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November 9, 2017

Matthew Runge  
Agent for  
ON-TRACK CONSTRUCTION, LLC.  
880 Lake Shore Dr.  
Nevada, IA 50201

RE: One Call Violations – Story County

Dear Matthew:

It has come to our attention that On-Track Construction, LLC (“On-Track”), conducted a number of excavations during 2017, allegedly in violation of the “Iowa One Call” statute, Iowa Code chapter 480. It was reported to our office that On-Track’s excavation practices resulted in damage to underground natural gas pipelines owned or operated by Alliant Energy Company (“AEC”) on the following dates:

- 1) May 4, 2017: 123 8<sup>th</sup> Street, Nevada, Iowa;
- 2) May 4, 2017: 123 8<sup>th</sup> Street, Nevada, Iowa;
- 3) May 8, 2017: 706 E Ave., Nevada, Iowa;
- 4) May 16, 2017: 7<sup>th</sup> Street and C Ave., Nevada, Iowa;
- 5) July 31, 2017: 4<sup>th</sup> Street and E Ave., Nevada, Iowa; and
- 6) October 2, 2017: 835 6<sup>th</sup> Street, Nevada, Iowa.

Although On-Track had placed timely locate requests for these excavations, On-Track failed to exercise due care in excavating in the marked areas to avoid damaging underground facilities and/or hand dig test holes to determine the exact location of marked underground facilities during these excavations. In many instances, On-Track failed to maintain marks during the excavation or proceeded to use heavy equipment (a backhoe) within the “tolerance zone” of a marked underground natural gas pipeline without verifying the depth of the pipeline, and as a result, hit and severed the natural gas pipeline. Iowa One Call’s “Excavators Manual” provides that:

Excavators should observe this tolerance zone and take precautionary measures to avoid encountering underground facilities when excavating near or within this area. When excavations take place within the tolerance zone, excavators should hand-dig test holes to determine the location of the underground facilities. No equipment or machinery, other than accepted procedures, such as vacuum excavation, should be used for exposing underground facilities within the tolerance zone.

(Available at <http://www.iowaonecall.com/contractors/>, p. 33.)

As I am sure you are well aware, striking and damaging natural gas pipelines can have tragic results. On-Track is fortunate that none of the aforementioned incidents resulted in injury, or worse, to any On-Track employees, AEC employees, or first responders.

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). The Iowa One Call statute also provides that where the operator of an underground facility believes the planned excavation requires that the precise location of the underground facility be determined, the excavator shall hand dig test holes to determine the location of the facilities unless the operator specifies an alternate method. *See* Iowa Code section 480.4(3)(a)(1). 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. 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.

Thank you for your attention to this matter.

Sincerely,



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