

**2013 State Damage Prevention Program Grants Final Report
CFDA Number: 20.720**

Award Number: DTPH56-13-G-PHPS06

Project Title: Kansas Corporation Commission State Damage Prevention Grant

Date Submitted: November 14, 2014

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Grant Period: September 1, 2013 through August 31, 2014

Specific Objective(s) of the Agreement

The proposed grant will assist Kansas in meeting the goals outlined in Element 7 with a secondary impact on Elements 4 and 5 of the PIPES act. The proposed grant will continue our successful enforcement program in Kansas. In addition to our compliance actions, which include recommending civil penalties, our enforcement strategy is coupled with a strong educational component that will foster communications among all parties. We propose to evaluate the effectiveness of an aggressive enforcement program by using the mandatory damage reporting requirements effective in Kansas.

Workscope

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

- *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.

Accomplishments for the grant period (Item 1 under Agreement Article IX, Section 9.02 Final Report: “A comparison of actual accomplishments to the objectives established for the period.”)

Enforcement Activities under Element 7:

This grant was used to fully fund the Wichita area damage investigator and partially fund the Kansas City area damage investigator. As a result, the funds from this grant have made an impact in the two largest population centers in Kansas.

As shown in the chart below, there were 229 damage investigations supported by this grant. The investigations led to 180 notices of probable noncompliance being issued to the party considered at fault by KCC Staff. Further enforcement was accomplished by Staff issuing 26 penalties in the total amount of \$14,000 to both excavators digging without locates and to utility operators who inaccurately located or failed to locate their facilities. A strong enforcement presence has been established in both of these metro areas by the continued activities of both investigators. Our Kansas City and Wichita investigators make random site visits and locate ticket audits a priority between damages, as evidenced in the chart below. This has been an excellent tool for enforcement with the large number of utility operators in those areas and the constant struggle to get all facilities marked in time. The chart shows about twice as many Probable Non-compliances written to excavators than utility operators. This is likely due to more excavation

activity (up 14%) and a larger influx of excavators based outside of Kansas during this grant period. Examples of excavation projects attributing to this influx would include a new Google fiber overbuild project in the Kansas City Metropolitan area and the ongoing large public works projects in the Wichita area. However, our enforcement strategies prove to be effective as can be evidenced by the fact that the overall number of natural gas damages has decreased 17% (down from 427) during this grant period despite the increase in excavation activity. More discussion about this point is included in the “Metrics” section below.

Enforcement Activity Summary (during grant period)

	Wichita Metro	Kansas City Metro	TOTAL
Damage Investigations – all utilities	57	172	229
Natural Gas Damages (for available data: September 2013-June 2014)	146	208	354
Probable Non-compliances - Excavators	34	82	116
Probable Non-compliances - Utility Operators	17	47	64
Probable Non-compliances - TOTAL	51	129	180
Penalty Orders Issued	4	22	26
Site Visits/Locate Ticket Audits	564	810	1,374

Education of Stakeholders to Improve Performance on Elements 1, 2, and 4:

The metro area damage prevention investigators funded by this grant have an indirect impact on Elements 1, 2, and 4 through both the enforcement activities of Element 7 and education and interaction with stakeholders. As seen in the chart below, Kansas damage investigators interface frequently with excavators, utilities and other stakeholders. Our Wichita investigator places a high priority on attending excavator safety meetings to provide quality damage prevention education to the people digging in the dirt. KCC Staff has also been attending and participating in City sponsored underground utility coordination committee (ULCC) meetings. We plan to continue participating in these meetings and encouraging all excavators as well as utilities to participate. Communication between all stakeholders for large city projects is critical and can be very effective in preventing damage during the project.

Investigator Education Activity (during grant period)

	Wichita Metro	Kansas City Metro	TOTAL
Excavator & Utility Meetings	130	54	184
One Call/CGA/Utility Locating Committee Meetings, Presentations	11	21	32

Quantifiable Metrics/Measures of Effectiveness (Item 2 under Article IX, Section 9.01 Project Report: “Where the output of the project can be quantified, a computation of the cost per unit of output.”)

Prior to beginning the damage prevention program in Wichita funded by this grant, there was very little to no activity for damage prevention enforcement in that area. Over the course of the last 6 years, our on-site contact with the utility operators and excavators has made a positive

impact in damage prevention overall. Below is a chart providing two statistics that can provide a good measure of the effectiveness of a damage prevention program; damages per 1000 locates, and the percentage of damages where no notification was made to the One Call center. These statistics are difficult to calculate for the grant period, so calendar year statistics are shown. The NAPSR Central Region put together damage statistics from the 2013 PHMSA Distribution Annual Reports and out of the 12 states in the region, Kansas ranked second as a state with 1.93 damages per 1,000 locates. This report also shows Kansas as beating the national average of 3.13 damages per 1,000 locates. The damages per 1,000 locates for both metro areas look great when compared to the numbers from other Central region states, the national average, and to Kansas as a whole. This really shows the positive impact on damage prevention that these two positions have in their respective metro areas.

In CGA's 2013 DIRT Report, the data showed that for 26% of all damages, no notification was made prior to excavation, down from 27% in 2011. The damages investigated in both Wichita and Kansas City still remain low in comparison at 11.5% and 15.1%, respectively, for all damage investigations where no notification was made. Despite our slight increase due to 14% increased excavation in these areas, this statistic goes a long way in showing the effectiveness of our damage prevention programs. Issuing civil penalties to excavators who do not make the One Call notification is at least partially responsible for this trend. However, the strong emphasis on education of excavators and encouraging communication between stakeholders, as seen by the data from the previous section, helps to promote use of the One Call system and increase awareness of damage prevention while excavating. We believe that our programs would not be as effective if our sole focus was on civil penalties as an enforcement tool.

Damage Prevention Performance Metrics

	Wichita Metro 2012	Wichita Metro 2013	Kansas City Metro 2012	Kansas City Metro 2013
Locates Requested -Gas Utilities	97,996	108,641	126,262	147,931
Natural Gas Damages	208	179	301	282
Damages/1,000 locates	2.12	1.65	2.38	1.91
% of KCC Investigations with "No Notification made to One Call center" as contributing cause	11.0%	11.5%	8.6%	15.1%

Issues, Problems or Challenges (Item 3 under Article IX, Section 9.01 Project Report: "The reasons for slippage if established objectives were not met.")

None at this time.

Final Financial Status Report

The mid-term financial report has been sent as a separate attachment to the AA.

Requests of the GOTR and/or PHMSA

No actions requested at this time.