

Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027



Phone: 785-271-3220  
Fax: 785-271-3357  
<http://kcc.ks.gov/>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Sam Brownback, Governor

April 28, 2015

Ms. Janella Davis, Grant Administrator  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
Office of Acquisition Services, PHA-30  
1200 New Jersey Avenue, SE, E22-306  
Washington, D.C. 20590

RE: State Damage Prevention Grant Progress Report: Grant Agreement #DTPH56-14-G-PPS07

Dear Ms. Davis:

Enclosed, please find the Midterm Progress Report for the above captioned Grant Agreement. This report is being filed as per the requirements of Section 9.01 of the Agreement.

If you have any questions, please contact me at (785)271-3278.

Sincerely,

Leo M. Haynos  
Chief of Gas Operations & Pipeline Safety

cc: Shari Feist Albrecht, Chair  
Jeff McClanahan, Director of Utilities  
Neysa Thomas, Acting Secretary  
Nancy Pierce, Accountant

**2014 State Damage Prevention Program Grants Progress Report  
CFDA Number: 20.720**

**Award Number:** DTPH56-14-G-PPS07

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

**Date Submitted:** April 29, 2015

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

Secondary Contact: Ms. Kris Casarona, [k.casarona@kcc.ks.gov](mailto:k.casarona@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 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 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 243 combined damage investigations in the Wichita and Kansas City metro areas for CY 2014. These investigations led to a combined 182 notices of probable noncompliance being issued to the party considered at fault by KCC Staff. Further enforcement was accomplished by Staff issuing a combined 29 civil penalties for a total of

\$28,250 to excavators digging without locates (\$11,750) and to operators with insufficient or no locates (\$16,500). 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 three 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 2013, there was a more than 20% decrease in what the city refers to as “preventable” or “at fault” damages and has continued to remain low in 2014.

So far in this grant period, our Wichita area inspector has worked through the regional CGA group (comprised of members from utilities, engineering firms, excavators, regulators, and city officials) to recommend several ways to formulate and apply best practices for dealing with “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 types of locates in a consistently efficient manner without overburdening locators is being worked on.

The local utility locating companies and facility utility owners in the CGA meetings have suggested that design engineer companies give early notice to locators and watch for potential large design locates on the capital projects list of the City of Wichita’s ULCC monthly meeting (where all of the area capital projects are discussed). The coordination of the CGA group with the Wichita ULCC committee has proven to be a useful tool in anticipating these large locate requests so locators can better plan to get the work completed in a reasonable timeframe.

Additionally, the CGA and Kansas Pipeline Association groups in Wichita have opened dialog with the Wichita Fire Department to discuss developing and providing additional fire fighter response training for gas line and electrical line emergency calls. This program will eventually train about 400 fire fighters in the Wichita Fire Department. It is anticipated that other fire departments will also take advantage of the training. The training is set to begin in the fall of 2015.

Finally, the Wichita area inspector has worked through the regional CGA to publish a contact phone list of most utility owners in the Wichita area. This list provides excavators the ability to

call a specific individual for a given utility and to ask the operator(s) questions or get help before an emergency might occur. This list also has the emergency reporting contact numbers and state regulator phone numbers. The list was designed to be passed out to field crews so they could be kept them in work vehicles. This phone list has been very well received by the excavation community and is now in its fourth publication since 2012.

#### 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 and 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. Google Fiber Project: In this case, the Kansas City regional CGA is discussing any locate issues associated with a large fiber laying project involving trenchless excavation through congested underground right-of-ways in multiple cities in two counties.
3. The Gateway Project: This involves a highway project undertaken by KDOT, traversing multiple cities and towns. This project will involve multiple contractors and is implementing the design/build project.
4. ATT Light Gig Project: This involves all the metro cities predominantly in the Johnson County area with another large fiber laying project involving trenchless excavation through congested underground right-of-ways.
5. Various road projects throughout the Metro will also be a big factor in the coming spring/summer of 2015. Along with public works projects that each of the cities may have in the works.

#### **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 6 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 3 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, mostly for natural gas damages, in the Wichita and Kansas City areas and provide analysis of our damage prevention efforts.

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

Year	Month	Random Site Visits		Damage Investigations		Contractor/Utility Meetings		CGA/ULCC Meetings & Presentations	
		(w)	(kc)	(w)	(kc)	(w)	(kc)	(w)	(kc)
2014	January	30	47	3	5	16	1	1	3
	February	46	88	7	6	12	2	1	0
	March	55	33	5	7	18	3	8	2
	April	79	117	8	12	54	8	2	3
	May	52	132	10	15	32	4	2	2
	June	42	83	3	17	38	5	3	2
	July	73	53	4	23	60	5	2	3
	August	80	77	8	34	44	7	2	5
	September	60	42	9	12	42	5	1	4
	October	55	32	9	13	40	6	0	1
	November	58	27	5	5	45	2	1	2
	December	53	68	4	19	45	5	1	1
	Total:	683	799	75	168	446	53	24	28

**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.

<b>REQUEST FOR ADVANCE OR REIMBURSEMENT</b>  <i>(See Instructions on back)</i>		OMB APPROVAL NO. <div style="text-align: center;">0348-0004</div>		PAGE 1 OF PAGES	
		1. TYPE OF PAYMENT REQUESTED	a. "X" one or both boxes <input checked="" type="checkbox"/> ADVANCE <input type="checkbox"/> REIMBURSEMENT  b. "X" the applicable box <input type="checkbox"/> FINAL <input checked="" type="checkbox"/> PARTIAL	2. BASIS OF REQUEST  <input checked="" type="checkbox"/> CASH  <input type="checkbox"/> ACCRUAL	
3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED  <div style="text-align: center;">DOT/PHMSA/OFFICE OF PIPELINE SAFETY</div>		4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY  <div style="text-align: center;">DTPH5614GPPS07</div>		5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST	
6. EMPLOYER IDENTIFICATION NUMBER  <div style="text-align: center;">48-1124839</div>	7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER	8. PERIOD COVERED BY THIS REQUEST			
		FROM (month, day, year) <div style="text-align: center;">9/22/2014</div>		TO (month, day, year) <div style="text-align: center;">3/31/15</div>	
9. RECIPIENT ORGANIZATION  Name: KANSAS CORPORATION COMMISSION  Number and Street: 1500 SW AAROWHEAD RD  City, State and ZIP Code: TOPEKA, KS 66604		10. PAYEE (Where check is to be sent if different than item 9)  Name:  Number and Street:  City, State and ZIP Code:			
11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED					
PROGRAMS/FUNCTIONS/ACTIVITIES ➤		(a)	(b)	(c)	TOTAL
a. Total program outlays to date (As of date)		\$	\$	\$	\$ 0.00
b. Less: Cumulative program income					0.00
c. Net program outlays (Line a minus line b)		0.00	0.00	0.00	0.00
d. Estimated net cash outlays for advance period		69,391.73			69,391.73
e. Total (Sum of lines c & d)		69,391.73	0.00	0.00	69,391.73
f. Non-Federal share of amount on line e					0.00
g. Federal share of amount on line e		69,391.73			69,391.73
h. Federal payments previously requested					0.00
i. Federal share now requested (Line g minus line h)		69,391.73	0.00	0.00	69,391.73
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances	1st month				0.00
	2nd month				0.00
	3rd month				0.00
12. ALTERNATE COMPUTATION FOR ADVANCES ONLY					
a. Estimated Federal cash outlays that will be made during period covered by the advance					\$ 69,391.73
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period					
c. Amount requested (Line a minus line b)					\$ 69,391.73

AUTHORIZED FOR LOCAL REPRODUCTION
(Continued on Reverse)
STANDARD FORM 270 (Rev. 7-97)  
Prescribed by OMB Circulars A-102 and A-110



13.

## CERTIFICATION

I certify that to the best of my knowledge and belief the data on the reverse are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

SIGNATURE OR AUTHORIZED CERTIFYING OFFICIAL



TYPED OR PRINTED NAME AND TITLE

SHARI FEIST ALBRECHT, CHAIR

DATE REQUEST  
SUBMITTED

April 16, 2015

TELEPHONE (AREA  
CODE, NUMBER,  
EXTENSION)

785-271-3350

This space for agency use

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0004), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

## INSTRUCTIONS

Please type or print legibly. Items 1, 3, 5, 9, 10, 11e, 11f, 11g, 11i, 12 and 13 are self-explanatory; specific instructions for other items are as follows:

Item	Entry
------	-------

2 Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis.

4 Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency. If the advance or reimbursement is for more than one grant or other agreement, insert N/A; then, show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made against the grant or agreement.

6 Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (institution) code if requested by the Federal agency.

7 This space is reserved for an account number or other identifying number that may be assigned by the recipient.

8 Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested.

Note: The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports.

11 The purpose of the vertical columns (a), (b), and (c) is to provide space for separate cost breakdowns when a project has been planned and budgeted by program, function, or

Item	Entry
------	-------

activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page.

11a Enter in "as of date," the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and subrecipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, subgrantees and other payees.

11b Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement.

11d Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance.

13 Complete the certification before submitting this request.



**(Follow form instructions)**

Standard Form 425  
OMB Approval Number: 0348-0061  
Expiration Date: 10/31/2011

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is 0348-0061. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0061), Washington, DC 20503.



SECTION B - BUDGET CATEGORIES

	A	B	C		D	E
			Expended this Period Midterm	Expended this Period 2nd Half		
1	6. Object Class Categories	Budgeted Amount				Expended
2	6a. Personnel	\$50,846	\$33,389.31	\$0.00		\$33,389.31
3	6b. Fringe Benefits	\$23,870	\$17,332.01	\$0.00		\$17,332.01
4	6c. Travel	\$1,092	\$1,685.93	\$0.00		\$1,685.93
5	6d. Equipment	\$500	\$0.00	\$0.00		\$0.00
6	6e. Supplies	\$300	\$131.29	\$0.00		\$131.29
7	6f. Contractual	\$0	\$0.00	\$0.00		\$0.00
8	6g. Construction	\$0	\$0.00	\$0.00		\$0.00
9	6h. Other	\$1,224	\$1,471.21	\$0.00		\$1,471.21
10	Total direct Charges (sum of 6a-6h)	\$77,833	\$54,009.75	\$0.00		\$54,009.75
11	6i. Indirect Charges 28.48%	\$22,167	\$15,381.98	\$0.00		\$15,381.98
12	TOTALS (sum of 6i and 6j)	\$100,000	\$69,391.73	\$0.00		\$69,391.73
13						
14	Awarded	\$100,000.00				
15	Expended	\$69,391.73				
16	Balance Owed	\$30,608.27				
17						