

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

Award Number: 693JK31741012

Project Title: Kansas Corporation Commission State Damage Prevention Grant

Date Submitted: December 12, 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 purpose of this grant is 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 329 damage investigations supported by this grant. The investigations led to 215 notices of probable noncompliance being issued to the party considered

at fault by KCC Staff. Further enforcement was accomplished by Staff issuing 81 penalties in the total amount of \$40,500 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 51% of the Probable Non-compliances issued during this period were to utility operators (increase of 8% this period) and approximately 49% were issued to excavators (decrease of 7%). The decrease in Probable Non-compliances issued to excavators is likely due to excavators being more prudent in the field and due to the on-site education provided by KCC staff. The increase in Probable Non-compliances issued to the utility operators is due to the operators locating with bad maps and contract locators working with limited staff.

Enforcement Activity Summary (during grant period)

	Wichita Metro	Kansas City Metro	TOTAL
Damage Investigations – all utilities	156	173	329
Probable Non-compliances - Excavators	55	51	106
Probable Non-compliances - Utility Operators	32	77	109
Probable Non-compliances - TOTAL	87	128	215
Penalty Orders Issued	21	60	81
Site Visits/Locate Ticket Audits	269	321	590

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.

As seen in the chart below, 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. Communication between all stakeholders for large city projects is critical and can be very effective in preventing damage during the project.

	Wichita Metro	Kansas City Metro	TOTAL
Informal City or On-site Safety Meetings/Excavator Meetings	12	49	61
One Call/CGA/Utility Locating Committee Meetings, Presentations	7	38	45

Investigator Education Activity (during grant period)

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 eight years, on-site contact with the utility operators and excavators has had a positive impact in damage prevention. Over the past five 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. This year-end report presents the trend of damages per 1000 locates (primarily to natural gas facilities) in the Wichita and Kansas City areas and provides analysis of damage prevention efforts based on a calendar year.

In CGA’s 2017 DIRT Report, the data showed a decrease from 31% in 2016 to 24% in 2017 of all damages, when no notification was made prior to excavation,. The report also shows that 17% of all damages were attributed to utility operator locating practices, a slight drop from 18% in 2016. 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 remain low in comparison at 12% and 13%, respectively. This statistic goes a long way in showing the effectiveness of this damage prevention programs. 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 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. These programs would not be as effective if sole focus was on civil penalties as an enforcement tool. The challenge moving forward will be how to address the problem that operators are more than twice as likely to be at fault for a gas damage as excavators.

Damage Prevention Performance Metrics

	Wichita Metro 2016	Wichita Metro 2017	Kansas City Metro 2016	Kansas City Metro 2017
Locates Requested -Gas Utilities	142,345	135,229	214,442	191,615
Natural Gas Damages	214	166	419	343
Damages/1,000 locates	1.7	1.22	1.95	1.79
% of KCC Investigations with "No Notification made to One Call center" as contributing cause	15%	12%	17%	13%
% of KCC Investigations where operators fail to provide accurate or timely locates as a contributing cause.	29%	21%	40%	45%

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.

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.