

**IOWA 811**

**ONE CALL**

The Official Newsletter of Iowa One Call

Vol. 25, No. 1.

# Excavator

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# WHAT'S UP BELOW



## IA Attorney General Files Seven New “One Call” Violation Lawsuits

On February 20, 2017, Iowa Attorney General Tom Miller filed seven lawsuits in five counties over alleged violations of the “Iowa One Call” law. All seven defendants are alleged to have violated Iowa Code chapter 480 by conducting illegal excavations that resulted in damages to underground natural gas facilities. Four of the lawsuits have been resolved through legal proceedings, or with agreements pending. Civil penalties for violations involving underground natural gas or hazardous liquids facilities may reach as high as ten thousand dollars for each violation for each day the violation continued, up to five hundred thousand dollars.



### CALHOUN COUNTY

A lawsuit filed in Calhoun County District Court on May 12, 2016 alleges that during routine aerial surveillance by Northern Natural Gas Company the excavator, Ag Repair LLC, was observed excavating as part of a drainage tile project in rural Calhoun County. Upon investigating the incident, Northern Natural Gas found that Ag Repair LLC had struck and damaged a four-inch underground natural gas pipeline. The damage caused by the excavator resulted in the replacement of a 43-foot section of pipeline at an approximate cost of \$100,000, of which the excavator may be liable.

The excavator/defendant is being cited for three violations of Iowa Code chapter 480:

- Failure to provide Iowa One Call with 48-hours notice of the planned excavation.
- Conducting an excavation within 25-feet of a natural gas transmission pipeline without having a representative of the pipeline present.
- Failure to notify the operator of the damaged pipeline of the damage incurred.

The lawsuit seeks unspecified damages and a court ordered injunction barring Ag Repair LLC from any further violations of the “Iowa One Call” law.

### DICKINSON COUNTY

According to a lawsuit filed in Dickinson County District Court, Lynde Construction Inc., of Sioux Falls, South Dakota, hit and damaged a two-inch underground natural gas pipeline owned by Black Hills Energy while conducting excavations during a drainage tiling project in Arnolds Park on April 4, 2016. The excavation allegedly took place only a few feet away from a permanent natural gas pipeline marker.

The excavator, Lynde Construction Inc., is being cited for failure to notify Iowa One Call with 48-hours notice of the planned excavation.

The lawsuit seeks unspecified damages and a court ordered injunction barring the excavator from further violating the “Iowa One Call” law.

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### **LEE COUNTY**

In January of 2016, a lawsuit was filed in Lee County District Court against Washington, Iowa contractor, DeLong Construction. According to the lawsuit, DeLong Construction was excavating as part of a ditch cleaning project in Lee County, when a 12-inch diameter natural gas pipeline was struck and damaged. As part of a consent decree agreement approved and ordered by Judge John M Wright, DeLong Construction admitted responsibility for the violations and agreed to pay a \$7,000 penalty and agreed - via a court ordered injunction - not to violate the “Iowa One Call” law in the future.

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### **MARION COUNTY**

Attorney General Miller filed three lawsuits in Marion County, all of which have been tentatively resolved through proposed consent decrees:

#### **KMA Development LLC, dba KMA Trucking & Excavating**

According to the lawsuit, on August 7, 2015, KMA Development LLC, doing business as KMA Trucking & Excavating, of Princeton, Iowa, damaged a one-inch diameter natural gas line in Knoxville, Iowa, during an excavation project to plant trees.

As part of a consent decree agreement approved and ordered by District Judge Terry Rickers, KMA admitted responsibility for the violations and agreed to pay a \$5,000 penalty and agreed - via a court ordered injunction - not to violate the “Iowa One Call” law in the future.

#### **Koopman Roofing Inc., dba Hopkins Roofing Inc**

A lawsuit filed on March 23, 2016 alleges that Koopman Roofing Inc., doing business as Hopkins Roofing Inc., of Pella, Iowa, struck and damaged an underground natural gas line while conducting an excavation to lower the same natural gas line.

Through a consent decree agreement approved by District Court Judge Terry Rickers, Hopkins Roofing Inc., admitted responsibility for the violations and agreed to pay a \$3000 Penalty and agreed - via a court ordered injunction - not to violate the “Iowa One Call” law in the future.

#### **Peterson Tiling & Excavating LLC**

A lawsuit filed on February 1, 2016 alleges that Peterson Tiling & Excavating LLC, of Pella, Iowa, while conducting an excavation as part of a drainage tile installation in Pella, struck and damaged an underground natural gas line.

Through a consent decree agreement approved by District Court Judge Terry Rickers, Peterson Tiling & Excavating LLC admitted responsibility for the violations and agreed to pay a \$3000 Penalty and agreed - via a court ordered injunction - not to violate the “Iowa One Call” law in the future.

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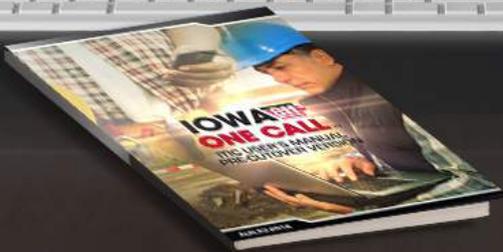
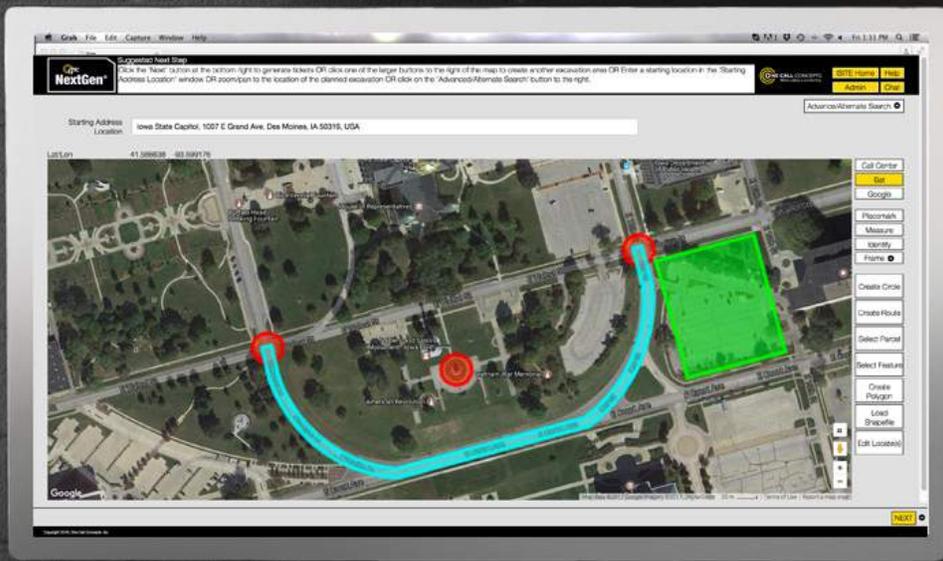
### **SIoux COUNTY**

A lawsuit filed by Attorney General Miller in Sioux County District Court on May 5, 2016, alleges that Steve Doorenboos, of Boyden, Iowa, while using excavating equipment to perform an excavation to install drainage tile in Boyden, struck and damaged an underground natural gas line. As a result of the incident, the city of Boyden lost access to natural gas services.

The lawsuit seeks unspecified damages and a court ordered injunction barring the excavator from further “Iowa One Call” violations.



# ITIC NEXTGEN IS **NOW AVAILABLE!**



We think you'll like the new workflow and features built into NextGen. Find out for yourself! This product is still in development, and we welcome any feedback.

If you have any problems or questions, please email us at [iaload@occinc.com](mailto:iaload@occinc.com)

### Some of the New Features Include:

- Unlimited Tickets per Session
- Precision Mapping Tools
- Customized Group Ticketing
- Tutorial Videos
- Quickstart Manual
- Smart Auto-Fill Fields
- Live Chat Support



# A REVOLUTION IN ONLINE TICKETING SOFTWARE

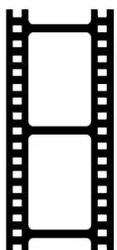
ITIC Online Ticket Entry has become the method of choice to submit locate requests by an ever-growing number of excavators who prefer to use the web instead of the phone to file tickets. As the one call service provider for Iowa One Call, One Call Concepts (OCC) is determined to build on the success of ITIC. In March 2017, OCC implemented the next evolution of ITIC software in Iowa. ITIC NextGen was designed with both the excavator and facility operator in mind. It streamlines many of the tasks required to file tickets online. NextGen provides precise control and maximum flexibility over the mapping process. Users save time and effort and improve ticket quality by using this tool.

## NextGen features include:

- **Usability:** It is very easy to navigate through pages. Drop downs and fill-in fields help to insure the user provides all necessary details.
- **User-Created Profiles:** NextGen Users can create templates that will auto-fill data fields during the ticket submission process. Templates help users save time when filing multiple locate requests of a similar nature, or in a similar area.
- **Automated Ticket Generation:** One of the biggest advances over any existing ticket input platform is NextGen's ability to translate a notification center's base map data into the text required to complete a ticket. All previous ticket input systems require users to key in the details of their work site (such as the county, city, and street names) before a ticket can be mapped. NextGen users can concentrate on accurately identifying their work location on a map and the system extracts the required text information to correlate with the map drawn. The transmitted ticket carries a link that will allow locators to view an interactive map of the proposed excavation area complete with the specific area identified by the excavator. We encourage locating firms to provide the necessary resources to allow their locators to view this mapping in the field because the ticket wording and the map must be read together to fully understand the excavator's plans and avoid confusion.

- **Filing an Unlimited Number of Tickets:** NextGen users can map out multiple dig sites in one session, and the software automatically divides (or combines) the sites into individual tickets for review. Users can fully focus on finding and outlining each individual work location on the map because NextGen handles the rest.

- **No Boundary Restrictions:** When a user defines an area that crosses political boundaries, NextGen determines if, and how many,

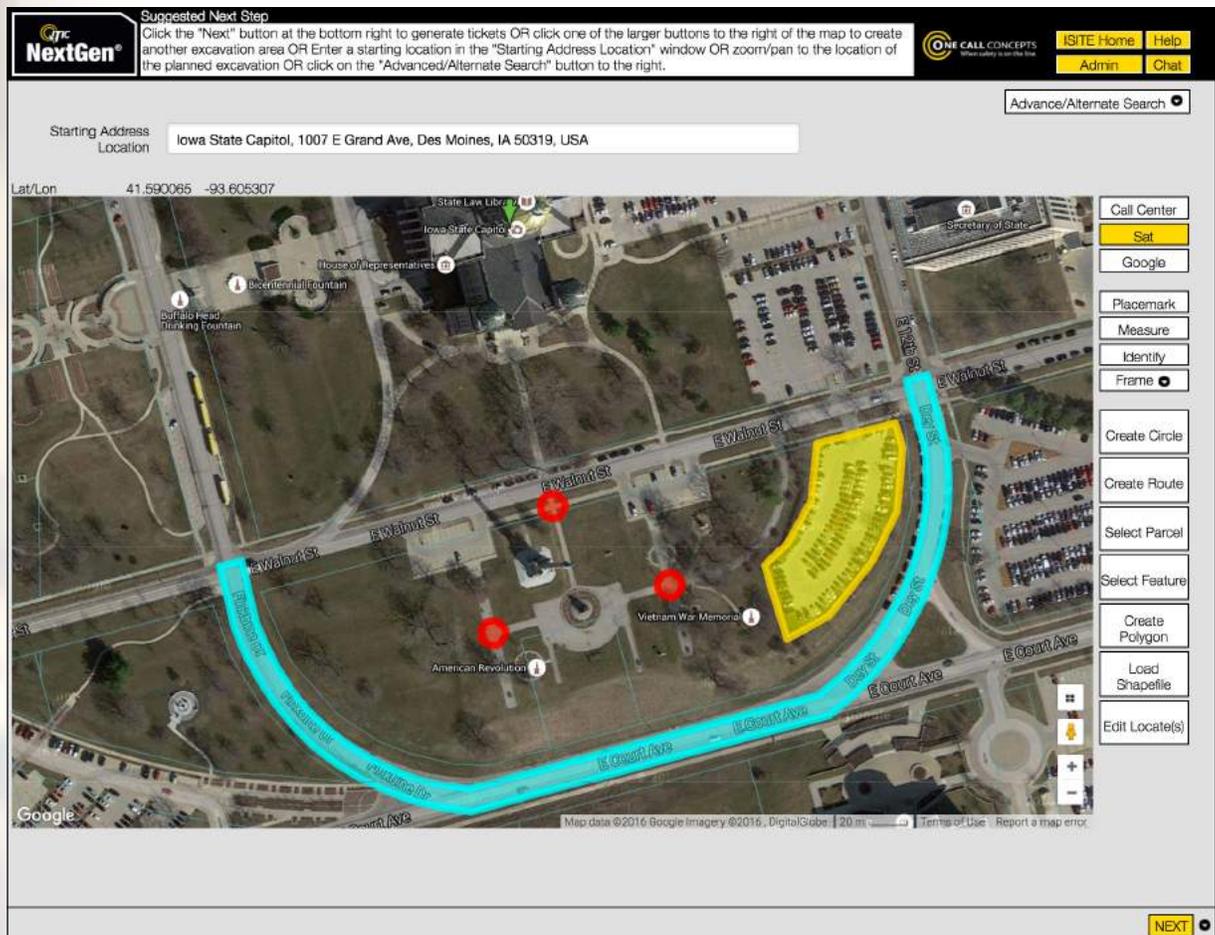


We've prepared several training videos to help you become acquainted with the new system. Check 'em out [HERE!](#)



separate tickets are needed based on the business rules. NextGen evaluates all defined excavation areas once the user has finished defining them on the map. When a user's excavation area crosses a key boundary, it will be split into multiple tickets according to the notification center's rules. If the excavation area crosses a state boundary into another state OCC serves, a second ticket for that notification center will automatically be created.

- **Additional Mapping Tools:** NextGen users have more options to precisely map their excavation sites with easy-to-use tools that create circles, routes, and polygons, select parcels and features, and upload shapefiles or GPS points. Users also have the tools to identify map features, access multiple map views, measure distance between points, and add placemarks for reference.



- **Help Desk Services:** NextGen offers updated advice on how to proceed, whether at the beginning, middle, or end of the process. Look for this “suggested next step” box at the top of the screen. The text will continually refresh as you work through your session. Users also have access to a four-button help center (ISITE Home, Help, Admin, and Chat) to aid with the submission process. Clicking the ISITE Home button will abandon your session and return you to the iSite main menu, while clicking the Help button will link to a page with training materials. You can edit caller or profile information by clicking the Admin button, while clicking the Chat button will connect you with the Live Help Chat function, which is available during normal business hours. Hovering your cursor over different NextGen feature buttons will display helpful notes and information that will also aid with the submission process.

Iowa One Call is pleased to present ITIC NextGen to our valued customers. Feel free to contact us with any questions and feedback you may have. Our help desk phone number is (563) 884-7762.



# IT'S OFFICIAL

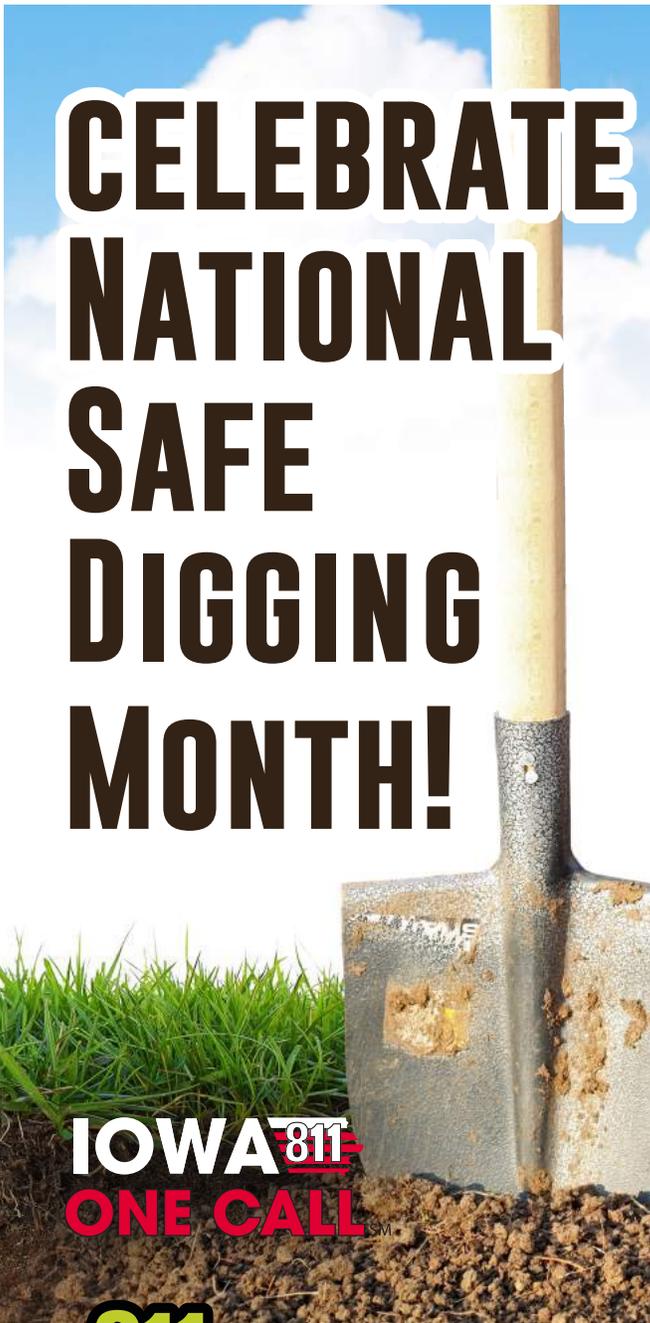
## APRIL IS NATIONAL SAFE DIGGING MONTH

### Governor to Sign Safe Digging Proclamation

Iowa Governor Terry Branstad will meet with representatives from Common Ground Iowa (CGI) and Iowa One Call (IOC) on Friday, April 7, 2017 at the State Capitol to officially sign the "April Is National Safe Digging Month" proclamation.

A press release prepared by Iowa One Call will be sent out to all media outlets across the state as part of the public outreach efforts to promote the month of April as "National Safe Digging Month," and to remind the public about the importance of notifying the Iowa One Call notification system prior to beginning any project - at any time of the year - that will entail digging or excavating. Common Ground Iowa will also implement a number of communications/outreach efforts to promote the event, and to educate Iowans about safe digging and damage prevention practices.

As part of an ongoing damage prevention partnership, Iowa One Call and Common Ground Iowa collaborate on developing and implementing a number public awareness and educational programs throughout the year on an annual basis. Common Ground Iowa is part of the regional partnership efforts of the national Common Ground Alliance (CGA), which originated in part through a mandatory study implemented by the US Department of Transportation (USDOT), in conjunction with the USDOT agency, Pipeline and Hazardous Materials Pipeline Administration (PHMSA).



# CELEBRATE NATIONAL SAFE DIGGING MONTH!

**IOWA 811**  
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Know what's below.  
Call before you dig.



# 2017 EXCAVATION SAFETY AWARENESS PROGRAM WRAP UP

The 2017 Excavation Safety Awareness Program (ESAP) concluded after the last meeting was held on March 24th in Burlington. The program, which began in Johnston on January 27th, was conducted in sixteen locations across the state. The estimated total attendance for the sixteen meetings was 3,000 (at the time of this writing final attendance totals had yet to be determined).

This year's program focused on the fundamental importance of establishing effective communication between locators, excavators and other affected stakeholders. ESAP moderator and presenter, Ben Booth, explained to program attendees that Iowa One Call is not a 'turn-key' damage prevention system. According to Booth, the best way to achieve effective damage prevention in the field is through the cooperation, commitment, and collaborative efforts of all affected stakeholders, especially locators and excavators. "Iowa One Call is but one piece of the damage prevention puzzle. Effective damage prevention requires a collaborative effort between all affected parties, and hinges on clear and efficient channels of communication," Booth said. Many of the talking points during this year's ESAP meetings focused on the key roles that excavators and locators play in the overall damage prevention process. Also identified were known issues that hinder effective communications between excavators and locators.



The critical two-way communications between excavators and locators begins with the excavator's notice to Iowa One Call and the descriptive information provided by the excavator to define and describe the proposed area of excavation. This first step is critical since the locators will be required to find the site and then determine precisely where the locating and marking needs to be performed. Excavators are required to provide information that clearly and adequately describes the precise location, direction, size, and length of any proposed excavation.

According to Booth, “the days of submitting instructions to mark the entire property are over.” In fact, locators may not perform the locating and marking process until the excavator has either provided clear and adequate descriptive information, or pre-marked the proposed area of excavation with white paint, white flags, or white stakes (“white-lining”).

**““ While it’s the excavator who initiates the communications process via the notice to Iowa One Call, the locators must complete the two-way communications process by providing prompt and effective follow up communications.**

During his ESAP presentations, Booth discussed the mandatory white-lining requirement, which requires excavators to pre-mark/white-line the proposed area of excavation. “Iowa law requires excavators to pre-mark, or

white-line, the proposed area of excavation so that locators will have a clear reference to where the locating and marking is to be performed,” Booth said. During his talking points, Booth also outlined what the three statutory exceptions to mandatory white-lining are:

1. When “the precise location, direction, size, and length of the proposed excavation area can be clearly and adequately defined and described during the call (or online notice) to Iowa One Call, or during an onsite preconstruction meeting.”
2. When “electronic means of white-lining is supported by the notification center and pursued by the excavator.”
3. When “physical premarking can be shown to be impractical.”

While it’s the excavator who initiates the communications process via the notice to Iowa One Call, the locators must complete the two-way communications process by providing prompt and effective follow up communications. Iowa law requires all locators to provide a status report to Iowa One Call within the required 48-hour period via the “Ticket Check” electronic ticket status system. “Once a locator has completed the locating and marking process, or cleared the locate ticket, or effectively coordinated alternative arrangements with the excavator, the locator must then use the electronic status system to provide a status report,” Booth said. The ticket status report is then sent to the excavator via the excavator’s email address or ‘FAX’ number. The ticket status report is also accessible via the “ticket search” link located on the Iowa One Call website homepage, [www.iowaonecall.com](http://www.iowaonecall.com).

Booth said he made a special point during his presentations at all of the meetings to stress how important it is for locators to provide proper and adequate follow up communications to excavators, including direct contact with excavators whenever any unforeseen circumstances prevent the locating and marking from being completed. “If for any reason the locator is unable to complete the locating and marking process, until the excavator can



address any preconditions necessary for receiving the locate markings, the locator should contact and inform the excavator of what the preconditions are, and then coordinate any necessary arrangements.” Booth said. The ESAP presentation covered the specific “ticket status codes” used by locators to status locate tickets: “Not yet responded” / “Cleared – no conflict” / “Marked –completed” / “Marked – including private facilities” / “Agreed to marking schedule” / “Marked during required standby” / “Not marked – standby required” / “Not marked – inadequate information” / “Not marked – no access.” In order to assure effective two-way communications, the locator, whenever statusing a locate ticket with one of the ‘not marked’

status codes, should then contact the excavator directly to verify that the excavator is aware of the circumstances, and to coordinate any preconditions or arrangements necessary for completing the locating and marking process.

Not surprisingly, the majority of questions raised by attendees at the various meetings dealt with issues that, in many instances, could have been avoided through proper and adequate communications between excavators and locators. The most common concern raised by the attending locators pertained

to the lack of white-lining by excavators in combination with locate tickets containing vague and inadequate descriptive information, including over extended/overly large proposed excavation areas. Inadequate information, that is lacking specific details, directions, and geographic descriptive information, will likely result in a “not marked - inadequate information” status by locators. Excavators can help expedite the locating and marking process by providing clear and concise descriptive information at the time of notice.

Attending excavators seemed to voice similar concerns about a lack of follow up communications by many locators. As it was pointed out during the ESAP meetings, excavators don’t always check the ticket status reports that are sent to them, in which case an excavator may not know when/if a locate ticket has been statused with a ‘not marked’ status code. Iowa law requires excavators to provide a phone number as a contact point accessible throughout any excavation. This is the contact point locators should use whenever they need to communicate directly with an excavator.

Locators and excavators need to work together in a collaborative effort to maintain the effective communications necessary to achieve proper damage prevention protocols. In short, locators and excavators are on the same team. The damage prevention team is comprised of committed, dedicated professionals whose focus is on maximizing safety and limiting accidents and damages. The Iowa One Call Excavation Safety Awareness Program is intended to reinforce this ‘team approach’ and promote collaborative damage prevention partnership efforts.





# EXCAVATION BY THIRD-PARTY CONTRACTOR CAUSED MAJOR PIPELINE LEAK

It has been reported by Magellan Midstream Partners that the damage to one of their pipelines in Iowa earlier this year, which resulted in the release of more than 46,800 gallons of diesel, was caused by a third-party excavator.

According to Magellan, the pipeline leak occurred near Hanlontown in Worth County on January 25, 2017 and was the result of damage caused by a third-party excavator, yet to be named due to ongoing investigations. The incident is currently being investigated by the federal Pipeline and Hazardous Materials Safety Administration (PHMSA). While the exact cause of the incident has not yet been disclosed, it has been determined that the unnamed excavator did not make the required notice to Iowa One Call prior to commencing with the excavation that caused Magellan's pipeline to leak.

Cleanup is still underway where the diesel fuel pooled on an acreage with grass and trees and a tilled farm field about one-third of a mile north of the intersection of 390th Street and Wheelerwood Road, and about one mile east of Hanlontown. According to the Iowa Department of Natural Resources the diesel spill did not contaminate any water sources. A Worth County news release reported that county engineers and local deputies assisted Magellan in response to the diesel spill. Deputies maintained a constant presence at the site for four days while Magellan crews worked to clean up the diesel fuel. At the time of this writing, the county had reported local costs totaling nearly \$20,000.

Incidents involving excavators who violate state and/or federal damage prevention laws are subject to federal and civil penalties. Federal civil penalty levels, as enforced by PHMSA, are as high as \$205,638 per violations per day the violation continues with a maximum civil penalty of \$2,056,380 for any related series of violations. PHMSA may enforce the federal excavation standards as defined in 49 CFR Part 196 against an excavator who damages a hazardous liquids or natural gas pipeline in Iowa. State civil penalties, as enforced by the Iowa Attorney General, are as high as \$10,000 per violation per day the violation continues with a maximum

civil penalty of \$500,000 for any incidents involving hazardous liquids or natural gas pipelines. Other state civil penalties include up to \$1,000 per violation per day the violation continues with a maximum penalty of \$20,000 for any incidents involving any other underground facilities.

## Magellan: Third-party contractor caused Iowa pipeline leak

Charly Haley, [chaley@dmreg.com](mailto:chaley@dmreg.com) Published 11:49 a.m. CT March 7, 2017 | Updated 6:28 a.m. CT March 8, 2017



[Read more here!](#)

# NORTHERN MIDWEST USERS' GROUP MEETING



## ~ A RECAP

Iowa One Call (IOC) was pleased to attend the first ever Northern Midwest Users' Group Meeting in Bloomington, MN from February 2-3, 2017. One Call Concepts, Inc. (OCC) hosted the event, which was customized for three notification centers- IOC, Gopher State One Call (GSOC), and North Dakota One Call (NDOC). The Northern Users' Group Meeting was developed to bring together facility operators from states with similar geographies, seasons, shared contractors, and initiatives and provide them with a forum to network with their peers, while learning about the OCC products and services available to them.

The meeting started at 1:00 pm on Thursday, February 2nd and closed at 11:30am on Friday, February 3rd at the Hilton Minneapolis St. Paul Airport Mall of America. The condensed and information-packed agenda was developed for attendees who might not have the time or resources to attend extended industry meetings and conferences. The content of the scheduled sessions combined with the insights shared during the open round table discussions provided a multi-state view of damage prevention strategies and suggested opportunities for new partnerships with other industry peers. Participants shared their successes, challenges, and new ideas about improving damage prevention.

Throughout the day and a half of the meeting, presenters led discussions on a variety of topics, including:

- OCC Catalog of Products/ Services- ITIC, IMAP, etc.
- ISITE Menu of Products- LTM, ETM, Search and Send, etc.
- Ticket Volumes in North Dakota- Elaborating on the challenges utilities have faced due to the oil boom.
- Ticket Status Analysis- An analysis on the ticket status/ positive response codes available in Iowa, North Dakota, and Minnesota.
- Disaster Recovery- Elaborating on the recovery process in the event of a natural disaster.
- State Legislative Initiatives- Positive Response, 48-hour locate window, etc.

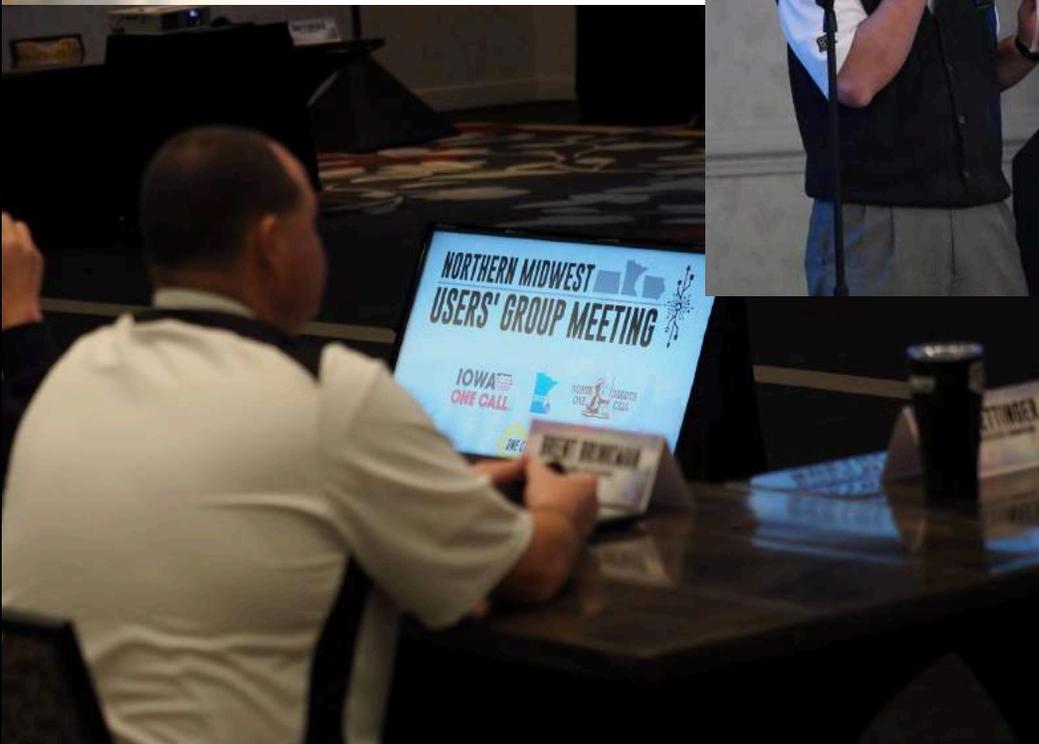


*(IOC's Craig Walter participating in a group discussion)*

- Damage Prevention Outreach/Education- Regarding the marketing initiatives and goals of the centers, which includes training and giveaway item ideas.
- Roundtables- Reviewing regional CGA partnerships and PHMSA audits, in addition to a wrap-up discussion.

In a post-event survey, meeting attendees rated the venue, session content, and other factors.

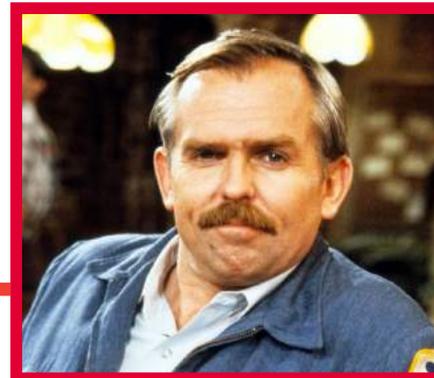
All survey participants (100%) said that they are “very likely” (vs. somewhat likely and not likely) to recommend this event to a colleague/co-worker. It’s easy to see that the Northern Midwest Users’ Group gives everyone who attends a forum to connect and collaborate on the mutual goal of damage prevention. See you next year!



# TV STAR VOICES IOWA ONE CALL RADIO ADS



IOWA <sup>811</sup>  
ONE CALL <sup>SM</sup>



John Ratzenberger, the actor best known for his portrayal of Cliff ‘the mailman’ on the multiple award winning television series “Cheers,” is the voice actor featured on the Iowa One Call radio advertisements that will be broadcast on radio stations throughout Iowa in 2017. The radio campaign is comprised of nearly 1,000 “commercials” that will begin airing in April and run through October.

The voice of Mr. Ratzenberger, or “Cliff,” is easily identifiable by legions of fans who recall the original airing of the series in the 80’s and 90’s, and by scores of fans who are familiar with ‘reruns’ of the series that continue to air on stations around the world. The popularity of this comedy series was nearly unprecedented during its eleven year run, garnering a host of awards, including sixteen Emmy Awards and six Golden Globe Awards.

Radio advertising has been used periodically over the years by Iowa One Call (IOC), but the recommended strategy for 2017 was to utilize an extensive radio schedule as the primary broadcast medium for the overall advertising campaign. Prior to committing to this strategy, IOC conducted an advertising survey to gauge the overall effectiveness of radio as a medium to broadcast IOC’s damage prevention message. In the fall of 2016, shortly after airing a brief radio schedule featuring the John Ratzenberger commercial, an electronic survey was emailed to all first time users of the Iowa One Call system who made their notices during a four-week period shortly after the airing of the commercials. These ‘new’ users were prompted to answer a brief survey about “how they heard about Iowa One Call.” The survey tracking analytics showed that radio receive the highest percentage of responses, followed by television and outdoor advertising. The survey was seen as a good indicator of the effectiveness of radio advertising, and helped pave the way to ‘green-lighting’ the 2017 radio advertising campaign.



Iowa One Call is thankful to Marathon Pipeline for sharing the “Safe Digging with John Ratzenberger” television commercials which Marathon developed for their public safety/public service announcement campaign in 2013. It was from these ‘tv’ commercials that IOC extracted the audio to develop the radio commercials. The Ratzenberger television commercials were used by IOC for an extensive television advertising campaign in 2016, and will be utilized again in 2017 when they will be aired on one of the FOX Network affiliates during seven scheduled preseason National Football League (NFL) games. Realizing the effectiveness of the

Ratzenberger television commercials, Marathon Pipeline, in their foresight and commitment to raising awareness of 8-1-1 and underground damage prevention, made the decision to make the ads available for usage by other damage prevention stakeholders.

To see the John Ratzenberger television ads and to hear the radio spot, visit the [Iowa One Call website](#).



*Local Excavation and  
Safety News From  
Around the Web*



### **Real Estate Sign Delays- Installers Will Now Call Before They Dig**

*www.komonews.com*

It used to be you'd see a "For Sale" sign in front of your home the day after you put it on the market. Starting Friday, the sign won't go up until after all underground utilities have been located.

The change appears to mark the end of a dispute between sign installers and state regulators ...

[\[more\]](#)

### **Industry Fears Overreach From Gas Pipeline Safety Advisory**

*Bloomberg BNA*

Natural gas industry groups are still decoding a federal agency's advice for identifying threats to safe pipeline operations and say they are concerned that it may overreach.

The advisory bulletin, published in the Federal Register March 16, relays new guidance from the Pipeline and Hazardous Material Safety Administration on identifying threats to the integrity of gas transmission pipelines ... [\[more\]](#)



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