipeline Safety Division Case Number: 3450

Your Full Name: Christopher S Matey

Full Name of Business / Entity (if applicable): River Town Construction, LLC

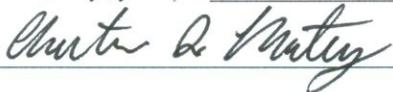
Your Business Title (if applicable): Project Engineer

Address (number and street): PO Box 444

City: Newburgh State: IN ZIP Code: 47629

Your E-mail Address: cmatey@ragleinc.com

Today's Date (month, day, year): 10/15/2012

Your Signature:  Title (if any) Project Engineer

Please return your Narrative Statement to:

**Pipeline Safety Division – Case Number 3450**  
**Indiana Utility Regulatory Commission**  
**101 West Washington Street, 1500E**  
**Indianapolis, IN 46204**

Or scan the statement and Email to:

**[PipelineDamageCase@urc.in.gov](mailto:PipelineDamageCase@urc.in.gov)**

## **Narrative Statement**

**Case No. 3450**

**Submitted by River Town Construction, LLC**

River Town Construction, LLC was contracted by the State of Indiana Department of Transportation to construct new concrete sidewalks and driveways, storm sewers, and other miscellaneous items for the Town of Dale, Indiana, located in Carter Township of northwest Spencer County. The sidewalk and other concrete construction work consisted of the removal of the existing concrete and asphalt pavements, removal of sod and vegetation, excavation of necessary earth, placement of an aggregate base, forming and pouring the new concrete pavements, and backfilling/grading. Construction work on this project commenced around the middle of April of the current year and was substantially complete five months later by the beginning of September.

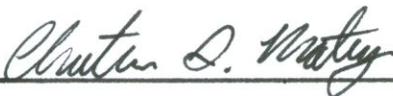
On August 7<sup>th</sup>, when the project was more than half way complete, River Town damaged a ½" natural gas service owned by Community Natural Gas, Inc at 211 East Locust Street. When this occurred, all excavation was complete in the surrounding area and the sidewalks were poured but the backfill had not yet been completed. During excavation, the gas service was discovered at a depth of approximately twelve to fourteen inches by hand digging and exposed as necessary to avoid damage during sidewalk construction. Backfill operations consisted of one laborer with one operator and a mini-excavator placing and grading dirt as necessary. The operator used the bucket of the mini-excavator to move the dirt into place near the sidewalk where it was then raked and compacted as needed by the laborer. Extra care is typically taken when backfilling around utilities to avoid damaging the exposed line, however, it was during backfill operations when the operator was pushing dirt into place that the line was accidentally cut by the bucket of the mini-excavator. Community Natural Gas was notified immediately. Workers responded promptly and fixed the line within an hour.

While this utility damage was caused by an unfortunate employee operator error, all necessary precautions were taken during excavation operations to avoid damage to this utility including giving proper notice to the member utility and maintaining proper clearance of two feet with mechanized equipment. A copy of the locate ticket is included with this letter showing that locates were properly called in and within the twenty calendar day limit. Additionally, this ticket shows that the area of excavation was clearly defined as a highway by two cross streets, thus rendering white lining of the dig site unnecessary, according to IC 8-1-26-16(a, 2, C). While the locate marks placed by Community Natural Gas were correct and visible, the paint was somewhat faded and flags were never utilized when marking any of the utilities. Below is a summary of these responses to the accusations in the letter from IURC dated September 14<sup>th</sup>.

- IC 8-1-26-16(g): Failure to provide notice of excavation** – Proper notice was provided according to IC 8-1-26-16(a). A copy of the locate ticket is attached for reference.
- IC 8-1-26-16(h): Failure to perform required white lining** – White lining is not required when the excavation area is defined by a highway and cross streets, pursuant to IC 8-1-26-16(a, 2, C).
- IC 8-1-26-20(b): Failure to maintain two feet clearance with mechanized equipment** – This was correctly performed during the excavation process, but an employee operator error during backfill damaged the line.
- IC 8-1-26-18(f): Failure to properly locate facilities (operator violation)** – The gas line was correctly located, however, the marks were somewhat faded and flags were never used by Community Natural Gas at any time on this project.

River Town excavates around many utilities every year and strives to maintain the safest possible excavation practices by incorporating proper excavation techniques into regular safety meetings and discussions with our foremen and site superintendents. A copy of the “Excavator Handbook” produced by *Indiana 811* is included in each supervisor binder. Disciplinary action is taken as necessary against employees that violate accepted company procedures, including safe utility excavation practices. The operator responsible for this utility damage is no longer employed by River Town. It is not solely because of this incident that the operator is no longer with River Town, but this infraction was influential to the decision.

River Town Construction, LLC hopes that this letter and included information is sufficient to show that while this utility damage was an error by River Town, the typical excavation practices adhered to are safe and nearly always result in successful navigation around the existing underground infrastructure encountered on a day-to-day basis in roadway and utility construction.

 10/15/2012

Christopher S Matey, Project Engineer  
River Town Construction, LLC

## Chris Matey

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**From:** irth@iupps.org  
**Sent:** Friday, July 20, 2012 11:43 AM  
**To:** Chris Matey  
**Subject:** IUPPS Ticket # 1207201381

NORMAL NOTICE DO NOT PAINT ON NEW CONCRETE

Ticket : 1207201381 Date: 07/20/2012 Time: 12:41 Oper: CHRIS.MATEY Chan:000

State: IN Cnty: SPENCER Twp: CARTER  
Cityname: DALE Inside: Y Near: N  
Subdivision:

Address :

Street : E LOCUST ST

Cross 1 : S GAINES ST Within 1/4 mile: Y

Location: LOCATE BOTH SIDES OF LOCUST STREET STARTING AT THE INTERSECTION OF GAINES STREET  
TRAVELING ONE BLOCK EAST TO THE INTERSECTION OF DUNN STREET

:

Grids : 3810D8658A 3810D8659D

Work type : SIDEWALK REPLACEMENT

Done for : STATE OF INDIANA

Start date: 07/24/2012 Time: 13:00 Hours notice: 96/48 Priority: NORM

Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N

Duration : 3 MONTHS Depth: 3 FEET

Company : RIVERTOWN CONSTRUCTION Type: CONT Co addr : PO BOX 444

City : NEWBURGH State: IN Zip: 47629

Caller : CHRIS MATEY Phone: (812)853-8122 Contact : CHRIS MATEY Phone:

BestTime:

Mobile : (812)629-8544

Fax : (812)853-9578

Email : CMATEY@RAGLEINC.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time DO NOT PAINT ON NEW  
CONCRETE Will you be white-lining the dig site area? NO

:

Submitted date: 07/20/2012 Time: 12:41

Members: ID2086 ID2373 ID5856 SBCIN SM

# Community Natural Gas Co., Inc.

LOCAL OFFICE:  
116 N. Main St.  
P. O. Box 459  
Owensville, IN 47665  
(812) 729-7905

LOCAL OFFICE:  
303 N. Washington St.  
P. O. Box 320  
Dale, IN 47523  
(812) 937-2376

LOCAL OFFICE:  
261 W. Clay St.  
P. O. Box 615  
Spencer, IN 47460  
(812) 829-3505

BUSINESS OFFICE:  
118 N. Division St.  
Mt. Carmel, IL 62863  
(618) 262-5108

Aug 10, 2012

Riverton construction LLC  
5266 Vann Rd  
PO Box 444  
Newburgh, IN 47630

RE: Cut 1/2" natural gas service. 211 E Locust Dale, IN on 8-7-12.

## INVOICE-250

### Material

2	1/2" coupling	@	1.75	\$	3.50
2'	1/2" PE Pipe	@	.10	\$	.20

### Labor & Equipment

4 hrs	CNG 4 men-1 hour each	@	30.00	\$	120.00
3 hrs	CNG Trucks and Tools	@	8.00	\$	24.00
1 hr	Fusion Iron	@	15.00	\$	15.00

### Gas Loss

4 mcf	Natural Gas	@	5.42	\$	<u>21.68</u>
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Total Invoice \$ 184.38  
(includes sales tax on materials)

Please remit to: Community Natural Gas Co., Inc.  
118 N. Division St.  
Mt. Carmel, IL 62863

RECEIVED  
JOB #  
CITY  
AMOUNT  
DATE  
8/13/12  
1272-07  
IN-UTL/AMM  
JUL 5 8/15/2012  
TK 811612

CALL 811 BEFORE YOU DIG. IT IS THE LAW!

Our Service Makes Warm Friends



## DAMAGE INFORMATION REPORT – PIPELINE SAFETY DIVISION

State Form 54122 (R2 / 7-11)

INDIANA UTILITY REGULATORY COMMISSION

Submitted to IURC-Pipeline Safety on: Aug 10, 2012

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### Who is submitting this information?

Name of person providing this information: Curt Songer (Community Natural Gas)

Business address (*number and street*): 303 N Washington St.

City, State, and ZIP code: Dale, IN 47523

Telephone number (*area code*): (812) 937-2376

Fax number (*area code*): (812) 937-4860

E-mail address: cng\_2376@att.net

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### Excavator Information, if known

Full name: Rivertown Construction LLC

Business address (*number and street*): 5266 Vann Rd. PO Box 444

City, State, and ZIP code: Newburgh, IN 47630

Telephone number (*area code*): (812) 853-8122

Fax number (*area code*): (812) 853-9578

E-mail address: \_\_\_\_\_

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### Excavation or Demolition Information

Excavator type: Contractor

Excavation or demolition equipment: Backhoe/Trackhoe

Type of work performed: Curb/Sidewalk

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**Date and Location of Damage**

Date of damage (*month, day, year*): Aug 7, 2012

County: Spencer

City: Dale, IN 47523

Street address (*number and street, city, state, and ZIP code*):  
211 E Locust St. Dale, IN 47523

Nearest intersection: S Dunn St.

Right of way where damage occurred: Public - City Street

Was there a release of product? Yes

If yes, was there an ignition of product? No

Were evacuations necessary as a result of release? No

If yes, how many evacuated? \_\_\_\_\_

Was there a customer service interruption? Yes

If yes, how many affected? 1

Time to restore service (*in hours*): 1

Enter number of injuries, if applicable and known: \_\_\_\_\_

Enter number of fatalities, if applicable and known: \_\_\_\_\_

Property damage, Estimate \$ 237.38

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**Affected Facility Information**

What type of pipeline was damaged? Natural Gas

What was the affected facility? Service/Drop

What was the depth of the facility, in inches? 18

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**Notification, Locating, Marking**

Did excavator request locates prior to commencing work? Yes

Enter Indiana 811 ticket number, if known: 1207201381

Was the locate request completed within two working days? Yes

If locates were performed, were they done so by a contractor or pipeline employee? Utility Owner

If a contractor locator, enter the company name, if known: \_\_\_\_\_

Were facility marks visible in the area of excavation? Yes

Were facilities marked correctly? Yes

Type of markings used: Paint and Flags

If other, please specify: \_\_\_\_\_

Was site marked by "White Lining"? No

Were special instructions part of the locate request? No

Were maps used to complete the locate request? Yes

Were pipeline company representatives on site during excavation? No

Did the excavator notify the operator in the event of this damage? Yes

Did the excavator notify Indiana 811 in the event of this damage? No

Did the excavator notify 911 in the event of a release of product? No

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### **Description of Cause**

Select from the list the most accurate cause for the damage: --Failure to maintain clearance

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### **Additional Comments**

NARRATIVE STATEMENT

Your Pipeline Safety Division Case Number: 3450

Your Full Name: Donald E Kieffer

Full Name of Business / Entity (if applicable): Community Natural Gas Co., Inc.

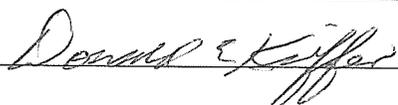
Your Business Title (if applicable): President

Address (number and street): 118 N Division St.

City: Mt. Carmel State: IL ZIP Code: 62863

Your E-mail Address: commgas@frontier.com

Today's Date (month, day, year): 10/15/2012

Your Signature:  Title (if any) President

Please return your Narrative Statement to:

Pipeline Safety Division – Case Number 3450  
Indiana Utility Regulatory Commission  
101 West Washington Street, 1500E  
Indianapolis, IN 46204

Or scan the statement and Email to:

[PipelineDamageCase@urc.in.gov](mailto:PipelineDamageCase@urc.in.gov)

No Add't info