

## **Marking of Underground Facilities; HB 2178**

**HB 2178** amends law concerning the duty of an operator to mark the tolerance zone (the area not less than 24 inches of the outside dimensions in all horizontal directions) around an underground facility within the Kansas Underground Utility Damage Prevention Act (KUUDPA).

Specifically, the bill amends the definition of “operator” to specify an electric public utility is not considered an operator of any portion of an underground facility that is on another person’s side of the point where ownership of the facility changes from the electric public utility to another person as determined by the electric public utility’s rules and regulations, tariffs, service or membership agreements, or other similar documents. The bill provides, if the operator of a facility used for transporting, gathering, storing, conveying, transmitting, or distributing gas, electricity, communications, crude oil, refined or reprocessed petroleum, petroleum products, or hazardous liquids is also a provider of electricity, the duty of the operator to mark the tolerance zone does not extend to another person’s side of the point where ownership of the facility changes from the operator to another person as determined by the operator’s rules and regulations, tariffs, service or membership agreements, or similar documents. The bill makes a clarifying amendment to the definition of “operator” to include any person who leases (rather than operates) an underground Tier 1 or Tier 2 facility.

The bill also amends law to require the notification center established by the KUUDPA, on and after July 1, 2019, to notify any person or excavator requesting identification of the location of underground facilities that utilities are only required to identify the location of utility-owned facilities and not the location of privately owned facilities.

The bill adds the definition of “electric public utility,” as defined by statutes governing the powers of the Kansas Corporation Commission, to the KUUDPA.