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October 29, 2019

Tara Blondell  
LANGMAN CONSTRUCTION, INC.  
220 34<sup>th</sup> Avenue  
Rock Island, IL 61201

RE: One Call Violations – Clinton County

Dear Ms. Blondell:

It has come to our attention that on or about September 28, 2018, Langman Construction Inc. (“Langman Construction”) conducted excavations in Clinton County, along S 2<sup>nd</sup> Street in Clinton, Iowa, to install a water main. It was reported to our office that Langman Construction violated the “Iowa One Call” statute, Iowa Code chapter 480, by: 1) intentionally puncturing a gas line with a pocket knife to confirm whether a natural gas pipeline was active/inactive; 2) placing duct tape around the puncture mark; and 3) leaving the pipeline overnight without notifying Alliant Energy Company (“AEC”)—the owner of the pipeline.

In response to an investigation of this matter by the Iowa Utilities Board (“IUB”), Langman Construction admitted to puncturing the pipeline with a pocket knife but defended the conduct by arguing Alliant Energy Company (“AEC”) had erroneously marked the pipeline as inactive. Langman Construction stated that it believed using duct tape was an adequate method of closing the puncture area of the pipeline for a period of several days. In addition, Langman Construction stated that its employees have been previously instructed by AEC to use a drill on metal gas lines and a pin prick on plastic gas lines to see if the lines are active/inactive.

Intentionally poking holes in gas pipelines, even if they have been marked inactive, to confirm whether the pipeline is active/inactive is not only an extremely dangerous practice, it constitutes a violation of Iowa’s One Call statute. Puncturing a gas line to confirm whether it is active/inactive by any means, but especially using power tools, can have tragic results. Langman Construction is fortunate the aforementioned incident did not result in injury, or worse, to any Langman Construction employees, pipeline employees, or first responders. Langman Construction should contact the pipeline owner/operator or locating contractor to confirm the status of a line.

As stunned as the Iowa Attorney General's Office was upon learning of Langman Construction's practices to confirm active/inactive gas pipelines, Langman Construction's cavalier attitude towards the conduct was equally troubling. The following passage from Langman Construction's response to the IUB was particularly concerning: "Any claim that LCI attempted to conceal the pin prick of the plastic gas line is false. Just the opposite is true. LCI felt no guilt, responsibility or negligence in the pin prick to the gas line. It was done intentionally."


Failure to exercise due care in excavating in a marked area to avoid damaging underground facilities constitutes a violation of Iowa Code sections 480.1A and 480.4(3)(a)(1). Failure to timely notify the operator of an underground facility when damage occurs constitutes a violation of Iowa Code section 480.5. Iowa Code section 480.6(1)(a) authorizes the Attorney General to seek civil penalties up to a maximum of Ten Thousand Dollars (\$10,000) per day of each such violation involving natural gas pipelines. Iowa Code section 480.6(1)(b) authorizes the Attorney General to seek civil penalties up to a maximum of One Thousand Dollars (\$1,000) per day of each such violation to all other underground facilities. Injunctive relief is also authorized pursuant to Iowa Code section 480.7.

The purpose of this letter is to advise that the Iowa One Call statute must be strictly complied with. Failure to comply may result in judicial enforcement proceedings initiated by our office pursuant to Iowa Code sections 480.6 and 480.7.

This Office is aware of allegations Langman Construction raised about AEC's failure to accurately mark pipeline(s) as part of the project and is looking into the allegations.

Thank you for your attention to this matter.

Sincerely,



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