

2016 State Damage Prevention Program Grants Progress Report
CFDA Number: 20.720

Award Number: DTPH56-16-G-PPS14

Project Title: Kansas Corporation Commission State Damage Prevention Grant

Date Submitted: June 15, 2017

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

Secondary Contact: Ms. Suzanne Gonzales, s.gonzales, (785) 271-3286

Specific Objective(s) of the Agreement

Under this grant agreement, the KCC will enforce:

- Laws and regulations of the damage prevention process

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 of the Kansas Underground Utility Damage Prevention Act (KUUDPA) in the two largest population centers within the state, the Wichita and Kansas City metropolitan areas. For this grant period, the primary use of this grant will be to fully fund one full time employee dedicated to damage prevention inspections for the Wichita metropolitan area. A portion of the funding from this grant also will be used to augment KUUDPA enforcement in the Kansas City metropolitan area. At this time, the Kansas City position is partially funded using the One Call grant for the same purpose. In addition to 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 in effect in Kansas.

Workscope

Under the terms of this grant agreement, the Recipient will address the following elements listed in the approved application as stated in 49 U.S.C. §60134 (b).

- **Element 7 (Enforcement):** 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 this period (Item 1 under Article IX, Section 9.01 Progress Report: “A comparison of actual accomplishments to the objectives established for the period.”)

Enforcement Activities under Element 7:

This grant is 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 on damage prevention in the two largest population centers in Kansas.

As shown in the chart below, there were 173 combined damage investigations in the Wichita and Kansas City metro areas for CY 2016. These investigations led to a combined 124 notices of probable noncompliance being issued to the party considered at fault by KCC Staff. Further enforcement was accomplished by Staff issuing a combined 69 civil penalties for a total of

\$29,500. Of those penalties, 64 were issued to operators with insufficient or no locates (\$27,000) and five were issued to excavators digging without locates (\$2,500). Over the past three years, a significant increase in construction activity has resulted in contract locators being unable to meet the locate demand to fill locate requests timely. This excavation influx continued during the current grant period with little improvement shown by operators to adequately staff for the projected locate demand. Because of complaints from the excavator community, KCC Staff increased the number of audits for timely locating. These audits account for the majority of the penalties assessed in 2016. Conversely, the enforcement and educational strategies already implemented by KCC Staff resulted in a decrease in at-fault damages warranting penalties to excavators. Full analysis of the KCC Staff enforcement activities and results will be performed in the Final Report for this grant.

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

The Wichita and Kansas City area damage prevention investigator positions have an indirect impact on Elements 1, 2, and 4 through both the enforcement activities of Element 7 and education and interaction with stakeholders.

From the start of the SDP Grant program funding the Wichita area position in 2008, and the supplemental funding provided to the Kansas City area for the past five years, KCC Staff has had many opportunities to interact with the City of Wichita and the various cities that comprise the larger Kansas City Metropolitan area on utility damages. Education through contact with KCC Staff, involvement in the regional Common Ground Alliance (CGA) meetings, participation in the Utility Location and Coordination Council (ULCC) committees and new comprehensive training programs has improved the overall knowledge of regulations and damage prevention methods in both of these densely populated areas.

Wichita Area

After an excavator severely damaged a large natural gas pipeline serving Wichita State University, KCC staff opened up a direct line of communication with the university's executive facilities management to help them manage their Onecall needs on campus. The university is undergoing a large expansion project. KCC staff has held tailgate meetings with the contractors on site and educated university staff to follow CGA best excavation practices.

KCC staff organizes and promotes regional CGA meetings in Wichita. Part of this effort includes compiling a phone list of operators to facilitate communication with excavators. This list continues to be a highly desirable tool for the excavators. The CGA meetings also provide the opportunity for the one call community to network and discuss current excavation issues in the region. Noticeable accomplishments of the CGA meetings are:

- Early identification of large capital projects scheduled by the city of Wichita and surrounding county which has allowed locate companies to coordinate with the project managers and plan for labor needs to meet the locate demand;
- Identification of ten planned housing subdivisions in the Wichita area where the base maps for planned roads have changed from original design resulting in potential excavation hazards. We have communicated the issues to the county and helped to facilitate updated maps into the locate system.

Based on feedback from interstate pipelines in Kansas, the Wichita area inspector has started to provide support to interstate pipeline operators across the state as a direct contact to address complaints of excavators working near their lines without Onecall tickets. Using information

provided by the pipeline patrols, KCC staff directly contacts the excavator considered to be at fault. If sufficient evidence is available, staff will issue notices of probable violation to the excavator based on the pipeline's allegations. This initiative has allowed the KCC to interact with excavators in more remote parts of the state.

Kansas City Metropolitan Area

Of particular note during this current grant period, our Kansas City metro area inspector has been educating and coordinating with all relevant parties involved in four major projects affecting densely populated areas in order to promote damage prevention, as follows:

1. Flowable Fill Standards: Through the Johnson County regional CGA, KCC Staff assisted in developing consistent flowable fill standards that can be used throughout all communities in this high-growth county. With the assistance of city personnel, the regional CGA presented the proposed standard to the American Public Works Administration and received that organization's approval. These standards will mandate a softer, more soluble and easily compacted material to be filled around underground utilities so the filled area resists subsidence and allows for easier vacuum excavating in the future. If successfully implemented, this will be a significant factor in future damage prevention to underground facilities.
2. Google Fiber Project: This project is not experiencing the excavation activity that it has previously demonstrated over the last several years. However, there is still a significant effort to install service drops. Because most of their excavation is trenchless and adjacent to homes, underground damage prevention communication and enforcement remain a priority with KCC Staff.
3. KCC Staff participated in regional construction training sessions to present a one call message in combination with trench safety, traffic safety and general construction safety standards.
4. KCC Staff has recommended the Commission consider a formal proceeding to develop guidance on electric utilities providing locates for commercial service lines that are upstream of the meter. In most cases, those lines are owned by the customer; however, the customer typically would not possess the means to accurately determine the location of the buried utility.

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 seven years in Wichita, our on-site contact with the utility operators and excavators has made a positive impact in damage prevention overall. Over the past four years, the supplemental funding made available by this grant to the Kansas City area has aided the positive impact of the KCC damage prevention program in that large metro area. Below is a chart summarizing the field contact these positions have with the excavation and utility communities. In the year-end report, we will present the trend of damages per 1000 locates (primarily to natural gas facilities) in the Wichita and Kansas City areas and provide analysis of our damage prevention efforts.

Note: (w) = Wichita Area; (kc) = Kansas City Area									
		Random Site Visits		Damage Investigations		Contractor/Utility Meetings		CGA/ULCC Meetings & Presentations	
Year	Month	(w)	(kc)	(w)	(kc)	(w)	(kc)	(w)	(kc)
2016	January	4	91	7	3	2	3	0	6
	February	21	67	5	4	1	6	1	2
	March	12	90	8	20	6	2	2	0
	April	18	27	3	7	1	7	0	2
	May	13	44	3	4	1	2	2	0
	June	10	111	12	0	1	8	1	0
	July	3	152	2	18	0	7	0	1
	August	6	71	12	3	4	2	1	1
	September	10	68	7	12	7	2	4	0
	October	14	19	11	0	15	0	3	0
	November	25	23	7	11	27	0	0	1
	December	16	10	3	11	18	0	1	1
	Total:	152	773	80	93	83	39	15	14

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

There are no issues, problems, or challenges to report at this time.

Mid-term Financial Status Report

The mid-term financial report will be sent in as a separate attachment to the AA.

Plans for Next Period (Remainder of Grant)

For the remainder of the grant period we plan to stay on track with enforcement. Also we will continue to maintain coordination and liaison efforts with all parties involved in large construction projects now taking place, and will continue to look for opportunities to build relationships with other groups that influence construction and excavation projects in Kansas areas. The regional CGA groups we have established will continue to present topics of interest for the excavator community to build on the education of all stakeholders. We plan to continue participating in these meetings and encouraging all excavators as well as utilities to participate. Finally, we will continue to work with all parties in the community to establish best practices and consistent guidelines for utility locating procedures and underground utility damage prevention.

Requests of the AOTR and/or PHMSA

No actions requested at this time.