

**2008 State Damage Prevention Program Grants Final Report**  
**Funding Opportunity Number: DTPH56-08-SN-0001**  
**CFDA Number: 20.720**

**Award Number:** *DTPH56-08-G-PHPS10*

**Project Title:** State Damage Prevention Program

**Date Submitted:** March 27, 2009

**Submitted by:** Leo M. Haynos, Robert Jackson, and David Pryor

**Specific Objective(s) of the Agreement**

Under this grant award Kansas Corporation Commission will establish a pilot enforcement program in the two largest metropolitan areas within Kansas (Wichita, and Topeka).

**Workscope**

Under the terms of this agreement, the Grantee will address the following elements listed in 49 USC §60134 through the actions it has specified in its Application.

- ⌚ *Element (1):* Participation by operators, excavators, and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation, as appropriate.
- ⌚ *Element (6):* A process for resolving disputes that defines the State authority's role as a partner and facilitator to resolve issues.
- ⌚ *Element (7):* Enforcement of State damage prevention laws and regulations for all aspects of the damage prevention process, including public education, and the use of civil penalties for violations assessable by the appropriate State authority.
- ⌚ *Element (9):* A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

***Accomplishments for the grant period:***

**Topeka/Lawrence/Manhattan Metropolitan Areas**

Before beginning the inspection pilot project, the Commission Staff had requested all utilities subject to the One Call law alert us when a damage occurred. Unfortunately, the alerts, when received, were not always timely. By using the data base of the Kansas One Call notification center, we were able to monitor emergency ticket requests on a real time basis. This capability was the primary tool used to investigate damages, (**element 1**). Other work performed by this inspector included random checks on active locate requests to observe if all utilities had provided locates as required. In the case of excavators using trenchless technology, the inspector also checked for compliance with the Kansas requirement that all trenchless excavators have implemented operating guidelines for this type of excavation method. Because of weather and the holiday season, excavation starts during the last two months of the calendar year typically decrease. During 2008, the decrease in activity was also impacted by the general slowdown in economy as a whole.

Overall, the inspector drove 360 miles per week in and around the three cities in question. During the 4 month period, he conducted 70 excavation site visits and contacted over 150 excavators. The field work led to 14 enforcement actions taken for violations in the following categories:

No Locates Requested	Inaccurate/ No Locates Provided	Excavator Reasonable Care	Repeated Updates	Abuse of emergency locate request
4	4	2	1	3

In summary, the pilot program showed some limited success by creating a more public presence for the KCC doing One Call enforcement and assisting us in meeting **element 7** as listed in the PIPES act.. As we projected in the grant application, the pilot project needed to include the three cities of Lawrence, Topeka, and Manhattan in order to include a sufficient number of locate requests to justify a full time inspector. However, the travel time between cities significantly diluted the effectiveness of the inspector for any given city. That fact coupled with the general economic slowdown resulted in a pilot program with somewhat disappointing results.

**Quantifiable metrics/measures of effectiveness:**  
**Topeka/Lawrence/Manhattan Metropolitan Areas**

For the pilot program in the Topeka area, the four month period indicated a slight decline in the number of damages to natural gas pipelines when normalized to the number of locate requests received for natural gas lines. The decline is not considered statistically representative to quantify the impact of the KCC inspector. The limited success of the pilot appears to be the result of the overall decline in excavation activity. As shown in the table below, the Topeka area experienced a 24% decline in excavation requests from 2007 to 2008 for the same 4 month period.

**Natural Gas Damages in Shawnee County**  
**September 1 – December 23; 2007/2008**

	Number of Overall Tickets	Damages	Damages/1000 Tickets
2007	6935	10	15.6
2008	5314	7	13.2

The above table represents data for Kansas Gas Service, the sole provider of natural gas service in Shawnee County, in 2007 and 2008. The first column lists the total number of KGS ticket responses in 2007 and 2008 for the time period of September 1 to December 23. The second column lists the number of damages in that same time period in 2007 and in 2008. The third column is a number that represents the number of damages per thousand tickets. One can see there was a 24% drop in tickets from 2007 to 2008 and a 15% drop in damages after normalizing for the ticket volume.

*Issues, problems or challenges:*

**Topeka/Lawrence/Manhattan Metropolitan Areas**

The Kansas Corporation Commission was awarded funding for this grant in late May 2008. However, we were unable to find a person qualified for the position of damage prevention special investigator until September of 2008. After a brief one week training period, the inspector was assigned to investigate damages and complaints concerning One Call issues for the Topeka, Lawrence, and Manhattan metropolitan areas. Combined, the excavation activity in the three cities represents the third busiest geographical area in Kansas. However, the distance between the three cities is approximately 90 miles. This distance decreased the effectiveness of the inspector by limiting the amount of time he was able to spend in any one city. Distance was also a factor in being able to investigate a damaged facility within in a short time after the damage occurred. When the position was finally filled in September, the digging season was beginning to slow down for the year. The timing, the general economic slowdown, and the traveling time between cities affected the overall effectiveness of the pilot. However, the disappointing results did serve as a means of calibrating the effectiveness of our program, and by doing so, the pilot assisted us in an **element 9** evaluation of this geographical area. In spite of these challenges, the anecdotal contacts with excavators as well as the enforcement actions taken have served to give the KCC an enforcement presence in this area. The increased enforcement assisted us in meeting our goals for **element 7**. If the timing was different and the inspections covered the peak digging season in the spring, I believe the pilot would have had more of an impact and be more cost effective. For future grant opportunities, we will consider a temporary position for the five months of April through August to cover the Lawrence –Manhattan corridor.

*Accomplishments for the grant period:*

**Wichita Metropolitan Area**

The Kansas Corporation Commission was awarded funding for this grant in late May 2008. In June of 2008, we were fortunate to hire an inspector for the Wichita area that has extensive damage prevention experience. After a brief KCC orientation period, the inspector was assigned to educate stakeholders, investigate damages and investigate complaints concerning One Call issues for the Wichita metropolitan area. Wichita and the surrounding vicinity represent the second busiest geographical area in Kansas. Being a large urban area, the concentration of excavation activity is relatively high. This concentration substantially increased the effectiveness of the inspector by allowing him to spend more time on job sites and making contacts in the region. Our investigator was able to investigate a damaged facility within in a short time after the damage occurred.

Before beginning the inspection pilot project, the Commission Staff had requested utilities in the area, subject to the One Call law, to voluntarily alert us when a damage occurred. As in the Topeka area, the alerts, when received, were not always timely. To combat the issue of timely notification we were able to use the Kansas One Call notification center database to monitor emergency ticket requests on a real time basis, (**element 1**). This capability was the primary tool used to investigate damages and allowed our investigator to get to the site of a damage while repair work was still in progress and those involved could be interviewed. Our ability to respond quickly increased the quality of information from each damage. Other work performed by this

inspector included random checks on active locate requests to observe if all utilities had provided locates as required. In the case of excavators using trenchless technology, the inspector also checked for compliance with the Kansas requirement that all trenchless excavators have implemented operating guidelines for this type of excavation method, (element 7).

Perhaps the area of brightest success was our ability to leverage our presence in Wichita to provide a series of educational meetings on the CGA Best Practices. In an effort to reach our goal with **Elements 1 and 6**, we have provided many seminars to utilities, contract locating staffs and to excavating contractors in the Wichita area. They are typically 1 to 2 hours in length and focus on utility locate site management techniques and an explanation of Kansas damage prevention laws. Opportunities for the education seminars began as follow up to field observations associated with One Call law violations or investigations of utility strikes. Within six weeks of beginning the program, the popularity of the seminars resulted in the program being recommended by word-of-mouth, and we are now being contacted by excavating contractors requesting the meetings. Meeting statistics to date are as follows:

#### KCC Educational Meetings

Butler & Sedgwick Counties	Presentations	Contractor Meetings	Utility Meetings	Locate Contractor Meetings
<b>Prior to Grant</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Grant to Date</b>	<b>20</b>	<b>28</b>	<b>7</b>	<b>9</b>

In summary, the pilot program showed overwhelming success by creating a more public presence for the KCC doing One Call education and enforcement in the Wichita and surrounding area. Although all field work does not lead to enforcement action, it always provides the opportunity for improving education and awareness of the regulated community to the KCC's role in damage prevention.

***Quantifiable metrics/measures of effectiveness:***

**Wichita Area:**

Site visits and damage investigations statistics are as follows:

**Data Range: June 20, 2008 – December 31, 2008**

<u>Butler &amp; Sedgwick Counties</u>	<u>Tickets Reviewed</u>	<u>Site Visits</u>	<u>Damages Investigated</u>	<u>Noncompliance Written</u>
<b>Prior to Grant</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Grant to Date</b>	<b>5000</b>	<b>206</b>	<b>53</b>	<b>38</b>

To date, the field investigations have led to the issuance of 38 probable noncompliances, (element 7). Indirectly, one of the KCC enforcement investigations has resulted in the City of Wichita taking action to suspend the license of a plumbing contractor suspected of performing illegal repairs to gas service lines, (element 1). KCC issued \$11,500 in civil penalties on 4 of the

noncompliances and has action pending on three more. The categories for the pnc's are as follows:

No Locates Requested	Inaccurate/ No Locates Provided	Excavator Reasonable Care	Repeated Updates	No 9-1-1 call for emergency
15	10	11	1	1

**Other pertinent information regarding PHMSA recommendations:**

“Solicitation, Section 6.01, Criteria (6) states, “A commitment to quality controls in timing, personnel, and costs for deliverables offered in exchange for the grant. We would like to see more detail on your commitment to this criterion.”

At the time of the grant acceptance, PHMSA requested the KCC to provide more detail regarding our commitment to deliver a quantifiable product in exchange for the grant. In our opinion, this report provides a good description of what enhanced enforcement of One Call laws is able to deliver.

“The proposal as written indicates funding will be used to pay for personnel for the remainder of the year. While the choice of personnel to hire is good, there is a concern that long-term plans are not in place if grant funding is not available next year. We would like to see the long-term plan to keep the “grant personnel” onboard past the 2008 calendar year.”

The KCC Staff believes the pilot project has demonstrated the success of developing an enforcement program in the Wichita area. However, the economic status of the state of Kansas is such that no new FTE's can be created. At this time, we can not offer a long-term plan to fund this position with state monies. In the short term, we will continue to apply for federal funding in hopes of maintaining the returns on the 2008 investment made in damage prevention.

**Final Financial Status Report**

The final financial report has been sent as a separate attachment to the AA.

**Requests of the AOTR and/or PHMSA**

No actions requested at this time.