

**2018 State Damage Prevention Program Grants Progress Report**  
**CFDA Number: 20.720**

**Award Number:** 693JK31840017PSDP

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

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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 will also 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 305 combined damage investigations in the Wichita and Kansas City metro areas for CY 2018. These investigations led to a combined 202 notices of

probable noncompliance being issued to the party considered at fault by KCC Staff. As part of this enforcement effort, the KCC issued a combined 95 civil penalties for a total of \$47,500. Of those penalties, 72 were issued to operators with insufficient or no locates (\$36,000) and 23 were issued to excavators digging without locates (\$11,500). 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 no improvement shown by operators to adequately staff for the projected locate demand. This has resulted in locators providing inaccurate locates to excavators. The number of inaccurate maps identified has also increased. Because of complaints from the excavator community, KCC Staff increased the number of audits for timely locating. This resulted in an increase in enforcement action taken due to excavating without locates. Full analysis of the KCC Staff enforcement activities and results will be provided in the Final Grant Report.

#### **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.

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. Educational components are provided by KCC Staff at regional Common Ground Alliance (CGA) meetings and Kansas One Call excavator meetings. KCC staff participation in the Utility Location and Coordination Council (ULCC) committees also creates an opportunity for excavators to interact with KCC staff to gain additional knowledge in 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 and plan for labor needs to meet new locate demands. A CGA phone list of operators was created and continues to be updated yearly to facilitate communication amongst excavators and has proven to be a beneficial tool for the excavators.

The investigator also provides support to the interstate pipeline operators across the state by addressing complaints about excavators working near interstate pipelines without One-Call tickets. Using information provided by the interstate pipeline patrols, KCC staff directly contact the excavators 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.

Large private operators notify the KCC staff, via email, of damages when they occur. Because of this communication, KCC staff are able to address damages throughout the state. KCC staff research ITIC for valid one call tickets and make contact with excavators and operators as part of the damage investigation. With this process, KCC staff have been able to have a "presence" in areas outside Wichita and at times been able to take enforcement action in cities and towns that have previously not had KCC enforcement action.

### Kansas City Metropolitan Area

The Kansas City metro area inspector continues to educate and work with relevant parties involved on 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 UPROW 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. The result has been a number of cities now adopting these standards, as well as KDOT, for certain projects, with many others 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, and it promotes the use of soft digging before directional drill excavating.
2. **Fiber Projects:** The Kansas City regional CGA continues discussion regarding locate issues associated with large fiber laying projects involving trenchless excavation through congested underground right-of-ways. Projects in the KC metro area include ATT, Verizon, Spectrum updating their infrastructure, Bluebird Fiber, Unite Private Network and small cell antenna projects.
3. **Discussions of Kansas State Statutes:** The regional CGA group has been a source of information for all stakeholders with regard to the change in the statutes as proposed by the Electric Cooperatives.
4. **Educational Opportunities:** The regional CGA partnered with sponsors to provide booths at the Lineman's Rodeo and the APWA National Convention. The plan is to partner again next year for the Lineman's Rodeo.
5. **Cross Bore Education:** The regional CGA is also working to find ways to educate/assist excavators with what can be done with regard to cross bores in sewer laterals.

### **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.")**

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 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	
CY Year	Month	(W)	(KC)	(W)	(KC)	(W)	(KC)
2018	January	25	16	9	4	0	7
	February	1	37	10	15	0	2
	March	5	45	15	18	1	1
	April	16	39	7	19	2	3
	May	33	49	13	18	2	2
	June	32	27	14	15	2	2
	July	26	21	19	16	0	1
	August	65	13	27	8	0	2
	September	0	29	10	34	1	1
	October	0	8	0	11	0	1
	November	0	15	0	10	0	1
	December	0	13	0	13	0	1
	Total:	203	312	124	181	8	24

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

During the initial three months of this grant period, the Wichita damage investigator position was vacant due to resignation. The position was filled in January but lines of communication and relationships developed with operators and excavators will now need to be re-established between these parties and the new investigator.

**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, work will continue 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.