

**Formstack Submission For: [South Dakota One Call Complaint Form](#)**

Submitted at 11/29/23 11:16 AM

<b>Complaint filed on behalf of or by:</b>	HAIDER CONSTRUCTION, INC.
<b>Contact Person:</b>	JUSTIN HAIDER
<b>Phone Number:</b>	(605) 460-2767
<b>Ext:</b>	
<b>Name or Company Name:</b>	HAIDER CONSTRUCTION, INC.
<b>Street Address or PO Box:</b>	38644 US HWY 212 REDFIELD, SD 57469
<b>Fax:</b>	
<b>Email:</b>	<a href="mailto:haiderconstructioninc@hotmail.com">haiderconstructioninc@hotmail.com</a>
<b>Date:</b>	Nov 29, 2023
<b>Name of excavator / facility operator:</b>	FARMERS OIL CO/ELEVATOR
<b>Phone:</b>	(605) 392-2424
<b>Ext:</b>	
<b>Name or Company Name:</b>	FARMERS OIL CO/ELEVATOR
<b>Street Address or PO Box:</b>	108 WINTER ST ORIENT, SD 57467
<b>Fax:</b>	

Email:

[haiderconstructioninc@hotmail.com](mailto:haiderconstructioninc@hotmail.com)

Is this party aware of your allegations?:

Yes

**The South Dakota One Call Board expects communication to occur between both parties before filing complaints. Please provide details of who you spoke with, including the date and time, and what was discussed.:**

LOUIE ARNS WITH FARMERS OIL CO. CALLED ME ON 11/15 @ 12:42PM AND HE ASKED ME IF I KNEW ANYTHING ABOUT 811 AND CALLING IN LOCATES. I EXPLAINED THAT I HAVE BEEN IN BUSINESS FOR 20 YEARS, SO YES, I DO KNOW ABOUT 811. HE THEN ASKED IF I LISTENED TO THEIR FULL MESSAGE OR IF I PUSHED '3' TO BYPASS IT. I EXPLAINED THAT WE CAN'T NOT HIT UTILITIES/ETC. THAT WE DON'T KNOW EXIST. I THEN EXPLAINED THAT IF PRIVATE UTILITIES ARE LOCATED IN A PUBLIC RIGHT-OF-WAY THEY NEED TO BE REGISTERED WITH 811. HE PROCEEDED TO TELL ME THAT THIS WAS MY FAULT AND HE THAT HE IS GOING TO TAKE ME TO COURT. I THEN SAID SEE YOU IN COURT. THAT WAS THE END OF THE CONVERSATION.

I THEN CALLED 811 AND SPOKE WITH THE EXECUTIVE DIRECTOR, CODI GREGG, AND EXPLAINED THE SITUATION. SHE EMAILED ME THE SOUTH DAKOTA STATE LAWS PERTAINING TO PRIVATE UTILITIES.

**Statutory Violations:**

49-7A-15. Owners and operators of underground facilities required to register with one call notification system.

Any person owning or operating underground facilities, including a farm tap customer owning a farm tap distribution system, which serves third parties or which crosses a property line or is located in a public highway shall register with the one call notification system as an operator pursuant to this chapter.

**Other information to support your position:**

THE REASON FOR THIS COMPLAINT IS THAT I WANT THESE PRIVATE UTILITIES, THAT ARE IN THE PUBLIC RIGHT OF WAY, TO BE REGISTERED WITH 811. SO IN

THE FUTURE ANOTHER CONTRACTOR OR SOMEONE ELSE DOESN'T GET INJURED OR KILLED.

**Street Address / location of alleged violation:**

INTERSECTION OF 355TH & 172ND ST  
ORIENT, SD

**Date of alleged violation:**

Nov 01, 2023

**Time of alleged violation:**

10:00 AM

**Describe your allegation:**

Damage to underground gasoline & control line. I was hired by Northwestern Energy to install lines. I had called in a locate ticket and all utilities were marked. During excavation we struck a private underground gasoline and control line that ran from tanks on the south side of the highway to the gas station on the north side of the highway. I had no way to know the lines were there as they were private lines and not registered with 811.

**Do you believe the alleged violation to be intentional?:**

No

**Why or why not?:**

I don't believe it was intentional and believe it was an oversight. I don't think they realized the proper laws and that they needed to be registered with 811.

**Was a locate requested from SD One Call?:**

Yes

**Locate ticket #:**

2329080666 & 2329080675

**Start Date on Ticket:**

Oct 18, 2023

**Start time on ticket:**

08:15 AM

**Did the excavator wait until the start date / time on the ticket before commencing excavation?:**

Yes

If no or not sure, when did excavation begin (date)?:

If no or not sure, when did excavation begin (time)?:

Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?: Yes

Explain:

Everything that was located by 811 was properly marked and excavated around, except the private utilities that were not located/marked.

Were buried facilities exposed by hand or non-invasive equipment prior to excavation?: No

Were facilities marked?: No

Was the marking complete prior to the start time on the ticket?: No

Did the excavator pre-mark with white paint?: Yes

Was the facility marked accurately (within 18 inches)?: No

Did the excavator use reasonable care to maintain locate marks for the life of project?: Yes

Type of facility involved: Gas & Control Line

<b>Operator of facility (if known):</b>	Farmers Oil Co
<b>Operator address (Street or PO Box):</b>	108 Winter St Orient, SD 57467
<b>Operator Phone:</b>	(605) 392-2424
<b>Depth of Cover (If unsure put N/A):</b>	3.5'
<b>Pressure (If none, write none):</b>	none
<b>Voltage (If none, write none):</b>	none
<b># of cable pairs (If none, write none):</b>	none
<b>Was the facility damaged?:</b>	Yes
<b>If yes, provide detail and an estimate of damage.:</b>	Vibratory plow hit gas & control line.
<b>Were damages on public right of way or private property?:</b>	Public
<b>Was anyone injured as a result of facility damage?:</b>	No
<b>If yes, provide detail.:</b>	
<b>Length of hospitalization:</b>	
<b>Were there fatalities?:</b>	No
<b>If yes, provide detail.:</b>	

**Was operator service affected? :** Yes

**If yes, provide detail (how many customers for how long).:** Gas pumps do not work.

**Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?:** No

**If No, why not?:** I did not call 811 because it was an unmarked private utility.

**Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?:** Yes

**If No, why not?:**

**Was there an escape of any flammable, toxic, or corrosive gas or liquid?:** No

**If Yes, but if 911 was not called, or if you don't know, explain why.:**

**Please provide a Fire Department or Emergency Services incident report, if available :** Not Available

**Attachment:**

**Attachment Information: File names should not include symbols. Example:( \$, &, \*,** [View File](#)

**%.) etc. If submitting multiple files, please zip all files into one folder.:**