

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

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

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

**Date Submitted:** December 3, 2015

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

**Grant Period:** September 22, 2014 through September 21, 2015

**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 in Kansas. In addition to our compliance actions, which include 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 effective in Kansas.

**Workscope**

Under the terms of this grant agreement, the Grantee will address the following elements listed in 49 USC §60134 through the actions it has specified in its Application.

- *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.

**Accomplishments for the grant period (Item 1 under Agreement Article IX, Section 9.02 Final 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 in the two largest population centers in Kansas.

As shown in the chart below, there were 249 damage investigations supported by this grant. The investigations led to 199 notices of probable noncompliance being issued to the party considered at fault by KCC Staff. Further enforcement was accomplished by Staff issuing 116 penalties in the total amount of \$50,750 to both excavators digging without locates and to utility operators who inaccurately located or failed to locate their facilities. A strong enforcement presence has been established in both of these metro areas by the continued activities of both investigators. Our Kansas City and Wichita investigators make random site visits and locate ticket audits a priority between damages, as evidenced in the chart below. This has been an excellent tool for enforcement with the large number of utility operators in those areas and the constant struggle to get all facilities marked in time. The chart shows approximately 65% of the Probable Non-compliances issued during this period were issued to utility operators (up 15% this period) and

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approximately 35% were issued to Excavators (down 15%). The decrease in Probable Non-compliances issued to excavators is likely due to our continued enforcement efforts and our increased presence and educational provisions in excavator meetings. The increase in enforcement activity with utility operators is likely due to more excavation activity accompanied by a large influx of locate requests, a 19% increase overall with a 37.7% increase in excavation activity in Johnson County alone. Examples of excavation projects attributing to this influx would include new fiber overbuild projects by Google Fiber and AT&T (two large competing telecommunication utilities) in the Kansas City Metropolitan area and the ongoing large public works projects in the Wichita area. Historically, there has been a high correlation between increased excavation activity and underground damages. This demonstrates our enforcement strategies prove to be effective as can be evidenced by the fact that the overall number of natural gas damages investigated has increased at a rate of 7.6% (up by 27) compared to the 19% increased rate of excavation activity in these areas during the same period. Further evidence of the effectiveness of our program can be seen in the 15% decrease in damages where the excavator was at fault. More discussion about this point is included in the “Metrics” section below.

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

	<b>Wichita Metro</b>	<b>Kansas City Metro</b>	<b>TOTAL</b>
Damage Investigations – all utilities	83	166	249
Natural Gas Damages (for available data: October 2014-June 2015)	91	290	381
Probable Non-compliances - Excavators	29	41	70
Probable Non-compliances - Utility Operators	27	102	129
Probable Non-compliances - TOTAL	56	143	199
Penalty Orders Issued	2	114	116
Site Visits/Locate Ticket Audits	565	861	1,426

**Education of Stakeholders to Improve Performance on Elements 1, 2, and 4:**

The metro area damage prevention investigators funded by this grant 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, Kansas damage investigators interface frequently with excavators, utilities and other stakeholders. Our Wichita investigator places a high priority on attending excavator safety meetings to provide quality damage prevention education to the people digging in the dirt. KCC Staff has also been attending and participating in City sponsored underground utility coordination committee (ULCC) meetings. We plan to continue participating in these meetings and encouraging all excavators as well as utilities to participate. Communication between all stakeholders for large city projects is critical and can be very effective in preventing damage during the project.

**Investigator Education Activity (during grant period)**

	<b>Wichita Metro</b>	<b>Kansas City Metro</b>	<b>TOTAL</b>
Excavator & Utility Meetings	454	86	540
One Call/CGA/Utility Locating Committee Meetings, Presentations	27	19	46

**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 7 years, our on-site contact with the utility operators and excavators has made a positive impact in damage prevention overall. Below is a chart providing two statistics that can provide a good measure of the effectiveness of a damage prevention program; damages per 1000 locates, the percentage of damages where no notification was made to the One Call center, and the percentage of damages incurred due to utility operator error (inaccurate locates, bad maps or measurements, no locates made). These statistics are difficult to calculate for the grant period, so calendar year statistics are shown, which are based on the 2014 PHMSA Distribution Annual Report. Out of 11 states in the Central Region, Kansas was the third lowest in terms of damages per 1,000 locate requests at a rate of 2.12. This report also shows Kansas as beating the national average of 3.05 damages per 1,000 locates. The damages per 1,000 locates for both metro areas look great when compared to the numbers from other Central region states, the national average, and to Kansas as a whole. This shows the positive impact on damage prevention that these two positions have in their respective metro areas.

In CGA’s 2014 DIRT Report, the data showed that for 25% of all damages, no notification was made prior to excavation, down from 26% in 2013. The report also shows that 17% of all damages were attributed to utility operator locating practices, up from 16% in 2013. From the perspective of the damages investigated by the KCC in Wichita and Kansas City, the percentage of excavators failing to provide notification prior to excavation still remain low in comparison at 13% and 8%, respectively. Despite our net increase in damages resulting from utility operator error in CY 2014 (approximately 2% for both areas combined), the increase was at a lower rate than the increase in excavation activity of 10% during the same CY. This statistic goes a long way in showing the effectiveness of our damage prevention programs. 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. However, the strong emphasis on education of excavators and encouraging communication between stakeholders, as seen by the data from the previous section, helps to promote use of the One Call system and increase awareness of damage prevention while excavating. We believe that our programs would not be as effective if our sole focus was on civil penalties as an enforcement tool.

**Damage Prevention Performance Metrics**

	<b>Wichita Metro 2013</b>	<b>Wichita Metro 2014</b>	<b>Kansas City Metro 2013</b>	<b>Kansas City Metro 2014</b>
Locates Requested -Gas Utilities	108,641	116,910	147,931	164,465
Natural Gas Damages	179	161	282	351
Damages/1,000 locates	1.65	1.38	1.91	2.13
% of KCC Investigations with "No Notification made to One Call center" as contributing cause	11.5%	13%	15.1%	8%
% of KCC Investigations where operators fail to provide accurate or timely locates as a contributing cause.	31%	29%	41%	45%

**Issues, Problems or Challenges (Item 3 under Article IX, Section 9.01 Project Report: “The reasons for slippage if established objectives were not met.”)**

None at this time.

**Final Financial Status Report**

The mid-term financial report has been sent as a separate attachment to the AA.

**Requests of the GOTR and/or PHMSA**

No actions requested at this time.