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December 27, 2018

Robert Rathje
President
RATHJE CONSTRUCTION CO.
305 44th Street
Marion, Iowa 52302

RE: One Call Violations – Linn County

Dear Mr. Rathje:

It has come to our attention that on or about May 1, 2017, Rathje Construction Co. (“Rathje”) conducted excavations at 100 Center Point Road in Hiawatha, Iowa, for road construction, allegedly in violation of the “Iowa One Call” statute, Iowa Code chapter 480. It was reported to our office that Rathje’s excavation practices resulted in damage to a Mediacom communications line.

Although Rathje had placed a locate request for the excavation and the location of the communications line had been located and marked, Rathje failed to exercise due care in excavating in the marked area to avoid damaging underground facilities or failed to hand dig test holes to determine the exact location of marked underground facilities during this excavation. 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/iowaexcavatormanual-web/>, p. 29).

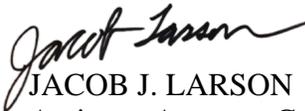
As I am sure you are well aware, striking and damaging underground facilities can have tragic results. Rathje is fortunate the aforementioned incident did not result in injury, or worse, to any of its employees or any Mediacom employees or agents.

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. 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.

Thank you for your attention to this matter.

Sincerely,



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