

**2015 State Damage Prevention Program Grants Final Report  
CFDA Number: 20.720**

**Award Number:** DTPH56-15-G-PPS14

**Project Title:** Kansas Corporation Commission State Damage Prevention Grant

**Date Submitted:** October 1, 2016

**Submitted by:** Primary Contact: Mr. Leo Haynos, l.haynos@kcc.ks.gov, (785) 271-3278

**Grant Period:** September 30, 2015 through September 29, 2016

**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 278 damage investigations supported by this grant. The investigations led to 208 notices of probable noncompliance being issued to the party considered at fault by KCC Staff. Further enforcement was accomplished by Staff issuing 92 penalties in the total amount of \$40,000 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 approximately 62% of the Probable Non-compliances issued during this period were issued to utility operators (down 3% this period) and

**AGREEMENT #DTPH5615GPPS14  
ATTACHMENT 2B**

approximately 38% were issued to Excavators (up 3%). The increase in Probable Non-compliances issued to excavators is likely due to more excavation activity accompanied by a large influx of locate requests. The decrease in Probable Non-compliances issued to the utility operators is due to the operators being more proactive with assisting excavators in finding their facilities. Examples of excavation projects attributing to this influx would include new fiber overbuild projects by Google Fiber and AT&T (two large competing telecommunication utilities) as well as the other two cable companies in the area (Time Warner Cable and Consolidated Communications) upgrading their facilities to compete in the Kansas City Metropolitan area as well as the ongoing large public works projects in the Wichita area. Historically, there has been a high correlation between increased excavation activity and underground damages. With the increase in excavation activity and the corresponding increase in excavation damages, the KCC enforcement activity has increased as well. Compared to last year's statistics, the overall number of natural gas damages investigated has increased at a rate of 75% (up by 130) while the excavation activity in these areas has increased by 51.4% during the same period.

**Enforcement Activity Summary (during grant period)**

	<b>Wichita Metro</b>	<b>Kansas City Metro</b>	<b>TOTAL</b>
Damage Investigations – all utilities	85	193	278
Natural Gas Damages (for available data: October 2015-June 2016) from Operators	150	361	511
Probable Non-compliances - Excavators	29	51	80
Probable Non-compliances - Utility Operators	24	104	128
Probable Non-compliances - TOTAL	53	155	208
Damages for which Civil Penalty Issued	2	90	92
Site Visits/Locate Ticket Audits	595	972	1567

**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 also attends and participates 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)**

	<b>Wichita Metro</b>	<b>Kansas City Metro</b>	<b>TOTAL</b>
Excavator & Utility Meetings	175	84	259
One Call/CGA/Utility Locating Committee Meetings, Presentations	10	23	33

**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 8 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, the percentage of damages where no notification was made to the One Call center, and the percentage of damages incurred due to utility operator error (inaccurate locates, bad maps or measurements, no locates made). These statistics are difficult to calculate for the grant period, so calendar year statistics are shown, which are based on the 2015 PHMSA Distribution Annual Report. Out of 11 states in the Central Region, Kansas was the third lowest in terms of damages per 1,000 locate requests at a rate of 2.42. This report also shows Kansas as beating the national average of 2.99 damages per 1,000 locates. The damage 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 shows the positive impact on damage prevention that these two positions have in their respective metro areas.

In CGA’s 2015 DIRT Report, the data showed that for 30% of all damages, no notification was made prior to excavation. The report also shows that 18% of all damages were attributed to insufficient locating practices. From the perspective of the damages investigated by the KCC in Wichita and Kansas City, the percentage of excavators failing to provide notification prior to excavation still remains low in comparison at 15% and 9%, respectively. This statistic demonstrates the effectiveness of our damage prevention programs when compared to national data. Issuing civil penalties to excavators who do not make the One Call notification and to utility operators who fail to provide timely and accurate locates is at least partially responsible for this trend. The strong emphasis that we have placed on educating excavators and encouraging communication between all stakeholders regarding the One Call system has increased the level of importance placed on damage prevention prior to excavating. We believe that our programs would not be as effective if the sole focus was on using civil penalties as an enforcement tool.

**Damage Prevention Performance Metrics**

	<b>Wichita Metro 2014</b>	<b>Wichita Metro 2015</b>	<b>Kansas City Metro 2014</b>	<b>Kansas City Metro 2015</b>
Locates Requested -Gas Utilities	116,910	123,219	164,465	233,400
Natural Gas Damages	161	166	351	591
Damages/1,000 locates	1.38	1.35	2.13	2.53
% of KCC Investigations with "No Notification made to One Call center" as contributing cause	13%	15%	8%	9%
% of KCC Investigations where operators fail to provide accurate or timely locates as a contributing cause.	29%	27%	45%	56%

**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.