



Pipeline Safety Division Investigation Report

Investigation regarding: Traylor Construction

UPPAC Database Record ID: 1563

Investigator: Howard Friend

Telephone: (317) 232-2717

Report Date: 01/17/2012

Damage Date: 06/14/2010

Damage Address: 7573 S State Road 161

City: Huntingburg

County: Dubois

The Parties

Excavator: Traylor Construction
Commercial Business

Contact: Gary W Traylor, Owner

Address: 4417 S 3Rd St., P.O. Box 16, Velpen, In 47590

Telephone: (812) 354-2830

Facility Owner: Huntingburg Municipal Utilities

Contact: Greg Schmitt, Gas Crew Chief

Address: 508 N Van Buren Street, Huntingburg, IN 47542

Pipeline Facility

Facility Type: Natural Gas

Facility Function: Service/Drop

Pipeline Safety Division Investigation Report

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Damage Impact

Product release: Yes

Ignition: No

Service Interruption: Yes

Number of Customers Affected: 1

Injuries: 0

Fatalities: 0

Repair Cost (if known):

Excavator Activities

Indiana 811 Locate Request Number: NA

Excavation Equipment: Backhoe/Trackhoe

Nature of Excavation: Sewer (Sanitary/Storm)

Synopsis: Damage to 3/4' plastic natural gas service during work to install a septic system.

Findings: Reported by utility; excavator signed for initial notice on 09/19/2011. Excavator failed to provide notice of excavation; damage was caused by mechanized equipment.

Conclusion: Excavation occurred without notice and was damaged by mechanized equipment.

Violation: IC 8-1-26-16(g): Failure to provide notice of excavation.

Violation: IC 8-1-26-20(b): Failure to maintain two (2) feet clearance with mechanized equipment.

Traylor Construction has no other damage reports in the record.

NO

LOCATE

TICKET

PROVIDED

Information Request

Pipeline Safety Division Indiana Utility Regulatory Commission

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

The Parties:

Excavator Information:

Business Name: *N/A*

Responsible Party Personal Name: *GARY W. TRAYLOR*

Title (if any):

Address: *4477 S THIRD ST*

City, State Zip: *VELPEN IN. 47590*

Preferred Telephone: *812-354-2830*

Cell Phone Number: *N/A*

Email Address: *N/A*

Facility Information:

Business Name: *CITY OF HUNTINGBURG GAS UTILITY*

Responsible Party Personal Name: *GREG SCHMITT*

Title (if any): *GAS CREW CHIEF*

City, State, Zip: *HUNTINGBURG IN. 47542*

Address: *508 N VAN BUREN*

Preferred Telephone: *812-693-3622*

Cell Phone Number: *812-630-4934*

Email Address: *gschmitt@huntingburg-in.gov*

Locator Service Information:

Business Name:

Responsible Party Personal Name:

Title (if any):

Address:

City, State Zip:

Preferred Telephone:

Cell Phone Number:

Email Address:

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

Personal Contact:

Business/Organization Name:

Title (if any)

Address:

City, State, Zip

Preferred Telephone:

Cell Phone Number:

Email Address:

Utility Line Impact:

Product Type (circle one):

Natural Gas

Liquid Pipeline

Unknown/Other

Facility Type (circle one):

Distribution

Gathering

Service/Drop

Transmission

Unknown/Other

Size (Diameter/etc.): 3/4" PE

Pressure (PSIG/Inches): 30 PSI

Interruption in Service: Yes / No

Number of Customers Affected: 1

Evacuation: Yes / No

If yes, How Many Evacuated? _____

Repair Cost (if known): \$ N/A

Cause of Damage Information:

Type of Equipment (circle one):

Auger

Backhoe/Trackhoe

Boring /Drilling

Directional Drilling

Explosives

Farm Equipment

Grader/Scraper

Hand Tools

Milling Equipment

Probing Device

Trencher

Vacuum Equipment

Unknown/Other

Type of Work Performed (circle one):

- Agriculture
- Cable TV
- Curb/Sidewalk
- Bldg. Construction
- Bldg. Demolition
- Drainage
- Driveway
- Electric
- Engineering/Surveying
- Fencing
- Grading
- Irrigation
- Landscaping
- Liquid Pipeline
- Milling
- Natural Gas
- Pole
- Public Transit Authority
- Railroad Maintenance
- Road Work
- Sewer (Sanitary/Storm)**
- Site Development
- Steam
- Storm Drain/Culvert
- Street Light
- Telecommunications
- Traffic Signal
- Traffic Sign
- Water
- Waterway Improvement
- Unknown/Other

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: _____

Locate Marks Visible: Yes / No

Locate Marks Correct: Yes/No

Excavator "White Lined": Yes / No

Maps Used to Mark Facilities: Yes / No

508 NORTH VAN BUREN STREET
P.O. BOX 10
HUNTINGBURG, IN 47542
PHONE: 812-683-3622
FAX: 812-683-5102



Fax

To: William Boyd	From: Greg Schmitt
Fax: 317-233-2410	Pages: 5
Phone:	Date: 9-20-2011
Re:	CC:

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

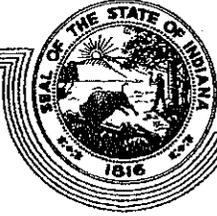
Case No. 1563

For additional information or questions you can e-mail me at gschmitt@huntingburg-in.gov or call the above number.

Thank You

Greg Schmitt

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
101 W. WASHINGTON STREET, SUITE 1500E
INDIANAPOLIS, INDIANA 46204-3407

<http://www.in.gov/iurc>
Office: (317) 232-2701
Facsimile: (317) 232-6758

September 16, 2011

Gary Traylor
P.O. Box 16
Velpen, IN 47590

Subject: Notice of Preliminary Determination of Violation

Date of Event: 6/14/2010

Event Location: 7573 S State Road 161, Huntingburg, Dubois County

Excavator: Gary Traylor

Facility Owner: City Of Huntingburg Gas Utility

Pipeline Safety Division Case No. 1563

To Whom It May Concern:

On behalf of the Indiana Utility Regulatory Commission ("Commission"), I am writing to inform you that information has been filed with our Pipeline Safety Division ("Pipeline Division") regarding an alleged violation of Indiana Code 8-1-26 ("I.C. 8-1-26"), the *Indiana Damage to Underground Facilities Act*. You are receiving this letter because you have been identified as the Respondent or responsible party.

The purpose of this statute is to promote excavation and pipeline safety and to reduce imminent danger to life, health, property, or loss of service associated with unsafe digging practices. Based upon the information received, the Pipeline Division is commencing an investigation into the event concerning you or your business. Please note that the investigation does not entail determining criminal liability or a civil determination of fault or damages; however, it does determine whether any statutory violations were committed regarding public safety.

Although the law was enacted in 1991, enforcement measures went into effect in July 2009. The Commission was tasked with completing a formal rulemaking on how to determine whether a violation occurred, as well as how the subsequent penalties should be determined. Due to the amount of time required for the rule to become effective and for the Underground Plant

RECEIVED

OCT 14 2011

INDIANA UTILITY
REGULATORY COMMISSION

Protection Advisory Committee to be appointed and convened, you are now receiving this notification. This means that your case will be handled according to the recently approved administrative rule, which can be found here: http://www.in.gov/iurc/files/rm0903_051111.pdf.

The Pipeline Division has preliminarily identified that the following statutory violation(s) may have occurred:

Property Damage Violations:

IC 8-1-26-16(g): Failure to provide notice of excavation.

Should you disagree with the aforementioned violation(s), you have an opportunity to file documentation in support of your position. In order for this information to be considered, you must provide a written response to each allegation(s) and provide written evidence (e.g., maps, photographs, narrative statements, or other evidence) within thirty (30) days of the date of this letter. If you do not respond or fail to provide additional evidence for the Pipeline Division to consider, your investigation will be closed. Findings will then be forwarded to the Underground Plant Protection Advisory Committee for a recommendation to the Commission on the appropriate penalty.

If you are a business entity, please provide your full personal name and business title, as well as your legal authority to represent the business in this matter. If you lack such authority or are mistakenly named as the Respondent, you must provide the identical information requested above on behalf of your business.

Pursuant to the statute, civil penalties may include:

1. A warning letter for homeowners/tenants who are first-time offenders regarding a violation in which no one was personally injured;
2. A civil penalty up to a maximum of ten thousand dollars (\$10,000.00);
3. Required participation of employees in a mandatory education and training program sponsored by the Commission; and/or
4. Required development of a plan to avoid future violations, which must receive approval.

Depending upon the individual circumstances of each case, any combination of the civil penalties may be reduced to a Consent Agreement between the Commission and the offender.

If you believe there are other parties or witnesses with relevant information for the Pipeline Safety Division to consider in its investigation, we request that you *immediately* provide their name, address, telephone number, and email address *in writing* to the Pipeline Safety Division. Because the investigation should be completed within sixty (60) days, any delay in providing additional persons to be contacted may result in the investigation being concluded without this additional source of information.

Please forward any documentation to the following address or, in the alternative, you may scan the materials and send them electronically. Also, please be sure to include your assigned Pipeline Division Case Number on all communications.

Materials should be completed and sent via mail or email:

Mail: Pipeline Safety Division – Case No. 1563
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 E
Indianapolis, IN 46204

Email: PipelineDamageCase@urc.in.gov

Included with this letter are the following documents: a *Summary of Procedures and Respondent's Rights* to assist in answering your questions; and an *Information Request* enclosure to assist in providing pertinent information regarding this investigation.

Should you have procedural or legal questions regarding the Underground Plant Protection Advisory Committee or the Indiana Utility Regulatory Commission, please contact David L. Welch, Assistant General Counsel, at (317) 234-4715. Should you have questions regarding the pipeline damage identified above, or our investigation, please contact me at (317) 232-2718. Thank you for your assistance.

Sincerely,



William Boyd
Director, Pipeline Safety Division

Enclosures: Summary of Procedures and Respondent's Rights
Information Request

Information Request

Pipeline Safety Division Indiana Utility Regulatory Commission

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

The Parties:

Excavator Information:

Business Name: TRaylor Construction
Responsible Party Personal Name: GARY W. TRAYLOR
Title (if any): owner
Address: P.O. Box 16 - 4477 S. 3RD. ST.
City, State Zip: Velper, IN 47590
Preferred Telephone: 812-354-2830
Cell Phone Number: 812-354-7864
Email Address: — none

Facility Information:

Business Name: City of Huntingburg Gas Utility
Responsible Party Personal Name:
Title (if any):
City, State, Zip: 508 N Van Buren, Huntingburg IN 47542
Address:
Preferred Telephone: 812-683-3622
Cell Phone Number:
Email Address:

Locator Service Information:

Business Name: —
Responsible Party Personal Name: Marcia Kuntz
Title (if any): Homeowner
Address: 7573 S. ST. Rd. 161
City, State Zip: Huntingburg IN 47542
Preferred Telephone: —
Cell Phone Number: —
Email Address: —

Type of Work Performed (circle one):

- Agriculture
- Cable TV
- Curb/Sidewalk
- Bldg. Construction
- Bldg. Demolition
- Drainage
- Driveway
- Electric
- Engineering/Surveying
- Fencing
- Grading
- Irrigation
- Landscaping
- Liquid Pipeline
- Milling
- Natural Gas
- Pole
- Public Transit Authority
- Railroad Maintenance
- Road Work
- Sewer (Sanitary/Storm) *Septic System*
- Site Development
- Steam
- Storm Drain/Culvert
- Street Light
- Telecommunications
- Traffic Signal
- Traffic Sign
- Water
- Waterway Improvement
- Unknown/Other

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: NOT KNOWN

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: None

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: This gas line was run up through the middle of the yard - Dug across it about 4 times without hitting it - On the 5th time hit it at about 13 inches deep. This occurred in a rural area - no one was hurt - when line was hit - It was kinked immediately - tape the line - waited for the City of Huntington to come - They came within 20-30 minutes. Fixed the line. We proceeded to finish septic system without any other problems.

Danny W. Taylor
Rolo Taylor

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

Personal Contact:

Business/Organization Name:

Title (if any)

Address:

City, State, Zip

Preferred Telephone:

Cell Phone Number:

Email Address:

Utility Line Impact:

Product Type (circle one):

Natural Gas

Liquid Pipeline

Unknown/Other

Facility Type (circle one):

Distribution

Gathering

Service/Drop

Transmission

Unknown/Other

Size (Diameter/etc.): 3/4"

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): \$ 100.00

Cause of Damage Information:

Type of Equipment (circle one):

Auger

Backhoe/Trackhoe

Boring /Drilling

Directional Drilling

Explosives

Farm Equipment

Grader/Scraper

Hand Tools

Milling Equipment

Probing Device

Trencher

Vacuum Equipment

Unknown/Other