

2020 State Damage Prevention Program Grants Progress Report
CFDA Number: 20.720

Award Number: 693JK32040005PSDP

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 fosters communications among all parties. KCC Staff proposes 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 fully funds the Wichita area damage investigator and partially funds 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 131 combined damage investigations in the Wichita and Kansas City metro areas during the first six months of the grant year 2020. These investigations led to a combined 231 notices of probable noncompliance being issued to the party considered at fault by KCC Staff. Staff recommended and received approval for a combined 22 civil penalties for a total of \$15,000 in further enforcement. Of those penalties, 8 were issued to operators with insufficient or no locates (\$8000) and 14 were issued to excavators digging without locates (\$7000). Over the past four 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 has continued during this current grant period with little improvement shown by operators to provide adequately trained staff for the locate demands. This has resulted in locators providing inaccurate locates to excavators. The number of non-compliances for inaccurate maps identified has also remained high. Because of complaints from the excavator community, KCC Staff are placing greater emphasis on the audits for timely locating. 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 in person and via video communications. 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 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 and addresses complaints of 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 made aware and 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 have 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. 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 Verizon, ATT, and Spectrum updating their infrastructure.
2. Continued 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.
3. 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 nine 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 the Wichita and Kansas City metro positions have made with the excavation and utility communities during the first six months of this grant period. The number of contacts made with contractors and operators in the field decreased due to the pandemic. Direct contact was limited to damage investigations and time spent was the minimum amount needed to complete the investigations.

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 for CY 2020 and provide analysis of damage prevention efforts.

		Site Audits		On/Off Site Damage Investigations		Contractor/Utility Meetings	
Grant period	Initial 6 Months	(W)	(KC)	(W)	(KC)	(W)	(KC)
	Total:	101	75	56	75	6	0

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 and KCC staff will participate in these meetings as the pandemic allows. KCC 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.