

2-6-23

Committee on Energy, Utilities and Telecommunications

Attn: Mindy Sieve

Re: House Bill No. 2226

Committee Members,

Thanks you for the opportunity to comment on the proposed changes to the Kansas underground damage prevention act. I am in support of HB 2226

I have been an excavator for over 45 years working in Kansas and have experienced multiple changes and revisions to the Underground damage prevention rules and regulations over that time. It is time to revise these rules and regulations again to help improve the results for damage prevention. Currently it is common for an excavator to not receive accurate and on time locate marks. Not receiving this core service creates costly delays, increases the likelihood for damages to underground infrastructure and danger to the workers and general public.

The Common Ground Alliance, an organization dedicated to reducing utility damages, reports that damages to underground facilities continue to occur at an increasing rate. The tremendous societal impacts of these damages are estimated to have cost \$30 billion in 2019 alone as well as have a negative impact on public safety. (CGA-dirt.com/annual/)

The Infrastructure Protection Coalition, a group of concerned stakeholders, conducted a nationwide, state by state review and study of damage prevention effectiveness in 2021. (www.ipcweb.org) This study was the most extensive review ever conducted of the damage prevention regulation, processes and practices. The study and report estimate that in 2019 the damage costs in Kansas were \$330 Million in annual and out of pocket cost to the system plus an addition \$70 Million in waste and inefficiencies. These cost and inefficiencies are ultimately paid by the customers and rate payers of Kansas. It is also a clear indication of the volume of underground utility damages, and each damage puts the citizens of Kansas at risk.

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The IPC report listed the following recommendations to improve the weaknesses or gaps in the current Kansas damage prevention laws:

Mandatory Damage Reporting

Balanced Enforcement

Third Party Enforcement Board

Standardize Minimum Notification Time

Effective Penalty Structure

Effective Metrics

Require Annual reporting to the CGA and Dirt

Excavation Site Accurate Description via white-lining and GIS System adoption by Asset Owners

Standard Ticket Size – Distance, Duration, and Life

While HB 2226 does not address all the recommendation, the bill is a step in the right direction to revise the statute to help improve the rules, regulation, processes, and practices of underground damage prevention in Kansas.

I would ask that you, as a committee member, support HB2226 and the changes it requires to improve Underground Damage Prevention for the betterment of all Kansas Citizens.

Thanks for allowing me to comment,

Rex Schick

K&W Underground, Inc.

