

2018 State Damage Prevention Program Grants Final Report
CFDA Number: 20.720

Award Number: 693JK31840017PSDP

Project Title: Kansas Corporation Commission State Damage Prevention Grant

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

Secondary Contact: Ms. Suzanne Gonzales, s.gonzales@kcc.ks.gov (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 assisted 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 continued 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 was 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 was also used to augment KUUDPA enforcement in the Kansas City metropolitan area. The Kansas City position is also partially funded using the One Call grant. In addition to recommending civil penalties, this enforcement strategy was paired with a strong educational component that fostered communications among all parties. KCC Staff proposed 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 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 on damage prevention in the two largest population centers in Kansas.

As shown in the chart below, there were 402 damage investigations conducted during this grant period. Included in this investigation total are 63 damage investigations conducted offsite. An offsite investigation is conducted as follows: The damage investigators, upon receiving

information from operators or excavators via phone or email, of damage to facilities outside the Wichita or Kansas City metro areas, contact the parties involved to gather information, which is then verified using the call center's notification database. If credible evidence is available, the investigator may recommend the Commission take enforcement action. This approach allows for enforcement of KUUDPA throughout Kansas using limited manpower resources. The total number of investigations during the grant period led to 207 notices of probable noncompliance being issued to the party considered at fault by KCC Staff. Further enforcement was accomplished by Staff issuing 93 penalties in the total amount of \$46,500 to both excavators digging without locates and to utility operators who inaccurately located or failed to locate their facilities. A strong physical enforcement presence has been established in these metro areas by the continued activities of both investigators. In addition to investigating damages shortly after they occur, the investigators made random site visits to conduct locate ticket audits to assure that tickets were completed by the due date and that lines were marked within the scope of the ticket. This has been an excellent enforcement tool with the utility operators in the constant struggle to get all facilities marked on time. The chart shows approximately 52% of the Probable Non-compliances issued during this period were to utility operators (increase of 2% from previous grant period) and approximately 48% were issued to excavators (decrease of 1% from previous grant period). 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 at least in part due to the operators locating with inaccurate maps or measurements and due to the contract locators working with limited or inexperienced staff.

Enforcement Activity Summary (during grant period)

	Wichita Metro	Kansas City Metro	Offsite	TOTAL
Damage Investigations – all utilities	144	195	63	402
Probable Non-compliances - Excavators	20	78	7	105
Probable Non-compliances - Utility Operators	32	68	14	114
Probable Non-compliances - TOTAL	52	134	21	219
Penalty Orders Issued	33	49	11	93
Site Visits/Locate Ticket Audits	234	474	0	708

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 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 comprehensive training programs have improved the overall knowledge of regulations and damage prevention methods in both of these densely populated areas.

Communication between all stakeholders for large city projects is critical and has been effective in preventing damages during these projects.

	Wichita Metro	Kansas City Metro	TOTAL
Informal City or On-site Safety Meetings/Excavator Meetings	27	50	77
One Call/CGA/Utility Locating Committee Meetings, Presentations	14	58	72

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.”)

On-site contact with the utility operators and excavators has had a positive impact in damage prevention. With the supplemental funding made available, by this grant, to the Kansas City area, there has been a similar positive impact. Below is a chart summarizing the field contacts these positions have made 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 2018 DIRT Report, the national data showed an increase from 24% in 2017 to 26% in 2018 of all damages, when no notification was made prior to excavation,. The report also shows that 21% of all damages were attributed to locating issues, an increase from 18% in 2017. 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 7% and 10%, respectively. This statistic goes a long way in showing the effectiveness of these 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. KCC Staff contends the enforcement program would not be as effective if sole focus was on civil penalties as an enforcement tool.

The challenge moving forward will be how to effectively address the problem that operators are more than twice as likely to be at fault for a gas damage as excavators. In the Wichita metro area, 22% of damage investigations were the result of operators failing to provide accurate or timely locates and for the Kansas City metro area, 33%. The Wichita and Kansas City investigators are spending significant time on enforcing the operators’ responsibility to provide accurate and timely locates while using a contract locator. The investigators will continue strong enforcement efforts to assure that contract locator issues are being addressed by the operators in hopes of reducing locator errors and assuring facilities are marked.

Damage Prevention Performance Metrics

	Wichita Metro 2017	Wichita Metro 2018	Kansas City Metro 2017	Kansas City Metro 2018
Locates Requested -Gas Utilities	135,229	106,962	191,615	146,603
Natural Gas Damages	166	81	343	183
Damages/1,000 locates	1.22	.76	1.79	1.25
% of KCC Investigations with "No Notification made to One Call center" as contributing cause	12%	7%	13%	10%
% of KCC Investigations where operators fail to provide accurate or timely locates as a contributing cause.	21%	22%	45%	33%

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 had been sent as a separate attachment to the AA.

Requests of the AOTR and/or PHMSA

No actions requested at this time.