



Pipeline Safety Division Investigation Report

Investigation regarding: **Gohman Asphalt & Construction Inc.**

UPPAC Database Record ID: 3453

Investigator: Howard Friend

Report Date: 11/19/2012

Damage Date: 7/11/2012

Damage Address: Bluelick Rd. @ I-65 Exchange Exit 16

City: Memphis

County: Clark

The Parties

Excavator: **Gohman Asphalt & Construction Inc.**

Contact: Michael A Kopp, Vice President-general Counsel

Address: 1630 Broadway St. Po Box 2428, Clarksville, In 47131

Telephone: (812) 282-1349

Facility Owner: Midwest Natural Gas Corporation

Contact: Arthur Campbell

Address: 107 SE Third Street, Washington, IN 47501-0520

Pipeline Facility

Facility Type: Natural Gas

Facility Function: Distribution

Investigation regarding: Gohman Asphalt & Construction Inc.

UPPAC Database Record ID: 3453

Damage Impact

Product release: Yes

Ignition: No

Service Interruption: True

Number of Customers Affected: 175

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$19430

Excavator Activities/Cause of damage information:

Excavator request locates: Yes Indiana 811 ticket Number: 1207091796

Type of Equipment: Backhoe/Trackhoe

Type of work performed: Road Work

Synopsis: A 3” natural gas line was damaged during excavation for road work.

Findings: Reported by Midwest Natural Gas Corporation; excavator’s response to initial notice was received on 9/28/2012. The excavator had a valid locate request and the operator provided accurate locate markings. The excavator reported the gas line was under the concrete and they could not have exposed the facility without damaging the line.

Conclusion: There was a failure to plan excavation to avoid damage or interference with underground facilities.

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: 3453

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.

The Parties

Excavator Information:

Business Name: Gohmann Asphalt and Construction, Inc.

Responsible Party Personal Name: Michael A Kopp

Title (if any): VP--General Counsel and Chief Compliance Officer

Address (number and street): P.O. Box 2428

City, State and ZIP Code: Clarksville, IN 47131

Preferred Telephone Number (area code): 812-282-1349

Cellular Telephone Number (area code): _____

Email Address: mkopp@gohmannasphalt.com

Facility Information:

Business Name: Midwest Natural Gas Corporation

Responsible Party Personal Name: David A. Osmon

Title (if any): _____

Address (number and street): 107 Southeast Third Street

City, State and ZIP Code: Washington, IN 47501

Preferred Telephone Number (area code): 812-254-5087

Cellular Telephone Number (area code): _____

Email Address: dosmon@midnatgas.com

Locator Service Information:

Business Name: Midwest Natural Gas Corporation

Responsible Party Personal Name: See Above

Title (*if any*): _____

Address (*number and street*): _____

City, State and ZIP Code: _____

Preferred Telephone Number (area code): _____

Cellular Telephone Number (area code): _____

Email Address: _____

Cause of Damage Information

Type of Equipment (*select one*): Backhoe/Trackhoe

Type of Work Performed (*select one*): Road Work

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

Personal Contact: _____

Business/Organization Name: _____

Title (*if any*): _____

Address (*number and street*): _____

City, State and ZIP Code: _____

Preferred Telephone Number (area code): _____

Cellular Telephone Number (area code): _____

Email Address: _____

Utility Line Impact

Location of Damage:

Address (*number and street*): South Bound Entrance Ramp to Interstate 65

City, State and ZIP Code: Memphis, Indiana

Nearest Intersection: Exit 16, Bluelick Road/Interstate 65

Product Type (*select one*): Natural Gas

Facility Type (*select one*): Transmission

Size (Diameter/etc.): 4 Inch

Pressure (PSIG/Inches): _____

Interruption in Service: Yes No **Number of Customers Affected:** _____

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

Repair Cost (if known): \$ 19,429.68

Release of Product: Yes No

Ignition and/or Fire: Yes No

Excavator Notify 811: Yes No

Locate Information

Excavator Request Locate: Yes No

Indiana 811 Locate Ticket Number: 1207091797

- 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

Incident Impact Information

Number of Outpatient Treated: ⁰ _____

Number of Inpatient Treated: ⁰ _____

Number of Fatalities: ⁰ _____

- Fire Department Response:** Yes No
Police Department Response: Yes No
Ambulance Response: Yes No

Additional Information / Comments

INDOT represented in Special Provisions to the project contract documents that there was no utility involvement on the project. Please see attached letter of explanation to INDOT. Gas line was touching bottom of existing concrete pavement at approximate depth of 12 inches. In the course of removing existing pavement, line was breached.

NARRATIVE STATEMENT

Your Pipeline Safety Division Case Number: 3453

Your Full Name: Michael A. Kopp

Full Name of Business / Entity (if applicable): Gohmann Asphalt and Construction, Inc.

Your Business Title (if applicable): VP--General Counsel and Chief Compliance Officer

Address (number and street): P.O. Box 2428

City: Clarksville State: IN ZIP Code: 47131

Your E-mail Address: mkopp@gohmannasphalt.com

Today's Date (month, day, year): 9/28/12

Your Signature: Michael A. Kopp Title (if any)

Michael A. Kopp
Vice President - General Counsel
And Chief Compliance Officer

Please return your Narrative Statement to:

Pipeline Safety Division - Case Number 3453
Indiana Utility Regulatory Commission
101 West Washington Street, 1500E
Indianapolis, IN 46204

Or scan the statement and Email to:

PipelineDamageCase@urc.in.gov

EST. 1956



Gohmann Asphalt and Construction Inc.

P.O. Box 2428
Clarksville, IN 47131-2428
Phone (812) 282-1349
FAX (812) 288-2168
www.gohmannasphalt.com

September 21, 2012

Jeffrey Logman, Construction Director
INDOT Seymour District
185 Agrico Lane
Seymour, IN 47274

Via Email and Regular Mail
jlogman@indot.in.gov

Re: *Contract R-33813-A, Interstate 65, Clark County*

Dear Mr. Logman:

As a follow up to our meeting on September 13 and per your request, I am writing to provide a detailed explanation of the utility line break which occurred on July 11, in the course of constructing the above referenced project. The utility in question consisted of a 4" high pressure gas main which was running east-west and parallel to Bluelick Road under the south bound entrance ramp to Interstate 65.

Section 107-R-169 of the Special Provisions to this Contract entitled Statements About Existing Conditions of Utilities, Additional Right of Way, and Encroachments (page 111) provides, in relevant part:

(a) Utilities

There is no known involvement of utility companies or organizations located within the project limits.

A copy of this provision is attached hereto for your convenience. By including the above statement in the Special Provisions, INDOT represented that any and all work completed within the project limits would not conflict with a utility. By including the above statement in the Special Provisions, the contractor can only assume that INDOT followed its Utility Procedures and Accomodation Policy ("Utility Procedures"). Per the Utility Procedures, a utility coordinator is assigned responsibility for the project. Per the Utility Procedures, the process steps described in 10-2.05(02) are required to be followed. Per the Utility Procedures, a Utility Coordination Certificate should ultimately be issued, stating that all utilities within the project limits have been contacted and that the included relocation plans address the relocation of all facilities known to be in conflict with the project.

The project in question included the removal of the existing concrete pavement on this ramp. After the original pavement was removed, the plans called for subgrade treatment type 1C which is excavation of 12 inches below original pavement and

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replacement with 12 inches of #53 stone. New concrete would be poured back to replace the existing. Therefore, if the original pavement was 12 inches in depth, the contractor would excavate down 24 inches. Attached for your convenience is the page from the contract documents containing the Typical Cross Sections for the Ramps. Again, per the above Special Provision, there were no utilities on this specific ramp which was less than 24 inches in depth. Gohmann rightfully relied on this provision.

Consistent with every other project Gohmann is involved with, on or before July 11, Gohmann contacted Indiana Underground Plant Protection Service, Inc. prior to performing excavation on the project. Employees of Midwest Natural Gas Corporation ("Midwest") were deployed to the jobsite to locate and mark its gas line on this specific ramp. Normally, our policy is to hand dig or "pothole" at the markings in order to identify the exact location and depth of a utility. Because of the existing concrete pavement, we were unable to hand dig through the existing concrete. Instead, our intent was to remove the existing concrete via mechanized means and, after the pavement was removed, we would hand dig to expose the line. Again, based upon INDOT's representations, we reasonably expected the gas line to be situated at a depth of 24 or more inches from the pavement surface. In the course of removing the pavement, the gas line was breached. Unexpectedly, the gas line was not situated at depth of greater than 24 inches. To the contrary, the gas line was positioned at the very bottom edge of the original pavement, and, therefore, the depth of cover was right at 12 inches.* Please see attached photographs indicating the position of the gas line in relation to the original concrete pavement. As you can see from the photographs, the gas line was, in fact, located directly within the project limits, contrary to the language of the Special Provision.

After the gas line was breached, Midwest immediately acted to repair the break and to restore service to its customers. Gohmann assisted with this process by performing additional excavation at no charge to allow for the lowering of the gas line in order to avoid continued conflict with the construction plans for the work on the ramp. Midwest has presented an invoice in the amount of \$19,429.68 for the cost incurred in repairing and relocating the line. A copy of the invoice is attached for your convenience.

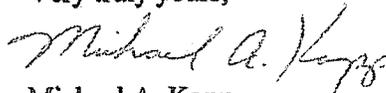
The project was not constructible with the gas line in its prior location. Therefore, a line relocation would have been necessary, had Midwest received prior notification that their line was potentially in conflict with this project. To that point and according to David Osmond of Midwest, INDOT failed to provide any notice regarding this line, nor was Midwest given any opportunity to provide input or information, all in accordance with the Utility Procedures referred to above. The first time Midwest received any communication regarding this entire project was on or before July 11, when Gohmann initiated the locate request and Midwest was called to perform the locate of its line.

*Section 10-3.05(02) entitled High Pressure Gas and Liquid Petroleum Lines requires that all lines which are under or within 2 1.5 m of the roadway must have a minimum depth of cover under the pavement surface of 1.2 m for non-encased lines.

As we stated in our meeting, Gohmann is requesting that INDOT assume responsibility for payment of the Midwest invoice for numerous reasons. First, INDOT specifically informed Gohmann, by its Special Provision, that there was no utility involvement in this project. Gohmann is entitled to rely on this representation. Conversely, had INDOT included language in the contract documents placing Gohmann on notice of the existence of the gas line and possible utility conflicts, Gohmann would have taken special precautions, knowing that it would bear the liability for breaking the line. Secondly, it appears that INDOT failed to follow its own procedures with respect to coordinating with Midwest, allowing Midwest to perform a pre-construction review and investigation of the matter and properly notifying the contractor of these findings. Thirdly, the actual position of the line touching the bottom of the original pavement, rendered it impossible to remove said pavement without breaking the line, again, in contravention of Section 10-3.05(02). Finally, because the line was located within the typical cross section of the new ramp construction, either INDOT would have paid Midwest to relocate the line or Midwest would have been required to relocate the line at its own expense. Either way, the contractor would not be held responsible for the costs of relocation, and, thus, Gohmann should not be responsible for the payment of the invoice.

Thank you for your consideration of this matter. Please call me with any questions or further requests. Otherwise, we request that INDOT remit payment for the Midwest invoice.

Very truly yours,



Michael A. Kopp
Vice President – General Counsel and
Chief Compliance Officer
Gohmann Asphalt & Construction, Inc.

cc: David A. Osmon (via email at dosmon@midnatgas.com)

SECTION 808, BEGIN LINE 554, DELETE AS FOLLOWS:

~~The cost of metal containers for disposal of removed snowplowable raised pavement markers, if furnished by the Contractor, shall be included in the cost of other pay items. The cost of picking up and returning such metal containers, if furnished by the District Traffic Division, shall be included in the cost of other pay items.~~

~~The cost of delivering removed and packaged snowplowable raised pavement markers to the designated location shall be included in the cost of transportation of salvageable materials.~~

914-R-576 PH REQUIREMENT FOR TOPSOIL

(Adopted 03-18-10)

The Standard Specifications are revised as follows:

SECTION 914, BEGIN LINE 11, DELETE AS FOLLOWS:

~~Topsoil shall have a pH value of 6.2 to 7.4. Testing for pH value shall be performed in the field in accordance with AASHTO T 289 the procedure set out in the Purdue University Agricultural Experiment Station Bulletin No. 635 or in a qualified laboratory in accordance with the procedure set out in the Cornell Experiment Station Bulletin 960, using a one to one Soil Water Suspension. Agricultural limestone may be added to topsoil in order to raise the pH to meet specification requirements. The addition of agriculture limestone shall be determined based on tests performed by a laboratory approved by the Office of Geotechnical Engineering. Topsoil shall not be incorporated into the work until it is approved.~~

107-R-169 STATEMENTS ABOUT EXISTING CONDITIONS OF UTILITIES, ADDITIONAL RIGHT-OF-WAY, AND ENCROACHMENTS

(Revised 02-18-08)

The Standard Specifications are revised as follows:

SECTION 107, AFTER LINE 740, INSERT AS FOLLOWS:

107.26 Existing Conditions of Utilities, Additional Right-of-Way, and Encroachments
Such existing conditions are as described below.

(a) Utilities

There is no known involvement of utility companies or organizations located within the project limits.

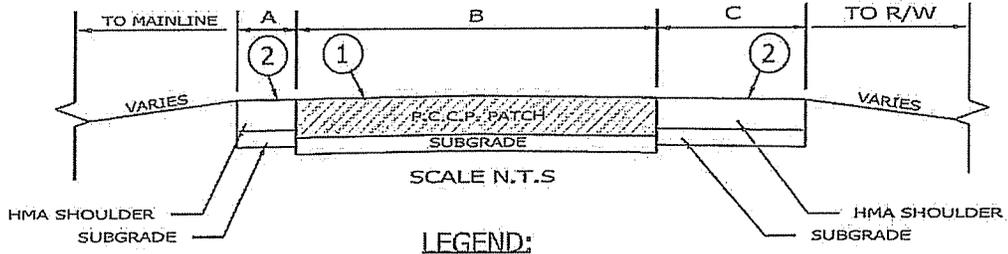
(b) Right-of-Way

There is no involvement of additional right-of-way for the contract.

(c) Encroachments

There is no involvement of encroachments for the contract.

SEYMOUR DISTRICT I-65 PAVEMENT REHABILITATION TYPICAL CROSS SECTIONS RAMPS



LEGEND:

- ① P.C.C.P. PATCHING, FULL DEPTH, ON SUBGRADE TREATMENT TYPE "IC"
SEE P.C.C.P. PATCHING DETAIL FOR ADDITIONAL INFORMATION
- ② 165 LBS/SYD HMA SURFACE, TYPE "D" ON 275 LBS/SYD HMA INTERMEDIATE, TYPE "D" ON 1210 LBS/SYD HMA BASE, TYPE "D" ON SUBGRADE TREATMENT TYPE "IC"
SEE HMA TEMPORARY TRAVEL LANE DETAIL FOR ADDITIONAL INFORMATION

STATION		A	B	C
RAMP "A"				
00+00	to	04+65	-	-
04+65	to	05+60	SEE APPROACH TABLE	
RAMP "B"				
00+00	to	00+82	SEE APPROACH TABLE	
00+82	to	05+50	-	8'
05+50	to	09+70	20'	8'
RAMP "C"				
00+00	to	02+19	20'	8'
02+19	to	05+08	-	8'
05+08	to	06+05	SEE APPROACH TABLE	
RAMP "D"				
00+00	to	00+80	SEE APPROACH TABLE	
00+80	to	05+70	-	-
05+70	to	07+40	-	-
RAMP "E"				
00+00	to	05+45	-	-
RAMP "F"				
00+00	to	09+95	-	-
RAMP "G"				
00+00	to	09+50	-	-
RAMP "H"				
00+00	to	08+80	-	-

NOTES:

1. LENGTHS ON TYPICAL CROSS SECTION TABLE INDICATE AREAS OF CONSTRUCTION FOR P.C.C.P. PATCHING AND TEMPORARY TRAVEL LANES.
2. SEE INTERCHANGE DETAILS FOR ADDITIONAL INFORMATION.

DESIGNED: SAG 04/14/2011	DRAWN: MLR 04/14/2011
CHECKED: CEA 04/14/2011	CHECKED: CEA 04/14/2011





MIDWEST NATURAL GAS CORPORATION
P.O. BOX 520
WASHINGTON, INDIANA 47501
812 254 5087

AUG 07 2012

INVOICE # 247A

July 31, 2012

Charge to: Gohman Asphalt & Construction
P O Box 2428
Clarksville, IN 47131

DES no. 1006431
Contract no R-33813A

We invoice you for the following to repair 4" gas main damaged on 7/11/12 at the Memphis
Blue Lick Road Overpass on I-65 ramp:

Materials	
93' 4" c/w pipe	\$ 1,256.24
16 3" plastic pipe	43.89
2 4" trans weld/bult	120.12
2 4" x 3" weld reducer XH	45.21
1 3/4" x 3/4" punch it tap tee	13.56
2 3" x 2" tap tee butt fusion	199.43
1 3/4" weld cap XH	3.61
2 2" butt fuslon caps	14.87
4' 3" tapecoat	88.00
2 3" electro-fusion coupling	36.39
Labor	
Regional manager 24 reg hours + 6 OT hours @ \$45/hour	1,485.00
Construction foreman 35 reg hours + 10 OT hours @ \$45/hour	2,250.00
Utility servicemen 93 reg hours + 107 OT hours @ \$35/hour	8,872.50
Office dispatch 50 reg hours + 7 OT hours @ \$25/hour	1,512.50
Equipment & Operator	
Kubota Mini Excavator 10 hours @ \$70/hour	700.00
Dump Truck 10 hours @ \$40/hour	400.00
3" Fusion Equipment 12 hours @ \$35/hour	420.00
Air compressor 12 hours @ \$35/day	35.00
Emergency Response Fee	100.00
Outside Contractor Labor	
As billed by contractor	1,190.00
Lost Gas	
See attached spreadsheet	643.36

Total Invoice \$ 19,429.68

Please use the enclosed envelope to make payment on or before August 31, 2012.

Midwest Natural Gas Corporation
 Cost of Lost Gas Calculation

			(D)			(P)
<u>Time</u>		<u>Hours</u>	<u>Orifice</u>	<u>Gauge</u>	<u>Atmospheric</u>	<u>Absolute</u>
12:00pm	12:45pm	0.7500	<u>Size</u>	<u>Pressure</u>	<u>Pressure</u>	<u>Pressure</u>
			1.9544	42	14.73	56.73

Formula: Quantity per hour $\frac{2}{D \times P}$

	<u>Orifice</u>			
	<u>Size</u>	<u>Absolute</u>	<u>Time in</u>	
	<u>Squared</u>	<u>Pressure</u>	<u>Hours</u>	<u>Mcf Lost</u>
	3.8196	56.73	0.75	162.51

	<u>Texas Gas</u>
Mcf	162.51
Btu Factor	<u>1.019</u>
MMBtu	<u><u>165.60</u></u>

NYMEX Pricing	\$	2.7740
Atmos Admin-Fee		0.0400
Pipeline Fee 2.80%		0.0613
Pipeline Volumetric Charge		0.0508
Demand/Reservation		<u>0.9589</u>
Total Cost	\$	<u><u>3.8850</u></u>

Cost of Lost Gas	\$	<u><u>643.36</u></u>
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INFORMATION REQUEST

State Form 54909 (2-12)

INDIANA UTILITY REGULATORY COMMISSION – PIPELINE SAFETY DIVISION

Case Number: 3453

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.

The Parties

Excavator Information:

Business Name: Gohman Asphalt & Construction Inc.

Responsible Party Personal Name: Ralph

Title (if any): Operator

Address (number and street): P.O. Box 2428

City, State and ZIP Code: Clarksville, IN 47131

Preferred Telephone Number (area code): 8122821349

Cellular Telephone Number (area code): _____

Email Address: N/A

Facility Information:

Business Name: Midwest Natural Gas Corp.

Responsible Party Personal Name: Terry Shafer

Title (if any): Regional Area Manager

Address (number and street): 1652 W. McClain Ave.

City, State and ZIP Code: Scottsburg, IN 47170

Preferred Telephone Number (area code): 812752220

Cellular Telephone Number (area code): 8125950633

Email Address: tshafer@midnatgas.com

Locator Service Information:

Business Name: Midwest Natural Gas Corp.

Responsible Party Personal Name: Tim Hall

Title (if any): Service Person

Address (number and street): 1652 W. McClain Ave.

City, State and ZIP Code: Scottsburg, IN 47170

Preferred Telephone Number (area code): 8127522230

Cellular Telephone Number (area code): 8122599282

Email Address: N/A

Cause of Damage Information

Type of Equipment (select one): Backhoe/Trackhoe

Type of Work Performed (select one): Road Work

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

Personal Contact: N/A

Business/Organization Name: N/A

Title (if any): N/A

Address (number and street): N/A

City, State and ZIP Code: N/A

Preferred Telephone Number (area code): N/A

Cellular Telephone Number (area code): N/A

Email Address: N/A

Utility Line Impact

Location of Damage:

Address (*number and street*): 1Bluelick Rd. @ I-65 exchange

City, State and ZIP Code: Memphis, IN 47143

Nearest Intersection: Crone Rd.

Product Type (*select one*): Natural Gas

Facility Type (*select one*): Distribution

Size (Diameter/etc.): 3"

Pressure (PSIG/Inches): 50

Interruption in Service: Yes No **Number of Customers Affected:** 175

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

Repair Cost (if known): \$ 19,429.68

Release of Product: Yes No

Ignition and/or Fire: Yes No

Excavator Notify 811: Yes No

Locate Information

Excavator Request Locate: Yes No

Indiana 811 Locate Ticket Number: 1207091796

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

Incident Impact Information

Number of Outpatient Treated: N/A

Number of Inpatient Treated: None

Number of Fatalities: None

Fire Department Response: Yes No

Police Department Response: Yes No

Ambulance Response: Yes No

Additional Information / Comments

Contractor attempted to use 30" hoe ram over the top of a clearly marked gas main. Contractor stated that INDOT utility coordinator had given a document stating ALL utilities were clear, however Midwest Natural Gas was not notified of this project through INDOT.

NARRATIVE STATEMENT

Your Pipeline Safety Division Case Number: 3453

Your Full Name: Terry Shafer

Full Name of Business / Entity (if applicable): Midwest Natural Gas Corp.

Your Business Title (if applicable): Regional Area Manager

Address (number and street): 1652 W. McClain Ave.

City: Scottsburg State: IN ZIP Code: 47170

Your E-mail Address: tshafer@midnatgas.com

Today's Date (month, day, year): 9/24/12

Your Signature: _____ Title (if any) Regional Area Mgr

Please return your Narrative Statement to:

Pipeline Safety Division – Case Number 3453
Indiana Utility Regulatory Commission
101 West Washington Street, 1500E
Indianapolis, IN 46204

Or scan the statement and Email to:

PipelineDamageCase@urc.in.gov