

Approved: March 28, 2001

Date

*Carl Dean Holmes*

## MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:07 a.m. on March 7, 2001 in Room 526-S of the Capitol.

All members were present except:   Rep. Ward Loyd  
  Rep. Ray Merrick

Committee staff present:     Lynne Holt, Legislative Research  
  Mary Torrence, Revisor of Statutes  
  Jo Cook, Committee Secretary

Conferees appearing before the committee:   Leo Haynos, Kansas Corporation Commission  
  Terry Adamson, BP  
  Tom Shimon, Kansas One Call  
  Terry Knight  
  Dean Carlson, Kansas Department of Transportation  
  Kim Gulley, League of Kansas Municipalities  
  Robert Krehbiel, Kansas Independent Oil and Gas Assn.  
  Jon Callen, Edmiston Oil Co.

Others attending:     See Attached List

### **HB 2521 - Kansas underground utility damage prevention act revision**

Leo Haynos, Chief of Pipelines Safety for the Kansas Corporation Commission, addressed the committee on **HB 2521 (Attachment 1)**. Mr. Haynos explained that the provisions in this bill were originally proposed by the Underground Utility Damage Prevention Task Force. He also included recommendations for changes that would more clearly define the intent of the proposed language.

Terry Adamson; Health, Safety & Environmental Regulatory Affairs Manager for BP; spoke in support of **HB 2521 (Attachment 2)**. Mr. Adamson, who served on the Task Force as a subcommittee chairman, stated that this bill supports BP's goal of causing 'no accidents, no harm to people and no harm to the environment'.

Tom Shimon, Executive Director of Kansas One-Call System, appeared in support of **HB 2521 (Attachment 3)**. Mr. Shimon stated that the primary objective of Kansas One-Call is to promote damage prevention for all of the underground infrastructure serving the citizens and businesses of Kansas and the safety of those who perform excavation duties. He also requested a few minor language changes.

Terry Knight, a private contractor, testified in support of **HB 2521 (Attachment 4)**. Mr. Knight requested that the definition of 'damage' be expanded.

Dean Carlson, Secretary of the Kansas Department of Transportation, appeared to express concerns and objections to **HB 2521 (Attachment 5)**. Secretary Carlson explained that any digging on Department of Transportation property by an outside entity can only be done through the Department's permit process and requested that the Department be exempted from the requirements of the bill.

Kim Gulley, Director of Policy Development & Communications for the League of Kansas Municipalities, spoke to the committee in opposition to **HB 2521 (Attachment 6)**. Ms. Gulley expressed concern about the unfunded mandate that all water and sewer systems participate as members of the one-call notification center. The league supports voluntary participation in One-Call and encourages development of positive incentives for cities to join.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 526-S - Statehouse, at 9:07 a.m. on March 7, 2001.

Robert Krehbiel, Executive Vice-President for the Kansas Independent Oil and Gas Association (KIOGA), testified in opposition to **HB 2521** (Attachment 7). Mr. Krehbiel told the committee that the Association membership was opposed to the inclusion of oil and gas producers in the Act.

Jon Callen, President of Edmiston Oil Company, also testified on behalf of KIOGA and in opposition to **HB 2521** (Attachment 8). Mr. Callen addressed several reasons why oil and gas producers should be excluded from this legislation.

Written testimony in support of **HB 2521** was provided by Mike Murray, Director of Governmental and Public Affairs for Sprint (Attachment 9).

The conferees responded to questions from the committee. Additionally, Kansas One-Call's General Manager Dawn Jester, responded to questions.

Chairman Holmes announced that this bill would be worked next week then closed the hearing on **HB 2521**.

Meeting adjourned at 10:41 a.m.

Next meeting is Thursday, March 8, 2001.

# HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: March 7, 2001

NAME	REPRESENTING
Joe Dick	BPU KCK
Dick Brewster	BP
Ron Appletoft	WATER DIST No 1 of Jo Co
Ken PETERSON	KPC
DAN RAMLOW	KS Contractors Assn
LARRY ETHRIDGE	SLO BELL
BILL HAISLIP	Ks Corp. Comm.
Tom DeBAUN	KCC
Terry KNIGHT	overland Trenching
LEO HAYNUS	KCC
A. D. CRUZ	bp
TERRY ADAMSON	bp
Jon Callen	Edmiston Oil / KIOGA
Jack Glaves	P-H - KM - Duke Energy
Tom Shimon	Kansas One-Call
Bob Krehbiel	KIOGA
Bill NORIGAN	KIOGA
Jim Allen	EKOGA
Dawn Jester	One Call Concepts
Steve Preister	Great Plains Locating Service, Inc.



# HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: March 7, 2001

NAME	REPRESENTING
M G Cox	Panhandle Eastern Pipe Line Co.
JANET STUBBS	Ks. Bldg. IND. ASSN.
Dawn Holthaus	WK
Jon Kyles	KEC
Alan Henning	Sedgwick County Electric Coop
DAVID MUELLER	KRWA
Nancy Shaughnessy	Fedwin Consulting
George Barbee	ENRON
DENNY KOCH	PNM
Bill Watts	KDOT
Dean Carlson	KDOT
BOB ADEASON	Atmos Energy Corp
Mike Murray	Sprint
TOM DAY	KCC
Cynthia Smith	KCPL



**Before the House Utilities Committee  
Comments by the  
Staff of the Kansas Corporation Commission  
March 7, 2001**

**House Bill 2521**

Thank you Mr. Chair and members of the Committee. I am Leo Haynos, Chief of Pipeline Safety for the Kansas Corporation Commission and I am appearing today on behalf of the KCC Staff.

The Commission Staff supports House Bill 2521 which proposes several revisions to the Kansas Underground Utility Damage Prevention Act.

The revisions included in this bill were originally proposed by the Underground Utility Damage Prevention Task Force. This task force was Organized by the KCC staff in response to House Resolution 6011. In January, I had the opportunity to present the task force report to this committee. In section 2 of the report, each of the changes proposed in House Bill 2521 are explained in detail. For those in the audience that may be interested, this report is available online at the KCC webpage.

Before I discuss the highlights of the bill, I would like to recommend a few changes to the bill as it is now written. I believe these changes are necessary to more clearly define the intent of the proposed language. Attached to my testimony is a comparison of the bill's current language and the recommended changes. The changes are as follows:

- - On page 5 of the bill, lines 3 and 4: the recommended change is in section 3 paragraph (d).

- - On page 6 of the bill lines 23 through 29: The recommended change is in section 3 paragraph (o).

- - On page 8 of the bill, lines 34 through 36: The recommended change is in section 8 paragraph (c).

- - On page 10 of the bill, lines 17 and 18: The recommended change is in section 9 paragraph (d).

The changes in each of these four paragraphs places an empahsis on the excavator's scheduled start date as the reference point on which locating requirements, ticket life, and excavator start times are based. The current language in the bill interchanges this reference point between the time the excavator makes a request for locates and the time he begins digging. The recommended changes make the excavation scheduled start date the consistent point of reference. It is also an easily documented point of reference in the call center's records.

An additional recommended change is in page 6, lines 13 through 17. This change applies to section 3, paragraph m, subparagraph 2. The recommended language for this change is: If the proposed excavation will use an excavation technique that does not allow the excavator to visually observe the placement of the new facility, the excavator shall make a reasonable attempt, by pot holing or hand digging before the excavation

1-2

begins, to visually determine that the excavation for the new facility will not interfere with any facilities located in and near the proposed excavation site.

The intent of this paragraph in the bill is the requirement for the excavator to visually determine that he will not damage another utility when he is using an excavation technique where he can not see exactly where he is placing the new facility. We recommend striking the reference to boring and cable plowing since it may lead excavators to believe these are the only techniques that are affected by this requirement. After further reading the language in the bill, it became apparent that we were requesting the excavator to uncover the existing facility. This would not be necessary if he was installing new facilities at a much shallower depth, for example a fiber optics line crossing a sewer line. If the fiber line is only going to a depth of 3 feet, it would be unnecessary to determine the sewer line depth at 12 feet as long as you could verify that your proposed path was clear.

The last recommended change that I have occurs on page 10, lines 36 through 40. This change applies to section 9, paragraph f. This change specifies that the operator in question is a tier 2 operator and it deletes references to the notification center since a tier 2 operator may elect to act as his own call center in communicating with excavators.

In the One Call statutes, there are essentially two groups that are affected by the law's requirements. Those groups are excavators and operators of underground utilities. At the heart of underground utility damage prevention is the need for accurate and consistent



communication between excavators and operators. As requests for locates increase and the underground becomes more congested, this communication becomes strained at best and, at times, breaks down. We believe the revisions that are offered in this bill will update the present One Call law and make it more efficient by addressing some of the law's shortcomings that have become evident after seven years of operations.

Many of the revisions proposed by the task force are editorial changes that clarify the original intent of the statute. Today, rather than discuss each individual change, I will limit my comments primarily to the revisions that significantly change the current One Call statutes.

The first group of revisions that I would like to discuss are those that deal with the logistics required to make the communications work between excavators and operators. One of the most frequent complaints KCC Staff receives is that an operator has not provided utility locates within two business days as required by law. The inability to provide timely locates is, in part, due to staffing problems by the operator. Although operators should staff to handle the volume of locates they expect to receive, they often are overwhelmed by large fluctuations in request volumes. In order to relieve some of the burden on locators, the revisions included in HB 2521 propose to:

- Expand and clearly define the amount of time in which the operator must perform locates;
- Lengthen the time for which the locates are valid;
- Clearly define requirements for emergency locates;

- Allow additional time to mark facility locations when a meet on site is requested; and
- Require the operator to notify the excavator if the underground utility is not located in the proposed dig zone.

We believe these revisions will allow the operators to more efficiently route their locating staff for both normal and emergency locate requests. They also will allow the excavator additional time to complete his work before the ticket life expires. This change should reduce the number of update requests made by the excavator which, in turn, provides greater locate efficiency for the operator.

If the operator has no facilities at the excavation site, HB 2521 would require the operator to tell the excavator he is "all clear". This procedure, commonly known as positive response, assures the excavator that the operator has cleared the site for excavation. We believe a requirement for positive response will resolve a significant communications problem that exists between operators and excavators. Many times, excavators complain that no utilities have been marked by the deadline when in fact there are no utilities at the site. This revision to the statute is expected to minimize this confusion and minimize the expenses the operator incurs in verifying and answering the complaint response. It also gives the excavator the added confidence of knowing that all operators have reviewed the site.

In the requirements for excavators, there are two significant additions proposed in HB 2521. They are:

- A requirement for the excavator to provide white markings or paint showing the excavation site; and
- A requirement for the excavator to verify the exact location of an underground utility if he is using an excavation technique such as boring or horizontal directional drilling.

With the purpose of improving the operator's locating efficiency, HB 2521 would require the excavator to whieline the proposed excavation site if he can not provide sufficient detail in his locate request to the call center. By definition, whitelining is the practice of marking off the area proposed for excavation with white paint or white flags. This practice allows the operator to clearly understand where the excavator is planning to dig and mark the facilities accordingly.

For excavators, the most significant addition in HB 2521 will be the requirement for excavators to make a reasonable attempt to insure that he will not damage an existing facility when he is using an excavation technique such as boring, horizontal drilling, or cable plowing. This verification will be accomplished by digging a small hole known as a "pothole" over the existing utility along the path of the proposed excavation. In this way, the excavator will exercise reasonable care by assuring that he is not interfering with the integrity of the existing facilities.



HB 2521 also requests that the Corporation Commission promulgate regulations that define minimum operating guidelines for excavators using trenchless excavation techniques. Any damage that is a result of trenchless excavation often goes unseen until catastrophic failure occurs. For this reason, and because operating horizontal boring equipment is a complex process, we feel some type of minimum operating standards should be met by the equipment operator. Since directional drilling technology is still advancing at a rapid pace, we believe regulations, with input from the affected stakeholders, rather than statutes are a more appropriate method to address the training and operating requirements for this technology.

The last topic that I wish to discuss today, and perhaps the most significant, is the inclusion of additional underground facilities as participants in the One Call Statute. Two groups of underground facilities are exempt under the current One Call law. Those are certain facilities associated with oil and gas production and all water and sewer facilities.

Currently, operations associated with oil and gas production have two exemptions under the One Call law. As excavators, they are exempt from the requirements of giving notice before excavating. As underground facility operators, they are exempt from the requirements of being members of the call center and from the requirement to provide locates for their facilities if those facilities are outside city limits or outside of a platted area such as a subdivision. The basis for these exemptions is that the majority of oil and gas production facilities are located in rural areas and are routinely monitored by the

company's employees. Therefore, the occasional excavation activity in the area would be known to the lease operator and he could respond to protect his facilities.

HB 2521 would place additional limitations on the exemptions that are currently allowed oil and gas operators. Namely, it would require any oil and gas facilities that are adjacent to public roads to be members of One Call. It also would require oil and gas operators to call before digging when excavation occurs adjacent to public roads. The reasoning for this addition to the statutes is the fact that easements along public roads are generally shared with public utilities such as phone, water, and gas lines. When oil and gas facilities are also in this easement, there is a potential safety risk should the other utilities need to work on their facilities and start digging without knowing the location of oil and gas production lines. As I mentioned earlier, oil and gas operations that are located within a city limits or a platted subdivision are currently required to be members of One Call. HB 2521 would extend the membership requirements to include a one mile buffer zone around city limits. This requirement is added to provide protection for growth in unincorporated areas that is not located in a platted subdivision. This type of area is typically seen around bedroom communities adjacent to larger metropolitan areas. Again, the more congested area creates a risk for the production facilities and for the homeowners if they do any excavation activity.

The other group of facilities that are exempt from the one call law are water and sewer facilities. In the current statute, these facilities are not included in the definition of a facility. Therefore, they are not required to become members of the call center or to

perform utility locates. By the same token, excavators are not required to request locates from these operators. To aid in the protection of their facilities, many of these operators have voluntarily joined One Call. Those that have not joined rely on the knowledge of the excavators to request locates directly from the water or sewer operator. The call center also helps by warning excavators that other non-member utilities may be present at their excavation site. Without knowledge of the location of these facilities, excavators have a higher risk of damaging them. Although water and sewer line breaks do not usually cause an immediate safety hazard to the excavator, they have the potential for serious impacts on the safety and environment of a community. These impacts can range from flooding and road damage to contamination of drinking water supplies.

HB 2521 would require water and sewer utilities to participate in the One Call system. In Kansas, there are 628 municipalities and 300 rural water districts that could potentially be affected by this change. Included in this number are the 220 municipals and 39 rural water districts that are already members of One Call. The requirement to participate in One Call will create additional costs for water and sewer facilities. In order to keep those costs to a minimum, HB 2521 allows water and sewer operators to become members of One Call at a lower level of participation than other types of facilities such as gas and electric operators. This option, which is referred to as "Tier 2 membership", would require the water and sewer operators to file maps of their facilities with the call center. They would also file phone numbers with the call center. The call center would then direct the excavator to call any Tier 2 operator with facilities at their dig site. Under this option, water and sewer facility operators would act as their own call center. That is,



they would take and record their own locate requests from excavators. This option, as proposed in HB 2521 is expected to cost the Tier 2 operators 20 cents per locate request. There would also be some map maintenance charges for loading the map files into the call center's database. The downside to this option would be that the excavator would have to make a second call. However, I believe most excavators already make this call now if they know which non member utilities are in their area. HB 2521 would make knowledge of these facilities more readily available to the excavator, and it would require the excavator to make the second call.

As in the current statutes, HB 2521 also recognizes that damage to water and sewer facilities do not present an immediate safety hazard to the excavator. With this in mind, this bill does not require operators of water and sewer facilities to perform locates when requested. However, it does require them to notify the excavator if they make the decision to not locate their facilities. They would also be required to notify the excavators if the dig site is clear of their facilities.

In summary of my testimony, KCC staff supports HB 2521. The text of this bill was originally presented in a report filed in response to HR 6011. That report was the work product of the Underground Utility Damage Prevention Task Force which represented 48 stakeholders involved in all aspects of underground utility damage prevention. This group was charged with the task of reviewing the One Call law and recommending any changes based on the US DOT Best Practices Study. Again, the task force report is available on the KCC webpage.

This concludes my testimony, and I will now stand for questions.

## HB 2521 LANGUAGE

Page 5 lines 3 and 4:

(d) The notice of intent to excavate or any subsequent updates shall be valid for 15 calendar days after the date the excavation starts.

Page 6, lines 23 through 29:

(o) Excavation activity may begin two working days after the day on the which the notice of intent to excavate has been given or when all facilities in and near the proposed excavation site are marked by the operator, whichever occurs sooner. If a meet on site is requested, the excavation activity may begin two working days after the meet on site has occurred or when all facilities in and near the proposed excavation site are marked by the operator, whichever occurs sooner.

Page 8, lines 34 through 36:

(c) Within two working days, beginning on the first working day after an excavator has filed a notice of intent to excavate, an operator of tier 1 facilities, unless otherwise agreed between the parties, shall:

Page 10, lines 17 and 18:

(d) Within two working days, beginning on the first working day after being notified of an intent to excavate, an operator of tier 2 facilities shall:

## RECOMMENDED CHANGES

Page 5, lines 3 and 4:

(d) The notice of intent to excavate or any subsequent updates shall be valid for 15 calendar days after the scheduled date ~~the~~ excavation starts: date.

Page 6, lines 23 through 29:

(o) Excavation activity may begin ~~two working days after the day~~ on the scheduled excavation start date ~~which the notice of intent to excavate has been given~~ or when all facilities in and near the proposed excavation site are marked by the operator, whichever occurs sooner. ~~If a meet on site is requested, the excavation activity may begin two working days after the meet on site has occurred or when all facilities in and near the proposed excavation site are marked by the operator, whichever occurs sooner.~~

Page 8, lines 34 through 36:

(c) Within two working days, beginning on the first working day after an excavator has filed a notice of intent to excavate or by the scheduled excavation start date , an operator of tier 1 facilities, unless otherwise agreed between the parties, shall:

Page 10, lines 17 and 18:

(d) Within two working days, beginning on the first working day after being notified of an intent to excavate or before the scheduled excavation start date, an operator of tier 2 facilities shall:

21-1

**HB 2521 LANGUAGE**

**RECOMMENDED CHANGES**

Page 6, lines 13 through 17:

(2) If the proposed excavation will use an excavation technique, such as boring or cable plowing, that does not allow the excavator to visually observe the placement of the new facility, a reasonable attempt, by pot holing or hand digging before the excavation begins, to determine the depth of any facilities located in and near the proposed excavation site.

Page 10, lines 36 through 40:

(f) If an excavator, within two working days after the initial identification of the location by the operator, notifies the notification center that the identifiers have been improperly removed or altered, the operator shall make a reasonable effort to reidentify the location within one working day after the operator receives actual notice from the notification center.

Page 6, lines 13 through 17:

(2) If the proposed excavation will use an excavation technique; ~~such as boring or cable plowing;~~ that does not allow the excavator to visually observe the placement of the new facility, the excavator shall make a reasonable attempt, by pot holing or hand digging before the excavation begins, to visually determine that the excavation for the new facility will not interfere with depth of any facilities located in and near the proposed excavation site.

Page 10, lines 36 through 40:

(f) If an excavator, within two working days after the initial identification of the location by the tier 2 operator, notifies the ~~notification center~~ tier 2 operator that the identifiers have been improperly removed or altered, the tier 2 operator shall make a reasonable effort to reidentify the location within one working day after the tier 2 operator receives actual notice from the ~~notification center~~ excavator.

**COMMENTS TO:**

**THE KANSAS HOUSE COMMITTEE ON UTILITIES**

**on**

**HOUSE BILL NO. 2521**

**MARCH 7, 2001  
TOPEKA, KANSAS**

**SUBMITTED BY:**

**TERRY ADAMSON  
MANAGER, HSE REGULATORY AFFAIRS  
bp**

*HOUSE UTILITIES*

DATE: 3-7-01

ATTACHMENT 2

Mr. Chairman, Members of the Committee, for the record, my name is Terry Adamson, and I am the Health, Safety & Environmental Regulatory Affairs Manager for bp.

First, let me express my appreciation to the Committee for the opportunity to review H.B. 2521, amending and supplementing the Kansas underground utility damage prevention act. During this past year, I was privileged to serve this Committee as Chairman of the Oil, Gas & Pipeline Subcommittee on the Kansas Underground Utility Damage Prevention Task Force, which required the Kansas Corporation Commission to conduct a review and study of the Kansas Underground Damage Prevention Act under House Resolution 6011. Our subcommittee was represented by a stakeholder group of both industry and regulatory agencies. Some of these subcommittee members represented major/independent oil & gas producers, pipeline companies, groundwater management districts and the Kansas Corporation Commission Oil, Gas & Pipeline Safety Divisions. The results of this subcommittee are represented in the Review of the Kansas Underground Utility Damage Prevention Act prepared by the Kansas Corporation Commission in response to House Resolution 6011 dated January 8, 2001. It is noteworthy that this report also incorporated the United States Department of Transportation's Common Ground Study, (August 1999) as a basis for the review. This study lists 130 best practices governing all aspects of damage prevention of which H.B. 2521 partially addresses some of these best practices already adhered to by various stakeholders as a matter of good business practice.

The task force believes the current statute requirements for oil and gas facilities to belong to One Call if located within the boundaries of an incorporated city satisfies the most significant threat to the public safety. However, the task force believes there still remains an issue with petroleum production lead lines that enter the rights-of way of certain public roads. These lines have the potential for a threat to public safety and welfare. Incorporating the practice of 'whitelining' into the statute requires the excavator mark the proposed excavation site prior to the utility operator marking their underground facilities. This practice allows for more precise and efficient marking of facilities in these designated areas. By adding these requirements it is expected to provide adequate protection for the public and environment from excavating damage to oil and gas facilities.

Given that I support the bill in its current form, I would suggest several amendments to the bill's definitions in an effort to address some issues raised by one stakeholder group represented on the oil, gas & pipeline subcommittee of the task force. I would support deleting the reference to the extension of 'more than one mile' outside the corporate limits of any city in the definition of 'production petroleum lead lines'. I would also support eliminating the 75-foot contiguous area provision on each side of a right-of-way and clarifying that a public access right-of-way means any federal highway, state highway, or major county road as designated by the Kansas Department of Transportation. These recommended amendments will not jeopardize protection for the public or protection of the environment.

Mr. Chairman, Members of the Committee, again I appreciate the chance to review this bill with you today. It supports BP's goal of causing "no accidents, no harm to people and no harm to the environment". I strongly urge approval of H.B. 2521 by the Committee with the suggested amendments. I would be happy to respond to any questions or refer you to Dave Cruz, Operations Specialist with our Ulysses, Kansas field office and a member of the Kansas One Call Board.

Respectfully Submitted,

Terry Adamson



**Before the House Utilities Committee  
Comments by  
Kansas One-Call System, Inc.  
March 7, 2001**

**House Bill 2521**

Thank you Mr. Chair and members of the Committee. I am Tom Shimon, Executive Director of Kansas One-Call System, the state-wide excavation notification center of Kansas.

I am appearing today before the committee to request a few minor language changes presently in HB 2521 and to answer any questions you may have concerning the operation of the notification center.

The primary objective of Kansas One-Call is to promote damage prevention for all of the underground infrastructure serving the citizens and businesses of Kansas and the safety of those who perform excavation duties. Kansas One-Call received 457,581 excavation requests for the calendar year of 2000. That averages out to 1,760 excavation requests per day in a 260 workday year or 8,800 excavation requests per work week. So, as you can see, there is a lot of excavation activity in Kansas.

Current Language:

Sec. 7 (d) (1) An audio record of each notice of intent to excavate; and

Requested Change:

Sec. 7 (d) (1) A record of each notice of intent to excavate; and

Justification for the proposed change;

Approximately 20% of Kansas One-Call's incoming locate request volume is by fax or email. There is no way to make an audio recording of these requests. Kansas One-Call, under its current operation procedure, retains the originating fax or email as documentation and associates a unique number to the notification request. All past and current telephone conversations requesting an excavation notice are recorded and retained for documentation purposes.

Current Language;

Sec. 7 (e) Upon request, a copy of the record documenting notice of intent to excavate shall be furnished by an operator or by the notification center to the state corporation commission or to the person giving the notice of intent to excavate.

Requested Change;

Sec. 7 (e) Upon request, a copy of the record documenting notice of intent to excavate shall be furnished by an operator or by the notification center to the state corporation commission.

Justification for the proposed change;

Currently, Kansas One-Call provides this service to the KCC and the excavator when requested. Usually when the request is made it is due to a damage claim or other proof that the notice was filed. Kansas One-Call could potentially be required, under statute, to transmit or mail a copy of each locate request to all excavators to comply with Sec. 3 (f).

If this language stays in its current form, Kansas One-Call will be forced to pass these costs (handling & transmission or postage) on to the requestor.

Kansas One-Call receives many complaints from excavators asking why water and sewer are exempt from participating. Other complaints excavators have are the problems of contacting the owner of water or sewer lines. No accurate contact numbers to phone, must go through many people until they reach the correct person, can't identify who actually owns the facility is found or hit, no 24 hour service, etc... Kansas One-Call believes that HB 2521 is the next step to a true One-Call system for the State of Kansas if everyone is required to participate. Kansas One-Call also supports the other changes associated with HB 2521 that clarifies many of the gray areas that everyone was operating under.

Again, I want to emphasize that Kansas One-Call promotes damage prevention from excavation activity, promotes the safety & welfare of those who perform excavation duties and promotes the safety of the general public from third party damages. Kansas One-Call will spend \$254,440 in public and excavator safety & awareness programs in 2001 on behalf of its 577 utility members including 220 municipalities and 39 rural water districts. Kansas One-Call believes that anyone who owns or operates underground facilities should participate in One-Call. Kansas One-Call is a non-profit corporation, so profit is not a motive to bring in all underground operators in the State of Kansas.

This concludes my testimony, and I will now stand for questions.

**Testimony Before the House Utilities Committee**  
**Wednesday, March 7, 2001**  
**HB 2521**  
**By Terry Knight**

Chairman Holmes and Members of the House Utilities Committee.

My name is Terry Knight and a resident of the State of Kansas. I appreciate the opportunity to appear before you today on House Bill 2521.

I feel that the definition language in 66-1802(a) on "damage" needs further review. The definition as written, limits the damage to facilities owners. This should be expanded to cover damages to residential property owners and damage to other personal properties.

In 66-1811(a) damage is referred to as "other damages". If a home in Johnson County is damaged or destroyed due to a violation of this act, can the homeowner recover damages?

I encourage the support, of clarifying the definition of "damage" or "other damages" and to include protection for the Kansas residents beyond personal injury and death.

This act was written to protect all underground facilities from damage and also to protect Kansas residents and property owners from violations of this act.

If the definition of "damage" can be expanded to include property owners or leave 66-1811(a) as written, then I encourage you to support House Bill 2521 and report is out favorably. I will gladly entertain any questions you may have.

*HOUSE UTILITIES*  
DATE: 3-7-01  
ATTACHMENT 4



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**KANSAS DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY OF TRANSPORTATION**

E. Dean Carlson  
Secretary of Transportation

**Docking State Office Building  
915 SW Harrison Street, Rm.730  
Topeka, Kansas 66612-1568  
Ph. (785) 296-3461 FAX (785) 296-1095  
TTY (785) 296-3585**

Bill Graves  
Governor

**TESTIMONY BEFORE THE  
HOUSE UTILITIES COMMITTEE**

**REGARDING HOUSE BILL 2521  
RELATING TO UNDERGROUND UTILITIES**

**March 7, 2001**

Mr. Chairman and Committee Members:

I am Dean Carlson, Secretary of the Kansas Department of Transportation. I appreciate the opportunity to appear before you today to express my concerns and objections regarding House Bill 2521. House Bill 2521 would provide for penalties to violators of the Kansas Underground Utility Damage Prevention Act. The bill also provides that the State or any subdivision or instrumentality of the State which has an underground facility shall become a member of the notification center and must register their facilities with Kansas One Call.

Currently, the Kansas Department of Transportation operates under the assumption that it is exempt from all requirements to register its underground facilities based on an opinion from the Kansas Corporation Commission in a letter to the Department dated March 29, 1994. The Department's underground facilities generally consist of electric lines for traffic signals and highway lighting and for utility lines to service rest areas. All of these facilities are located within existing right-of-way i.e. located underground on Kansas Department of Transportation property. Any digging on Kansas Department of Transportation property by an outside entity can only be done through the Department's permit process, which has been more than adequate to date to prevent any accidents or inadvertent severance of buried utilities.

*HOUSE UTILITIES*

DATE: 3-7-01

ATTACHMENT 5



House Bill 2521 appears to include the Department with other operators which have underground facilities requiring the Department to become a member of the notification center. The bill would also seem to require the Department to locate, compile, and map all underground utilities for inclusion in the statewide mapping systems and would also require the Department to do physical locates upon request.

For various reasons of safety, the Department's permit process will continue to be necessary to cover all instances at required entry on departmental property. The procedures required in the proposed bill would, therefore, simply be an overlay to the existing permit process and are not anticipated to provide any further security for the Department's underground utilities. Although the exact annual cost cannot be determined, the initial cost of mapping would be significant.

The costs and resources required for the Department to comply with House Bill 2521 are considered duplicative and unnecessary, since the Department's utilities are located within its property and excavation by an outside entity on the Department's property can only be done through our permit process. This current permit process can easily be adjusted to ensure full compliance with the Kansas Underground Damage Prevention Act at any proposed excavation site on the Department's property. Based on these conditions and practices, the Department would respectfully request that the Committee consider an amendment that would clearly exempt the Department from the requirements of House Bill 2521 and would welcome the opportunity to work with the Committee to develop appropriate language for such an amendment.

5-2

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1 natural gas, or both, that do not take place in a public access right-of-  
2 way.

3 (d) "Excavator" means any person who engages directly in excavation  
4 activities within the state of Kansas, but shall not include any occupant  
5 of a dwelling who:

6 (1) Uses such dwelling as a primary residence; and

7 (2) excavates on the premises of such dwelling.

8 (e) (1) "Facility" means any underground line, system or structure  
9 used for transporting, gathering, storing, conveying, transmitting or dis-  
10 tributing gas, electricity, communication, crude oil, refined or processed  
11 petroleum, petroleum products or hazardous liquids, sewage, potable  
12 water or other liquids.

13 (2) Facility shall not include any the following:

14 (A) Storm water sewers installed before January 1, 2002; or (B) pro-  
15 duction petroleum lead lines, salt water disposal lines or injection lines,  
16 which are located on unplatted land or but only if such lines are not  
17 located on platted land and are located outside of any public access right-  
18 of-way and more than one mile outside the corporate limits of any city.

19 (f) "Locatable facility" means facilities for which the tolerance zone  
20 can be determined by the operator using generally accepted practices such  
21 as as-built construction drawings, system maps, probes, locator devices  
22 and other types of proven technology for locating.

23 (g) "Marking" means the use of stakes, paint, flags or other clearly  
24 identifiable materials to show the field location of underground facilities,  
25 in accordance with the resolution adopted August, 1984, by resolutions  
26 of the utility location coordination council of the American public work  
27 association.

28 (h) "Meet on site" means a meeting between a facility operator and  
29 excavator which occurs at the site of the proposed excavation.

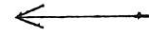
30 (g) (i) "Municipality" means any city, county, municipal corporation,  
31 public district or public authority located in whole or in part within this  
32 state which provides firefighting, law enforcement, ambulance, emer-  
33 gency medical or other emergency services.

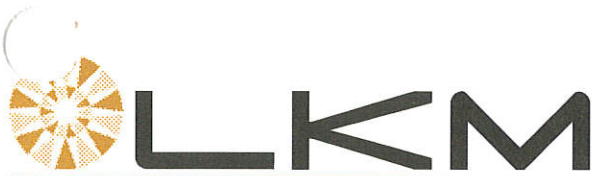
34 (h) (j) "Notification center" means the statewide communication sys-  
35 tem operated by an organization which has as one of its purposes to  
36 receive and record notification of planned excavation in the state from  
37 excavators and to disseminate such notification of planned excavation to  
38 operators who are members and participants.

39 (i) (k) "Operator" means any person who owns or operates an un-  
40 derground facility, except for any person who is the owner of real property  
41 wherein is located underground facilities for the purpose of furnishing  
42 services or materials only to such person or occupants of such property.

43 (l) (1) "Preengineered project" means a public project or a project

or C) facilities used to convey communications or electricity to street lights or traffic control devices or to provide utility service to a public rest area if: such facilities are owned and operated by a public entity; the easement containing these facilities is owned or controlled by the public entity; and an excavator, prior to excavating in this easement, is required to obtain a permit from such public entity. At a minimum, this permit shall require the excavator to comply with the Kansas Underground Utility Damage Prevention Act at the proposed excavation site.





League of Kansas Municipalities

To: House Utilities Committee  
From: Kim Gulley, Director of Policy Development & Communications  
Date: March 7, 2001  
Re: Opposition to HB 2521

Thank you for allowing me the opportunity to appear today on behalf of the League of Kansas Municipalities and our member cities. We offer comments today in opposition to HB 2521.

This proposed legislation mandates that all water and sewer systems participate as members of the one-call notification center. We appreciate the fact that the legislation separates water and sewer operators from other facilities in establishing a two tiered system. However, we believe that the resulting unfunded mandate is simply not warranted or justified in this case.

I understand that under the current system, excavators have to make two phone calls: one to the one-call notification center and one to the city in which they are digging. Because cities are the first-responders in the event of an emergency, we believe that the phone call to city hall is a critical step in ensuring safety while excavating.

My reading of the bill indicates that when an excavator is working in a tier two city, two phone calls would still have to be made. The first call would be to the notification center and the second call would be made directly to the city who would make a determination about locating facilities. If the second call must be made in any case, then it is not necessary to force cities that operate water and sewer service to participate in the one-call notification center. If it is simply a matter of having updated phone numbers and contact information, I would be happy to provide a complimentary copy of the *Directory of Kansas Public Officials* to the one-call notification center annually.

As I have previously mentioned, participation in the one-call notification center would be an unfunded mandate on cities. Section 7 of the bill outlines all of the responsibilities of a tier two city. The most onerous aspect of this section of the bill is the mapping requirement. Some cities, particularly the smallest cities, have not undertaken to actually map their facilities. In other cases, the maps are very outdated. One city reported to me that they recently received a quote to update their map (originally created in 1956). The cost was quoted to them at \$25,000 solely for the update. I am certain the cost would be more substantial in those cities that do not currently maintain a mapping system.

The League supports voluntary participation in the one-call notification center and would encourage the development of positive incentives for cities to join. However, we oppose the mandated participation by water and sewer systems. Therefore, we respectfully request that you do not recommend HB 2521 favorably for passage. I would be happy to answer any questions at the appropriate time.

*HOUSE UTILITIES*

DATE: 3-7-01

ATTACHMENT 6

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

COMMITTEE ON UTILITIES  
HEARING ON HOUSE BILL 2521  
MARCH 7, 2001

TESTIMONY OF  
ROBERT E. KREHBIEL, EXEC VICE-PRESIDENT  
KANSAS INDEPENDENT OIL AND GAS ASSOCIATION

*HOUSE UTILITIES*

DATE: 3-7-01

ATTACHMENT 7

## TESTIMONY

Chairman Holmes and members of the Committee, my name is Robert E. Krehbiel and I am appearing on behalf of the Kansas Independent Oil and Gas Association. Our Association consists of over eight hundred oil and gas producers who explore for, drill and produce oil and natural gas in Kansas. Our membership is strongly opposed to the amendments contained in HB 2521 which would include oil and gas producers in the Kansas Underground Utility Damage Prevention Act. Otherwise we do not oppose HB 2521 and would support the bill for those who care to utilize it.

There are approximately three thousand licensed operators in Kansas who produce oil and gas. The vast majority of these producers are small independent operators, many family owned, which, on average, employ fewer than eight employees. Independent producers operate the many stripper wells which exist in Kansas and drill 85% of the exploratory wells in America.

The Kansas One Call System, Inc. was formed in the city of Wichita by a group of public utility companies to encourage those who might excavate in the vicinity of their buried lines to call them before digging. Their purpose was to prevent damages to buried facilities, electric lines, gas lines, communication lines, and other public utility lines. Protecting public safety and preventing the interruption of utility service, which might result from rupturing buried utility lines, was also a concern. The system was operated on a voluntary participation basis.

In 1993 these public utilities requested the Kansas Legislature to pass legislation requiring utilities to belong to a call center and to require excavators to provide notice of their intent to excavate. Legislation was necessary to require participation. The legislature accommodated their request by passing the Kansas Underground Utility Damage Prevention Act. Thereafter, the existing Kansas One Call, Inc., a private corporation, was selected as the statewide one call center.

Kansas independent oil and gas producers did not then, and do not now, face the issues of damage to facilities and public safety and convenience which prompted the utility companies to design this legislation. The independents did not request or desire to be included in the Kansas Underground Utility Damage Prevention Act in 1993. Neither do they desire to be included in the Act today. If it works well for the public utilities who



designed it and promotes the public safety and convenience, we certainly support it for their use. It would not, however, work well for independent oil and gas producers and it would not promote public safety and convenience.

Kansas Oil and Gas producers are not public utilities. They do not transport and deliver their production to consumers in cities and towns. Oil and Gas producers are not interstate or intrastate pipelines that construct high-pressure pipelines to transport oil, gas and fuel across country to refineries and cities. Oil and gas producers do not store gas in underground salt caverns. Oil and Gas producers are not local distribution companies that transport and market natural gas to business, industrial and residential consumers. Oil and gas producers are not refiners of crude oil, transporters of gasoline and jet fuel or storers and retailers of refined petroleum products. The transportation, refining, processing, distributing, storing, marketing and retailing components of the oil and gas industry is dominated by large, multinational corporations.

Kansas oil and gas producers, like Kansas farmers, simply produce and sell their raw production in the country. Crude oil and natural gas is produced and sold at the oil and gas lease, most often in remote rural parts of Kansas. Production flows from the wellhead through production petroleum lead lines to a tank battery or meter run on the oil and gas lease where the production is sold, either to a purchaser of crude oil or a purchaser of natural gas. Title to the oil and gas production transfers to the purchaser at the point of sale. Thereafter the production is transported to refineries or processing plants by the purchaser.

“Production petroleum lead line” is the term applied to the lines which run from the wellhead of the oil or gas well itself to the tank battery or meter run where the production is sold. This term is also used to describe saltwater disposal or injection lines which return saltwater, often produced in association with crude oil and natural gas, back into subsurface formations for disposal or water flooding. These lines exist on the oil and gas lease or unit itself and in close proximity to the producing oil and gas wells which they serve.

Production petroleum lead lines do not interact with the general public. If a production petroleum lead line is broken, the lights will not go out at your home, neither will your furnace, television, computer, water, or anything else go off as a result.



Neither do these lines pose the threat to public safety of high pressure gas transmission lines or electrical power lines situated in populated areas. All natural gas lines must be handled with caution and production lead lines which exist on oil and gas leases are monitored daily and visually inspected by the operator. Machinery and equipment on the lease is checked and maintained daily and any activity on the lease, excavation or otherwise, can be detected. Kansas Corporation Commission regulations require that the lease owners name be prominently displayed on the oil and gas lease.

Thus, the 1993 Kansas Underground Utility Damage Prevention Act did not apply to excavators whose “operations related to the exploration and production of crude oil or natural gas, or both”. Neither did the Act apply to operators of facilities which consisted of “production petroleum lead lines, saltwater disposal lines or injection lines, so long as these lines were outside of city limits and on unplatted land. As the title suggests, the Act was designed to prevent damage to underground facilities operated by the “Utility” component of the industry.

The 1993 Kansas Legislature recognized that the producing component of the industry did not face the serious problems of damage to their underground facilities which the public utilities were facing in rapidly developing urban areas. Neither did the producing component of the oil and gas industry threaten public safety and convenience. Oil and gas production lines located inside city limits or on platted land are included in the Act and those operators do participate.

Nothing has changed since 1993 to create a need for amendments to include independent oil and gas producers. The study group did not find any reason that public safety or convenience, or that environmental considerations relating to salt water disposal lines in sensitive groundwater areas, required participation in the system by independent producers.

Extending the One-Call system to independent oil and gas producers operating outside of city limits and platted areas will not protect underground facilities or enhance public safety. Quite the contrary, extending this act to non-utility oil and gas producers would not only create extraordinarily onerous obligations, such as fines of \$25,000 per violation per day for non compliance, it would also alter civil law to create presumptions

of negligence for non compliance with the act which would serve to diminish public safety.

Oil and gas producers are accustomed to performing due diligence prior to excavation. This begins with a title opinion on the real estate involved which will identify all existing rights in the land, including surface rights, oil and gas leases, easements and rights of way of every kind. Any interest in the surface which might indicate the existence of underground facilities are identified. A landman will do an onsite inspection, locate underground facilities and contact any interest owners if underground facilities are nearby. Excavation, such as building locations for drilling or for trenching operations will proceed with great care and any contact with underground facilities will be the responsibility of the excavator. This system has worked well for many years to protect public safety in the oil patch and will work well for many years to come.

One-call should not be a substitute for due diligence and the ground work preliminary to drilling, trenching or building. Simply making one-call and then shifting the liability for damage resulting from contact with any buried facilities to those who did not advise them of their existence or who did not know they were required to be members of this system will not protect public safety in the oil patch. This not only breeds negligence in excavation, but rewards it.

Kansas independent oil and gas producers respectfully suggest that the public safety and convenience will be better served by maintaining the status quo with respect to production petroleum lead lines and operations related to the exploration and production of crude oil or natural gas outside of city limits and platted lands. The 1993 Legislature was correct in that determination and it should be reaffirmed. I have attached suggested amendments to the bill for that purpose.

Thank you very much for the opportunity to present our comments.

7-5

PROPOSED CHANGES TO HB 2521

(Maintain current law with respect to production petroleum lead lines and operations related to the exploration and production of crude oil)

First, Section 2 (c)(3) should be returned to the original statutory language to read as follows, beginning at page 1, line 40:

“(3) operations related to exploration and production of crude oil or natural gas, or both.”

Second, Section 2(e)(2)(B) should be returned to original statutory language. Beginning on page 2 line 14, following the letter (B) the bill would read as follows:

(B) production petroleum lead lines, saltwater disposal lines or injection lines, which are located on unplatted land or outside the corporate limits of any city.

Third, Section 2(o) at page 3, line 29, should be deleted as unnecessary or changed to read as follows:

(o) “Platted land” means a tract or parcel of land, subdivided into lots of less than one-half acre in size, for which a surveyor’s plat has been placed of record in the Office of the Register of Deeds in the County wherein the land is situated, for the purpose of building developments, including housing subdivisions.

Fourth, the definition of “public access right of way” can be deleted at Section 2 (q), at page 3, line 36, as the term is no longer used in the act.

Explanation of changes:

The proposed changes simply maintain current law with respect to production petroleum lead lines and the exploration and production of crude oil and natural gas. The term platted land was not previously defined in the statute and probably does not need to be defined in the act. The definition proposed in HB 2521 is so vague as to be incomprehensible. If a definition is needed at all, much more specific language is necessary and is proposed.

**STATE OF KANSAS  
HOUSE OF REPRESENTATIVES**

**COMMITTEE ON UTILITIES  
HEARING ON HOUSE BILL 2521  
MARCH 7, 2001**

**TESTIMONY OF  
JON M CALLEN, PRESIDENT OF EDMISTON OIL COMPANY, INC.  
ON BEHALF OF THE KANSAS INDEPENDENT OIL AND GAS OPERATORS**

Chairman Holmes and members of the Committee, my name is Jon Callen. I am president of Edmiston Oil Company, Inc., in Wichita, Kansas. I am testifying today on behalf of the members of the Kansas Independent Oil and Gas Association, and members of the independent oil and gas industry in Kansas.

The majority of the members we represent work out of their home, or out of the front seat of their pickup. They are a pumper or roustabout by day, and an administrator at night. On any given phone call, they can become a geologist, an engineer, a bookkeeper, a landman, a chemist, or a secretary. You'll seldom see them in Topeka because there is no one to cover for them if they don't make their rounds each day.

I served on one of the subcommittees organized by the State Corporation Committee of Kansas with representatives of the independent operators, major oil and gas companies, and oil and gas pipelines. We were charged to investigate the issues raised by House Resolution 6011 as it related to our industry. We met several times over the summer in Wichita, three times at the offices of the Kansas One Call association. We did not uncover any evidence that there were problems that needed to be addressed specifically for oil and gas operators and producers. Because of this, the independent oil and gas operators objected to the recommendation that resulted from our meeting to lift the exemption for oil and gas lines in public rights of way. We welcome the opportunity to address your committee today to voice our objections.

The history of the oil and gas industry in Kansas is nearly as old as the industry itself. The first well drilled west of the Mississippi River was in Kansas. It was hand drilled in 1869 southwest of Olathe to capture the oil that was seeping to the surface in the creeks and ponds. The oil was sold for medicinal purposes as well as for lubricants to the wagons beginning their journey along the Santa Fe Trail.

The Butler County Oil Museum organized a party this fall to celebrate the 75<sup>th</sup> anniversary of the Stapleton No. 1 near El Dorado, the discovery well of the El Dorado pool. The El Dorado Field discovery provided the oil that fueled the allies to victory in World War I, and to a lesser, but no less important extent, in World War II. The El Dorado field contains numerous wells drilled in 1916 that continue to pump commercially today.

I mention this proud history to point out the fact that our industry continues to operate many properties today that were discovered near the beginning of the 20<sup>th</sup> century. This is a history for which we can all be proud. They were put into production long before there was radio, or television, or computers, or fiber optic cables.

*HOUSE UTILITIES*

DATE: 3-7-01

ATTACHMENT 8

Any change in the exemptions as currently written will have a significant impact on our cost of doing business, with little benefit to the public. It would also unfairly impose new liability issues caused by the Kansas Underground Utility Damage Prevention Act.

The cost of being a member of One Call seems small and insignificant at \$25 per year plus approximately \$1.50 per request to locate lines. However, the real cost is isn't the annual fee for being a member, or from the fees charged for each locate. The true cost is the overhead required to manage the effort of being a member. Each call to locate lines requires someone to inspect the location within 2 business days. In my company, we operate properties from 20 miles north of Oklahoma in Harper County to 12 miles south of Nebraska in Decatur County to Leavenworth County near Kansas City. Because of the punishingly low oil prices we suffered through three years ago, we are operating with four fewer people in our company than before. Satisfying the time requirements for us would be onerous. In our industry's case, locating lines is not something that can be outsourced.

Our lines are laid without engineering drawings or surveys. Maps or drawing that may be made in the field to identify where lines are laid are often crude and only generally reliable. Furthermore, the lines that most of us use are generally a plastic material which can't be reliably located with current detection methods. We will never be able to meet the accuracy requirements for locating our lines. The time and effort required to attempt to locate our lines each time we receive a notice would be overwhelming.

Another overhead cost that would be incurred is attempting to comply with the notification requirements. Currently, notification to the One Call members is by fax. The majority of our members do not have access to fax machines. In our meetings at One Call offices this summer, they stated that they could address that issue by calling each member without faxes. I don't know how many of the 3,000 licensed operators are without faxes, but the prospect of having to keep a phone list current on all of those members is daunting to say the least.

The most serious objection we have to any changes in the current exemptions is the increase liability for damages we would face. Oil and Gas producers must already address laws, rules and regulations promulgated by the Resource Conservation and Recovery Act, the Clean Air Act, The Clean Water Act, the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act, the Endangered Species Act, the Federal Migratory Bird Act, and Tier II reporting under the Federal and State Emergency Planning and Community Right-to-Know Act. It is not like we're operating in a regulatory void. The Underground Utility Damage Prevention Act tends to shift the liability of damages from the excavator to the operator of the lines. Since we can't match the tolerance levels in identifying our lines, the Underground Utilities Damage Prevention Act would place new liabilities on us that we have no reasonable way of correcting.

Exempting oil and gas operators and producers from One Call does not mean that public is at risk of undue danger. First, oil and gas properties in city limits and platted land now require the operator to join One Call. We inspect our leases regularly, if not daily. Our inspections give us the opportunity to address events happening on or around our leases that could have adverse consequences. Because we can't find our lines with precision, we typically have labor and equipment standing by to handle the kinds of events that the current law anticipates.

Our leases are a matter of public record at the courthouses in the counties in which we operate. Our time is as valuable as that of excavators. We don't believe it is too much to ask that

8-2

they perform the same sort of due diligence before excavating that we have to undertake before we move onto a lease and begin drilling and setting tanks, etc.

On behalf of the independent oil and gas industry, I would respectfully request that you not fix that which isn't broke. We believe that the exemption in the current law serves a useful purpose when our industry operations are taken into account. If one of our lines are cut, no one loses their phone service, their houses aren't left cold at night, and the television and lights remain on.

I want to thank the committee for granting me the opportunity to speak to you today.

8-3





**Michael R. Murray**  
Director - Governmental  
and Public Affairs

**Midwest Operations**  
800 SW Jackson, Suite 1108  
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March 7, 2001

TO: Members of the House Utilities Committee  
FROM: Mike Murray  
RE: HB 2521, Underground Utility Damage Prevention Act amendments

Sprint strives to be a good and responsible steward of the rights-of-way in which it has facilities. Sprint personnel responsible for "call before you dig" matters participated in the Commission process which brought forth this legislation. As a result, Sprint fully supports the provisions contained in HB 2521.

Everyone who has facilities in the rights-of-way should be participating in the "One Call" program. And that includes municipalities, rural water districts, and sewer districts which own the water and sewer lines. This bill brings those types of facilities into the "One Call" program by requiring those lines be locatable through the use of "as built" maps or tracer wire.

The bill further requires that excavators "whiteline" areas in, for instance, industrial parks where they propose to dig so that the entire area does not need to be marked by utility companies. It requires those who use the technique of directional boring to "pothole" so they can see what facilities in the ground they are attempting not to hit. And, the bill lengthens deadlines for marking utilities in the ground to insure greater accuracy.

Sprint believes these provisions will enhance protection of the rights-of-way, reduce repair costs to utilities and municipalities, and lessen inconvenience to our customers and your constituents.

We respectfully urge passage of HB 2521.

*HOUSE UTILITIES*

DATE: 3-7-01

ATTACHMENT 9