

2017 State Damage Prevention Program Grants Progress Report
CFDA Number: 20.720

Award Number: 693JK31741012

Project Title: Kansas Corporation Commission State Damage Prevention Grant

Date Submitted: March 27, 2018

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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 a 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, this enforcement strategy is coupled with a strong educational component that will foster communications among all parties. KCC Staff 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 266 combined damage investigations in the Wichita and Kansas City metro areas for CY 2017. These investigations led to a combined 185 notices of

probable noncompliance being issued to the party considered at fault by KCC Staff. Further enforcement was accomplished by Staff issuing a combined 38 civil penalties for a total of \$21,000. Of those penalties, 18 were issued to operators with insufficient or no locates (\$9,000) and 20 were issued to excavators digging without locates (\$12,000). 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 2017. 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 six 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 largely populated areas.

Wichita Area

KCC staff organizes and promotes regional CGA meetings in Wichita. The CGA meetings provide the opportunity for the one call community to network and discuss current excavation issues in the region. These discussions include the early identification of large capital projects scheduled by the city of Wichita and surrounding counties. This facilitates a dialogue between the locate companies and the project managers to coordinate with and plan for labor needs to meet the new locate demand. A CGA phone list of operators continues to be compiled and updated yearly to facilitate communication with excavators and continues to be a beneficial tool to the excavators.

The Wichita area inspector addresses complaints of excavators working near interstate pipelines without One-Call tickets and provides support to the interstate pipeline operators across the state. Using information provided by the interstate pipeline patrols, KCC staff directly contact the excavator considered to be at fault. If sufficient evidence is available, staff issues notices of probable violation to the excavator, based on the pipeline's allegations. This initiative has increased KCC interaction with excavators in more remote parts of the state.

Kansas City Metropolitan Area

The Kansas City metro area inspector continues to educate and coordinate with relevant parties involved in on-going major projects affecting densely populated areas to promote damage prevention, as follows:

1. Flowable Fill Standards: This has involved working with the regional CGA, along with the ROW committee in Johnson County, Kansas, to establish consistent flowable fill standards in this highly populated, high-growth county, consisting of approximately 22 cities. The CGA has been successful in keeping this issue on the agenda of city councils. This has resulted in the number of cities expressing interest increasing, with many now awaiting city council approvals. These standards 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. This will be a significant factor in future damage prevention to underground facilities.
2. Fiber Projects: The Kansas City regional CGA continues discussion regarding locate issues associated with multiple, large fiber laying projects involving trenchless excavation through congested underground right-of-ways in multiple cities in two counties. Projects in the KC metro area include:
 - ATT, Verizon, and MCI Light Gig Projects: focused on the construction of new facilities;
 - Google Fiber project: on-going and is now primarily focused on service drops;
 - Spectrum: currently upgrading existing facilities.

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 grant funded damage prevention program in Wichita, there was little to no damage prevention enforcement in that area. Over the course of the last seven years, on-site contact with the utility operators and excavators has had a positive impact in damage prevention. Over the past four years, the supplemental funding made available, by this grant to the Kansas City area, has had a similar positive impact. Below is a chart, summarizing the field contact these positions have with the excavation and utility communities. The year-end report 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 damage prevention efforts.

		Random Site Visits		Damage Investigations		Contractor/Utility Meetings		CGA/KOC Meetings & Presentations	
CYYear	Month	(W)	(KC)	(W)	(KC)	(W)	(KC)	(W)	(KC)
2017	January	15	32	3	11	1	4	0	6
	February	43	62	7	20	0	7	0	1
	March	53	70	17	16	3	3	0	2
	April	16	41	12	18	4	6	2	1
	May	26	43	18	10	7	3	0	1
	June	27	14	1	7	1	0	1	2
	July	22	28	12	13	0	2	0	2
	August	14	35	6	19	1	3	0	3
	September	13	29	9	10	1	1	0	2
	October	41	18	10	7	2	5	0	1
	November	36	45	5	15	0	4	0	1
	December	11	19	11	8	1	0	1	1
	Total:	317	436	111	154	21	38	4	23

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 has been sent as a separate attachment to the AA.

Plans for Next Period (Remainder of Grant)

For the remainder of the grant period, plans include continuing rigorous enforcement activities and continuing to maintain coordination and liaison efforts with all parties involved in large construction projects. KCC staff will continue to look for opportunities to build new relationships with other groups that influence construction and excavation projects in Kansas areas. The regional CGA groups will continue to present topics of interest for the excavation community to expand the education of these stakeholders. KCC staff will participate in these meetings and will encourage 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.