**2013 State Damage Prevention Program Grants Progress Report**

**CFDA Number: 20.720**

**Award Number:** DTPH56-13-G-PHPS06

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

**Date Submitted:** April 17, 2014

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

**Specific Objective(s) of the Agreement**

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 our 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, our enforcement strategy is coupled with a strong educational component that will foster communications among all parties. We 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 Grantee will address the following elements listed in 49 U.S.C. §60134 (b) through the actions it has specified in its Application.

**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 290 combined damage investigations in the Wichita and Kansas City metro areas for CY 2013. These investigations led to a combined 214 notices of probable noncompliance being issued to the party considered at fault by KCC Staff. Further enforcement was accomplished by Staff issuing a combined 25 civil penalties for a total of $13,250 to excavators digging without locates. Full analysis of the KCC Staff enforcement activities will be performed in the Final Report for this grant.

**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.

From the start of the SDP Grant program funding the Wichita area position in 2008, and the supplemental funding provided to the Kansas City area for the past two years, 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.

*Wichita Area*

In the Wichita area, the City of Wichita is one of the largest excavators, with the Water Department doing most of the excavation work. During this time, there has been noticeable improvement in their excavation practices as a whole. From 2008 to 2012, there was a 23% decrease in what the city refers to as “preventable” or “at fault” damages and has continued to remain low in 2013.

So far in this grant period, our Wichita area inspector has been working with the regional CGA, comprised of members from utilities, excavators, regulators, and city officials, to formulate best practices for handling “design tickets,” or locate tickets for surveyors. Due to size and scope of a typical survey request, locates for design tickets being completed within 48 hours can be a burden on locating resources. Through this coordination effort with the regional CGA, the issue has been noticed and a remedy to handle these type of locates in a consistently efficient manner without overburdening locators is being worked on.

*Kansas City Metropolitan Area*

Of particular note during this current grant period, our Kansas City metro area inspector has been educating and coordinating with all relevant parties involved in four major projects affecting densely populated areas in order to promote damage prevention, as follows:

1. Flowable Fill Standards: This involves working with the regional CGA along with the ROW committee in Johnson County, Kansas, to establish consistent flowable fill standards throughout all cities, towns and communities in this largely populated, high-growth county, with approximately 22 cities. These standards will mandate a softer, more soluble and easily compacted material to be filled around underground utilities so the filled area resists subsidence, allows for easier vacuum excavating in the future. If successfully implemented, this will be a significant factor in future damage prevention to underground facilities.
2. Design Build standards for public works projects: This involves working with the regional CGA, various city governments, and the Kansas Department of Transportation (KDOT) to incorporate quality assurance requirements for utility relocations. For example, large public works project contracts will include quality assurance measures for relocating utilities and coordinating utility locating activity as part of the responsibilities of the general contractor or the engineering design firm.
3. Google Fiber Project: In this case, the Kansas City regional CGA is discussing any locate issues associated with an large fiber laying project involving trenchless excavation through congested underground right-of-ways in multiple cities in two counties.
4. The Gateway Project: This involves the Kansas City regional CGA discussing issues that arise regarding damage prevention in a highway project undertaken by KDOT, traversing multiple cities and towns. This project will involve multiple contractors and is implementing the design/build project noted above.

**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 damage prevention program in Wichita funded by this grant, there was very little to no activity for damage prevention enforcement in that area. Over the course of the last 5 years in Wichita, our on-site contact with the utility operators and excavators has made a positive impact in damage prevention overall. Over the past two years, the supplemental funding made available by this grant to the Kansas City area has aided the positive impact of the KCC damage prevention program in that large metro area. Below is a chart summarizing the field contact these positions have with the excavation and utility communities. In the year-end report, we will present the trend of damages per 1000 locates for the various utility sectors in the Wichita and Kansas City areas and provide analysis of our damage prevention efforts.

Note: (w) = Wichita Area; (kc) = Kansas City Area

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | **Random Site Visits** | | **Damage Investigations** | | **Contractor/Utility Meetings** | | **CGA/ULCC Meetings & Presentations** | |
| **Year** | **Month** | (w) | (kc) | (w) | (kc) | (w) | (kc) | (w) | (kc) |
| **2013** | January | 14 | 82 | 12 | 16 | 12 | 7 | 1 | 2 |
|  | February | 16 | 22 | 8 | 9 | 9 | 4 | 2 | 1 |
|  | March | 17 | 54 | 9 | 10 | 11 | 3 | 0 | 4 |
|  | April | 26 | 70 | 20 | 13 | 21 | 12 | 1 | 3 |
|  | May | 15 | 33 | 19 | 7 | 13 | 3 | 0 | 1 |
|  | June | 28 | 57 | 18 | 19 | 17 | 7 | 0 | 2 |
|  | July | 16 | 84 | 6 | 33 | 12 | 6 | 1 | 1 |
|  | August | 32 | 69 | 9 | 22 | 25 | 7 | 2 | 1 |
|  | September | 67 | 62 | 8 | 14 | 50 | 3 | 1 | 1 |
|  | October | 24 | 60 | 3 | 11 | 19 | 6 | 1 | 2 |
|  | November | 21 | 31 | 1 | 11 | 16 | 3 | 2 | 1 |
|  | December | 0 | 27 | 0 | 12 | 0 | 7 | 0 | 2 |
|  | **Total:** | **276** | **651** | **113** | **177** | **205** | **68** | **11** | **21** |

**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 we plan to stay on track with enforcement activities. Also we will continue to maintain coordination and liaison efforts with all parties involved in large construction projects now taking place, and will continue to look for opportunities to build relationships with other groups that influence construction and excavation projects in Kansas areas. The regional CGA groups we have established will continue to present topics of interest for the excavator community to build on the education of all stakeholders. We plan to continue participating in these meetings and encouraging all excavators as well as utilities to participate. Finally, we will continue to work 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.