

**2019 State Damage Prevention Program Grants Final Report**  
**CFDA Number: 20.720**

**Award Number:** 693JK31940087PSDP

**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 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 involved. KCC Staff proposed to evaluate the effectiveness of this 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 473 damage investigations conducted during this grant period. Included in this investigation total were 147 damage investigations conducted offsite. An offsite investigation is conducted when damage investigators receive information from operators

or excavators via phone or email, of damage to facilities outside the Wichita or Kansas City metro areas. If credible evidence is available, the investigator may recommend the Commission take enforcement action. This approach has allowed for enforcement of KUUDPA throughout Kansas using limited manpower resources. In 2020, due to the pandemic the total number of offsite investigations increased substantially by 58%. The total number of investigations during the grant period led to 339 notices of probable noncompliance being issued to the party considered at fault by KCC Staff. Further enforcement was accomplished by Staff recommending 111 penalties in the total amount of \$101,500 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 to ensure the utility operators are meeting their obligation in the constant struggle to get all facilities marked on time. The chart shows approximately 54% of the Probable Non-compliances issued during this period were to utility operators (increase of 2% from previous grant period) and approximately 46% were issued to excavators (decrease of 2% from previous grant period). As shown in the chart below, there was a significant increase in the number of locate requests made in both the Wichita and Kansas City metro areas and in offsite locations. There was also a significant increase in the number of probable non-compliances issued to the utility operators from the previous grant year. This increase is due at least in part to the operators providing inaccurate locates because of inaccurate maps or measurements and due to the contract locators working with limited or inexperienced staff.

#### **Enforcement Activity Summary (during grant period)**

	<b>Wichita Metro</b>	<b>Kansas City Metro</b>	<b>*Offsite</b>	<b>TOTAL</b>
Damage Investigations – all utilities	128	198	147	473
Probable Non-compliances - Excavators	38	85	30	153
Probable Non-compliances - Utility Operators	32	53	35	120
Probable Non-compliances - TOTAL	70	138	65	273
Penalty Orders Issued	31	66	14	111
Site Visits/Locate Ticket Audits	718	559	0	1277

\*Performed by Kansas City and Wichita investigators combined

#### **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 fewer opportunities to interact in person with the City of Wichita and the various cities that comprise the larger Kansas City Metropolitan area on utility damages due to the pandemic. Though reduced, involvement in the regional Common Ground Alliance (CGA) meetings and participation in the Utility Location and Coordination Council (ULCC) committees continued virtually. These continued efforts have continued to improve 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.

	<b>Wichita Metro</b>	<b>Kansas City Metro</b>	<b>TOTAL</b>
Informal City or On-site Safety Meetings/Excavator Meetings	3	6	9
One Call/CGA/Utility Locating Committee Meetings, Presentations	5	23	28

### **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.”)**

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 2019 DIRT Report, the national data showed an increase from 26% in 2018 to 29% in 2019 of all damages, when no notification was made prior to excavation. The report also shows that 28% of all damages were attributed to locating issues, an increase from 21% in 2018. From the perspective of the damages to natural gas pipelines 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 6% and 9%, respectively. This statistic goes a long way in showing the effectiveness of these damage prevention programs funded by this grant. 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 promotes 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 the sole focus was on civil penalties as an enforcement tool.

The challenge moving forward will be how to effectively address the problem with operators that are struggling to provide timely and accurate locates. In the Wichita and Kansas City metro areas, 26% of damage investigations were the result of operators failing to meet this requirement. 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. With the increased number of locate requests made in this grant year, and the limited number of experienced locators available to operators, the trend for damages to increase seems likely. The investigators will continue strong enforcement efforts to ensure 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 2018	Wichita Metro 2019	Kansas City Metro 2018	Kansas City Metro 2019
Locates Requested -Gas Utilities	106,962	137,261	146,603	178,530
Natural Gas Damages	81	128	183	198
Damages/1,000 locates	.76	.93	1.25	1.11
% of KCC Investigations with "No Notification made to One Call center" as contributing cause	7%	6%	10%	9%
% of KCC Investigations where operators fail to provide accurate or timely locates as a contributing cause.	22%	26%	33%	26%

**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.