

2009 State Damage Prevention Program Grants Final Report
Funding Opportunity Number: DTPH56-09-SN-0001
CFDA Number: 20.720

Award Number: DTPH56-09-G-PHPS05

Project Title: Kansas Corporation Commission State Damage Prevention

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Specific Objective(s) of the Agreement

Under this grant award, the Kansas Corporation Commission will continue the pilot program begun in 2008 to augment the enforcement of the Kansas Underground Utility Damage Prevention Act. The program will be revised to include one full time employee dedicated to damage prevention inspections in the Wichita area for all of 2009. The Kansas Corporation Commission will also use the funding 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 agreement, the Grantee will address the following elements listed in 49 USC §60134 through the actions it has specified in its Application.

- ⌚ *Element (4):* Participation by operators, excavators, and other stakeholders in the development and implementation of effective employee training programs to ensure that operators, the one call center, the enforcing agency, and the excavators have partnered to design and implement training for the employees of operators, excavators, and locators.
- ⌚ *Element (5):* A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.
- ⌚ *Element (7):* 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.
- ⌚ *Element (9):* A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

Accomplishments for the grant period CY 2009

For Calendar year 2009, the Kansas Corporation Commission employed one FTE dedicated to damage prevention enforcement and education in the Wichita metropolitan area. The inspector's duties consist primarily of on-site field inspections of utility damage locations. To perform this function, the inspector relies on real time reports of damages from two gas distribution utilities and one electric utility in the area. Also, the One Call ticket database is monitored for emergency locate requests. In 2009, the Wichita area generated 67,000 excavation locate requests or 27% of the Kansas statewide total. There were 663 damages reported for the Wichita area in CY2009. Of this amount, there were 191 damages, (29% of total), reported as damages to natural gas distribution facilities. Specific element objectives are as follows:

- ⌚ *Element (4):* Participation by operators, excavators, and other stakeholders in the development and implementation of effective employee training programs to ensure that operators, the one call center, the enforcing agency, and the excavators have partnered to design and implement training for the employees of operators, excavators, and locators. *To meet this goal, the KCC inspector conducted 29 meetings with contractors, 14 meetings with utilities or their locators, and 5 presentations to various groups or associations. A typical meeting with contractors or utilities ranged from an onsite*

“tailgate” meeting to presentations at safety meetings. Generally, the topics dealt with reviews of recent events related to their company’s compliance with the One Call laws or training sessions on Kansas regulatory requirements. The presentations to outside groups ranged from a 10 minute presentation prior to the keynote speaker at the Wichita Home Show to luncheon presentations at excavator association meetings.

- ⌚ *Element (5): A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.*

To a large extent, active participation of all stakeholders is ensured by a presence in the field when damages occur and the outreach described under Element 4. Through the educational outreach and the damage investigation, KCC Staff conducted 311 visits to excavation sites in the Wichita area.

- ⌚ *Element (7): 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.*

In addition to the education effort described above, the damage prevention inspector also issues citations for violations of the [Kansas Underground Utility Damage Prevention Act](#) and its [associated regulations](#). In 2009, the Wichita damage prevention inspector issued 49 notices of probable noncompliance to excavators and utility operators for various violations of Kansas law. These actions resulted in six civil penalties being issued for a total of \$7,500.

- ⌚ *Element (9): A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.*

Kansas requires semi-annual reporting of damages for all utilities that receive more than 2,000 locate requests per year. Based on this data, the KCC Staff has identified several parameters that can be tracked to demonstrate improvements in damage prevention. With only 18 months of activity under this program, we are unable to establish any trends at this time; however, several observations that merit further study can be identified. These include the observations listed in the Quantifiable Metrics section of this report. As a disclaimer, we note there are some quality assurance problems with the operator input data – particularly in the telecommunications sector. Hopefully, with experience in completing the data form, the data accuracy will improve. Using the Kansas damage data, we monitor the following parameters:

Quantifiable Metrics/Measures of Effectiveness:

2009 Natural Damage Data for Wichita, Kansas Area			
	Gas Operator Data	KCC Inspection Data, (gas)	Telecom Operator Data
Damages Reported	191	43	451
Damages/1000 tickets	2.0	N/A	1.7
% dmg w/ no locates	21%	23%	52%
% dmg w/ ticketed locates that are Operator Error	39%	42%	26%
% dmg w/ ticketed locates that are Excavator Error	61%	58%	74%

Observations:

- *The majority of KCC Staff damage investigations involve damages to natural gas distribution facilities.*
- *Gas and telecommunications damage show the same normalized damage ratio of approximately 2.0/1000 tickets.*
- *Approximately 1 in 5 damages to gas facilities are caused by the excavator failing to call for locates before digging. However, the number of damages caused by an excavator that did not request locates is considerably higher for the telecommunications industry than it is for gas.*
- *For those damages that occurred where locates were completed, approximately one-half of the damages were caused from Operator insufficient locating practices.*
- *In Wichita, the majority of damages occurred to service lines, (Gas=64%; Telecommunications=83%). Note: Depending on the location of the damage, excess flow valves may not be installed when repairing a gas service line; this could be an option for an accelerated action under the distribution integrity management rule to meet the threat of third party damages.*
- *Other than the statistic that contractors cause 77% of gas damages, the 2009 data is insufficient to determine which excavator sector caused the most damage to gas facilities. For the telecommunications data, the aggregate sectors of fencing, landscaping, and irrigation caused 53% of all damages. This aggregate of excavating sectors was also responsible for 68% of all telecommunications damages where no locate ticket was requested.*

Issues, Problems or Challenges

The work proposed under the scope of this grant was successfully completed. However, not all funds were expended due to the moratorium on salary increases for state personnel. This action resulted in personnel salary and wages costs being lower than estimated in the grant application.

Final Financial Status Report

The final financial report has been sent as a separate attachment to the Agreement Administrator, (AA).

Requests of the AOTR and/or PHMSA

No actions requested at this time.