

Landmark Installations HDD, LLC

Attn : Jonathan Gardner

4516 S 700 E

Murray City, UT 84107



Rebuttals to 5 Claims Made by Taylorsville Bennion Presented by Tokio Marine HCC - Public Risk Group Grundy Utilities Program

Claim 1:

Our investigation determined that Taylorsville-Bennion Improvement District followed proper procedures while marking the underground water line.

Rebuttal to claim:

Taylorsville Bennion notification of area being marked.

TBIMP TAYLORSVILLE-BENNION I.D.
07/09/21 10:00:13
200 - MARKED
SEWER & CULINARY WATER
RCVR CONTACT: MARSHALL CRABTREE 801-968-9081

Utah Code 54-8A-5 Marking of underground facilities states:

54-8a-5 Marking of underground facilities.

(1)

- (a) Within 48 hours of the receipt of the notice required by Section 54-8a-4, the operator shall:
 - (i) mark the location of its underground facilities in the area of the proposed excavation; or
 - (ii) notify the excavator, by telephonic or electronic message or indication at the excavation site, that the operator does not have any underground facility in the area of the proposed excavation.
- (b) The underground facility shall be marked using as a guideline the then-existing Uniform ColorCode and Marking Guidelines, Appendix B, published by the Common Ground Alliance(CGA), as amended in the current version of the excavators' guide published by the statewide association established in Section 54-8a-9.

54-8a-5 Marking of underground facilities Section a-(i) states

- (i) Mark the location of its underground facilities in the area of the proposed excavation
 - Taylorsville Bennion owned the utility line regardless of whether it is active or abandoned. This line should be marked according to law.

54-8a-5 Marking of underground facilities Section B states

- (B) The underground facility shall be marked using as a guideline the then-existing Uniform ColorCode and Marking Guidelines, Appendix B, published by the Common Ground Alliance (CGA),
 - Violated CGA Guide Lines by Taylorsville Bennion
 - 4.10 Marking Multiple Facilities in the same Trench
 - 4.11 Abandoned Facilities
 - 4-3 Locating and Marking

Claim 2

Taylorsville-Bennion Improvement District had indicated the existing active line and are not required to mark any abandoned lines.

Rebuttal to claim:

54-8a-5 Marking of underground facilities Section a-(i) states

(i) Mark the location of its underground facilities in the area of the proposed excavation

- Taylorsville Bennion owned the utility line regardless of whether it is active or abandoned. This line should be marked according to law.
- The abandoned line was within 24 inches of the marking on the ground
- CGA Guideline 4.11 Abandoned Facilities states an abandoned line should be treated as an active line
- The abandoned line was more shallow than the active line, making the abandoned line more likely to locate than the active line in the pothole.
- Landmark had every right to assume this line was the active line Per CGA Guidelines
- The image below shows the abandoned line within 24" of the active line. The images also show the line is at a shallower depth than the active line, making it more likely to be located than the active line when potholing.
- Please provide Taylorsville Bennion's reasoning behind destroying this abandoned line before measurements could be taken. What was the purpose of this?



Claim 3

Our investigation shows that Landmark, did not properly inspect the depth of the active water line before they started to bore into the ground Landmark located the water line at 52" at their initial pothole, but they moved away from the pothole to bore. When they moved away from the pothole, they should have properly inspected the active water line again to see if the depths have changed.

Rebuttal to claim:

Utility Law 54-8a-5.5 Determining the precise location of marked underground facilities states

(1) An excavator may not use any power-operated or power-driven excavating or boring equipment **within 24 inches of** the markings made in accordance with Section 54-8a-5 unless:

the excavator determines the exact location of the underground facility by excavating with hand tools to confirm that the excavation will not damage the underground facilities

- See image below: Landmarks pothole was well with in the 24" s of our running line.

This is a photo showing the above statement is false. The pothole is well within range to bore directly beneath the potholed line



Claim 4

The abandoned water line did not connect nor was it on top/bottom/side of the active water line. Those 2 lines did not touch at all, so any allegation that there should have been a double mark is incorrect.

Rebuttal to claim:

This claim has no merit, the abandoned line was within the proposed excavation area stated in code 54-8a-5 Marking of underground facilities Section a-(i).

- **54-8a-5 Marking of underground facilities Section a-(i) states**
 - (i) **Mark the location of its underground facilities in the area of the proposed excavation**
 - Taylorsville Bennion owned the utility line regardless of whether it is active or abandoned. This line should be marked according to law.
 - This line was within 24 inches of the marked utility as such should have been treated as the active utility. See (Utility Law 54-8a-5.5 Determining the precise location of marked underground facilities CGA Guideline 4.11 Abandoned Facilities mentioned in **54-8a-5 Marking of underground facilities Section B**
 - The line may not have been directly touching the active line but was within the 24" utility window resting above and slightly west of the active line making it more likely to be discovered than the active line resting deeper within the ground.

Claim 5

Landmark did not notice any asphalt coming out of the ground while they were digging and only noticed asphalt after the incident. This allegation does not hold any proof that it was left there when the active line was installed by Taylorsville-Bennion Improvement District. It is feasible that asphalt had fallen into the hole as it was being dug out after Landmark caused the water damage.

Rebuttal to claim:

As indicated in the timeline, based on events, incident reports along with statements given by the crew on-site that day.

Statement given by drill operator: Landmark's drill operator proceeded to pass the one marked waterline when the drill indicated it was being forced down, shortly after the water line burst:

- This is an indication of hard materials in the ground. It also indicates that the material was large enough to bend a drill rod that requires thousands of pounds of force to bend the rod.
- Below are photos, of Taylorsville Bennion, excavated large pieces of asphalt using a hydro-vac. As you can see these pieces were buried long before the incident an image also shows the drill head pushed out the same location of the large piece of asphalt
- Please address the improper installation of the thrust block

This asphalt piece was resting beneath/next to the abandoned line see prior image of abandoned line

Image of the area before asphalt was excavated. All existing and surrounding asphalt had already been removed from the area to repair a coating on a gas line.



Below are images of Taylorsville Bennion removing the buried asphalt discovered after the asphalt from the road had already been removed. If video evidence is needed we can send it over.





Image of large piece of asphalt in the same location, the drill head was pushing.

