



**TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on May 24, 2017**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 11:51 a.m. in the Ground Floor Meeting Room of 500 Deaderick Street, Nashville, Tennessee 37243.

Executive Committee Members Present:

Bob Lambert
Steven Raper, by telephone
Kevin Tubberville, Chairman

Tennessee 811 Members Present:

Craig Ingram
Bill Turner

TPUC Staff Present:

Stacy Balthrop
Jaclyn Hammons
Slayde Warren
Aaron Conklin
Ryan McGehee
Sharla Dillon

Sharla Dillon opened the meeting, and the Committee considered the Minutes of the meetings of March 29, 2017 and April 26, 2017. There were no corrections, and the Minutes from both meetings were approved on a voice vote.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

16-0006 –

Alleged Violator: Alfredo Ortiz, AOR Concrete

Complainant: Atmos Energy

Root Cause: no notification to Tennessee 811 before excavating

Facts: Mr. Ortiz admitted to the violation, but there was no clarification of whether he was driving the stakes for concrete form work, which typically does not require mechanized equipment, or if he was excavating for the pad and using mechanized equipment. Attempts to reach Mr. Ortiz for clarification were unsuccessful.

Finding: training for Mr. Ortiz

16-0013 –

Alleged Violator: Cambridge Swinerton and/or Titan Electric

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: unknown

Root Cause: no notification to Tennessee 811 before excavating

Facts: Titan Electric reported that this was a very large project that ran for months at a time and that they have no record of causing the damage. Cambridge Swinerton was aware of the damage but stated that Titan Electric, as contractor for the job, was responsible. Each company was pointing the finger at the other. The Cambridge project manager was Ben Schoch, and the Titan respondent was Josh Boling. No current 811 tickets could be found for this large project. Mr. Boling, with Titan Electric, stated that if they have no record of having caused the damage, then they do not need training.

Recommendation: training – at the will of the Committee

Finding: training for Mr. Boling of Titan Electric and Mr. Schoch of Cambridge Swinerton, or a representative from their organization

16-0024 –

Alleged Violator: Glen Tice, Master Plumbing

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: trencher

Root Cause: there was a locate ticket; no notification made to Tennessee 811 prior to excavation

Facts: This was an emergency locate after damage.

Finding: training for Mr. Tice and field personnel

16-0037 –

Alleged Violator: Michael Vaughn, independent contractor

Complainant: Atmos Energy

Equipment Used: backhoe

Root Cause: failure to hand dig in the tolerance zone using reasonable care

Facts: Several unsuccessful attempts were made to discuss this complaint with Mr. Vaughn, including phone calls and sending a certified letter to his residence. It was verified that a backhoe was used, but there was no information with which to contradict the alleged violation.

Recommendation: training

Finding: training for Mr. Vaughn

17-0001 –

Alleged Violator: Leffew Dirt Works and Services

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: backhoe or trackhoe

Root Cause: no notification made to Tennessee 811 prior to excavating

Facts: Jason Leffew stated that he loaned the equipment to Tommy Broch and that no one from Leffew was operating the equipment. Mr. Broch called in an emergency locate ticket on the date of the damage and stated that the damage had already occurred. Mr. Broch identified a crew member of Mr. Leffew's, someone named Brad, as the person operating the equipment. Mr. Leffew has not responded to any notices of alleged violation.

Recommendation: training for Jason Leffew and Brad

Finding: training for Jason Leffew and Brad

17-0009 –

Alleged Violator: Tim Tinnin, B&T Landscaping

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: Bambi Bucket, or mini excavator

Root Cause: there was no locate ticket; dumping gravel on top of a facility with mechanized equipment without due care

Facts: B&T was tasked with backfilling a ditch with gravel. They did not dig the ditch and thus did no underground excavation.

Finding: no violation

17-0012 –

Alleged Violator: David Salts, David Salts Plumbing

Complainant: Atmos Energy

Root Cause: no notification made to Tennessee 811 before excavating

Facts: Mr. Salts admitted that he did the damage and that there was no notification.

Finding: 1st violation training for Mr. Salts

17-0017 –

Alleged Violator: Mark Glass, Alpine Plumbing

Complainant: Atmos Energy

Facility Type: gas

Equipment Used: backhoe

Root Cause: there was a locate ticket; failure to hand expose in the tolerance zone

Finding: 1st violation training for Mr. Glass

17-0025 –

Alleged Violator: Tommy Krantz, Precision Plumbing

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: backhoe

Root Cause: there was a locate ticket; failure to use reasonable care in the tolerance zone

Facts: Mr. Krantz stated that he could clearly see the box for the utilities and that the lines were not located in the area where he was excavating. He had no reason to believe that the lines would have been moved.

Finding: no violation – there was no indication that anything was marked

17-0039 –

Alleged Violator: Justin Groves, K&J Associates

Complainant: Atmos Energy

Root Cause: failure to notify before excavating

Facts: Mr. Groves did admit to the violation.

Finding: training for Mr. Groves

17-0040 –

Alleged Violator: Metro Plumbing Heating & Air d/b/a Metro Sewer & Drain, Inc.

Complainant: USIC

Root Cause: there was a locate ticket; excavator reported a false emergency for a locate

Facts: Ms. Hardin with Metro Sewer & Drain stated that they only call in an emergency locate if there is feces in the home or it's a health hazard, and she was familiar with the law concerning emergency locates.

Finding: no violation – this is definitely cause for an emergency locate and does meet the law for that

17-0042 –

Alleged Violator: Metro Sewer & Drain, Inc.

Complainant: USIC

Root Cause: there was a locate ticket; excavator reported a false emergency for a locate

Finding: no violation – this is another sewer situation and still meets the criteria for an emergency locate

17-0044 –

Alleged Violator: Metro Sewer & Drain, Inc.

Complainant: USIC

Root Cause: there was a locate ticket; excavator reported a false emergency for a locate

Finding: no violation – this was another sewer situation inside the home

17-0052 –

Alleged Violator: Javier Garcia, Flautt Construction

Complainant: Atmos Energy

Root Cause: no notification made to Tennessee 811 before excavating

Facts: Mr. Flautt confirmed that Mr. Garcia was the excavator.

Finding: 1st violation training for Mr. Flautt and Mr. Garcia

17-0053 –

Alleged Violator: Memphis Light Gas & Water

Complainant: OSP on behalf of Comcast

Facility Type: cable

Equipment Used: backhoe

Root Cause: there was a locate ticket; using mechanized equipment in the tolerance zone

Facts: There was a locate ticket, plenty of time between the ticket request to the date of alleged damage, and no apparent locate marks.

Finding: no violation

17-0063 –

Alleged Violator: Metro Sewer & Drain, Inc:

Complainant: USIC

Root Cause: there was a locate ticket; excavating and demolishing outside the requested locate area

Facts: The locate request was for both sides of a duplex, but only one side was marked.

Finding: no violation – they didn't comply with the locate request

17-0064 –

Alleged Violator: David Smith, D&M Underground

Complainant: Atmos Energy

Root Cause: failure to hand dig in the tolerance zone, reasonable care

Finding: 1st violation training for Mr. Smith

17-0065 –

Alleged Violator: Glenn Effler, Effler Construction

Complainant: Atmos Energy

Root Cause: no notification to Tennessee 811 prior to excavating

Finding: 1st violation training for Mr. Effler

17-0076 –

Alleged Violator: Robert Gower, Regent Homes

Complainant: a homeowner

Facility Type: cable

Equipment Used: tractor

Root Cause: there was a locate ticket; no notification to Tennessee 811 prior to excavation

Facts: The locate information says it is for a row of ten townhomes that are side by side and to mark the entire property. The cable at this existing property was being replaced with new cable, and since the homeowner's cable went out she assumed it was because of the excavation. There wasn't actually any damage.

Finding: no violation

17-0078 –

Alleged Violator: John French, Southland Landscaping

Complainant: Comcast

Facility Type: cable

Equipment Used: backhoe

Root Cause: no notification made to Tennessee 811 before excavating

Facts: Mr. French stated that they were not excavating and that the cable wasn't buried correctly. He said he was cleaning the drainage system for this apartment complex to keep it from flooding, and he was using a backhoe to remove debris. Mr. French said the cable was running along the ditch line. Slayde Warren stated that Comcast submitted photos which showed the cable running along the top of the ground and also stated that Mr. French continually maintained that he was not excavating but was just cleaning out the debris on top of the rocks, or riprap.

Recommendation: at the discretion of the Committee

Finding: no violation – insufficient evidence to indicate the cable was buried

17-0082 –

Alleged Violator: Johnny Jones, a homeowner

Complainant: Dyersburg Gas System

Facility Type: gas

Equipment Used: per alleged violator, a shovel; per complainant, a backhoe

Root Cause: there was no locate ticket; no notification made to Tennessee 811 prior to excavation

Facts: The homeowner's wife stated that Mr. Jones was using a shovel, not a backhoe, to dig a small trench in their front yard when he accidentally hit the gas line. She reported the incident and stated that they take full responsibility for the incident and are working with Dyersburg Gas. Dyersburg Gas filed an incident report which indicated the line was hit by a backhoe.

Bob Lambert inquired if there were any photos and stated that he would like to send this complaint back for further investigation

Finding: hold for further review

17-0093 –

Alleged Violator: Wayne Vincent, Trent Enterprise

Complainant: Atmos Energy

Root Cause: failure to notify Tennessee One Call

Finding: 1st violation training for Mr. Vincent

Aaron Conklin asked the Committee to take another look at 17-0009, a complaint regarding backfilling a ditch with gravel. Mr. Conklin stated that after looking again at the statute regarding excavation, which includes backfilling, he believed this complaint fits the definition. A discussion followed during which the Committee took another look at pictures of the damaged area and decided it didn't look as though the damage was caused by gravel. They upheld their decision of no violation.

The Executive Committee meeting adjourned at 12:49 p.m.