

Wasted Tickets Bring Water Systems and One-Call Together

The subject of Kansas One-Call notifications to public water systems continues to be an issue for many RWDs and cities across Kansas. Water system personnel frequently complain to KRWA about the problem of “wasted tickets”. While KRWA staff are good listeners, KRWA does not operate a water system. We refer the calls to the Kansas Corporation Commission or suggest to the callers how to improve on the notification process. So what’s wrong with this situation?

On May 17, 2011, I attended the annual meeting of membership and business meeting of Kansas One-Call (KOC) which they held at the Tallgrass Country Club in Wichita, KS. Prior to the meeting, I met KRWA board members Sam Atherton and Darrell Schlabach, PWWSO 5 Assistant Manager Ken McNickel and Marion RWD 1

Bookkeeper Autumn Chisholm in the parking lot. Sam and Darrell brought numerous locate requests with them and were prepared to discuss with the KOC board. “The water representatives” were given a cordial greeting by staff of One Call Concepts, the services contractor for Kansas One-Call, and by KOC board members. The meeting began, following introductions.

Board president, George Melling, of Kansas Gas Service, called upon staff to present financial and staff reports and other information.

President Melling then called on Secretary Fred Taylor, Secretary and representative of Midwest Energy, to address the election of directors and the voting proxy that was sent out to all members. The proxy solicitation sent on March 31, 2011 states that members must sign and return the proxy with the members’ votes for Directors. If the proxy is not returned, “...(members’) inaction will be deemed to be a grant of proxy to the officers of Kansas One-Call System, Inc. to conduct and transact any business that may properly come before the meeting, provided that, if the business is the election of directors your failure to return the written proxy will be deemed a grant of a proxy vote of yes for all nominees for director of Kansas One-Call System, Inc.” It continues: “The board will utilize your written proxy or proxy by default to address any and all matters which properly come before the meeting, or any adjournment(s).”

Unfortunately, this method of obtaining proxy votes seems unique. First, there is no way to ascertain if all members actually received the meeting notice. It may have been lost in the mail. The only contention that can be made, is that “inaction” by a member is not a vote. It is unclear if it is a “NO” vote or a “YES” vote. As there were no other nominees for directors at the annual meeting, it did not matter how the non-returned proxies were counted or if they were counted at all, however, if an election, or an issue were addressed, and a vote of the membership were called, the inclusion of the non-returned proxies could incorrectly represent the majority of the membership! If KOC does not change the by-laws, I recommend that all members be aware of upcoming meetings and the agenda and either ensure that their proxy ballot is submitted or that they attend the meetings in person.



At a location where proper methods are employed, an excavation area is identified with white lines or flags and all utilities are located within that area. This photo shows the intended zone of excavation, green for a sewer line, yellow for gas, orange for fiber optic and blue for water.



The locate request for this call was specific to be a five-foot radius at two points: 1) “at the white flag at 1,723 feet from the intersection to the south”; and, 2) “at the white flag at 2,178 feet from the intersection.” Again, the polygons drawn by the Kansas Call Center includes both sides of the road and extensive additional areas.

demonstrated a recent experience where his district’s closest line was several thousand feet away from the excavation location. Discussion and commentary ensued. Sam, Darrell and I offered possible solutions to some of the issues that water utilities are faced with when requested to locate their pipelines. Dawn Jester, manager of One Call Concepts in Kansas, Tom Shimon, KOC Executive Director, Leo Haynos of the Kansas Corporation Commission, Pat Shaffer, Butler RWD 5 Manager and KOC Director and many other directors and attendees took part in the discussion. Possible software upgrades, more accurate layer acquisition and utilization in the OCC database, generation of more accurate polygons by OCC Call Center operators were all topics. Alan Prieb, CenturyLink and chairman of the KOC Operating Committee, offered information about the Committee and invited water industry representatives to attend the meetings. The meeting schedule can be found on KOC’s Web site at www.kansasonecall.com. He described the Committee as the “working arm” of KOC. In committee,

Water systems explain concerns

When President Melling asked for any new business, he invited the KRWA members to speak. Sam Atherton, KRWA Board President, discussed how he has received numerous errant locate requests and

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The red-lined area shows the polygon that the Kansas Call Center operator generated for a recent locate request. The blue line is the limit of the polygon for a rural water district in that area. The important issue with this locate is that the excavator's specific request according to the ticket issued, was for locations within the limits of the road right of way. The One-Call polygon (red) is clearly hundreds of feet beyond the request and as a result, forced another wasted ticket to the RWD.

the members discuss issues that have been brought to their attention and develop solutions to be presented to the KOC board. He also offered the assistance of the committee by providing mediation and procedural clarification to members if there are any issues with excavation contractors, locate tickets/requests or other conflicts.

One recurring comment was "chasing down wild goose-chase requests". One suggestion was that cities and RWDs impose a charge to the contractors for submitting unreasonable locates. KRWA is providing an additional comment concerning that topic in a sidebar to this article which states there is no allowance for water utilities to make such charges.

Two other issues that were discussed deserve readers' attention. The question "When is it mandatory to carry out a locate request?" The answer is simple. Any time excavation occurs, utilities are obligated to locate their facilities or contact the contractor to give the "all clear". KRWA has received numerous complaints about "survey locates" where no digging will take place. In this event, the water utility has the legal right to ignore the request. Engineering firms and surveyors are requested to contact the utility to discuss facility location instead of simply calling in a locate request to One-Call as a "survey locate." A simple, courteous call to the engineering firm to inform them that the locate will not be conducted is a good practice to adhere to as it will promote communication and a mutually agreeable time could then be arranged to discuss possible upcoming projects and devise routes or construction plans.

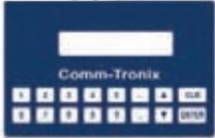
Updates, updates and more updates!

Also, the issue of updates was raised in regard to "how many updates are too many?" Everyone concurred that updates are sometimes necessary. Bad weather, unforeseen developments, and

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additions to the scope of a project are legitimate reasons to call in an update. Some contractors, it seems, do not spend the time to filter which tickets need to be updated! Examples were presented where updates were requested and a utility operator was dispatched only to learn that the work had been completed and the drive to the job site was a waste of time and an unnecessary expense to the utility. A scenario such as this may be a justifiable cause to assess a fee to inattentive contractors. Generally, however, after investigating the case it seems that these situations occur due to a lack of communication between the construction crews and the clerical staff who are required to call in the locates! A minimal amount of oversight and communication could prevent such instances and reduce the amount of work for everyone involved.

There was a great deal of constructive debate during the KOC annual meeting. Different services were suggested and offered. The most beneficial, though, was from KCC Director of pipeline safety, Leo Haynos. Leo recommended that anyone having an issue relating to Kansas One-Call, One Call Concepts, a utility company or a construction company, to contact his office immediately. By communicating in a timely manner, issues can be resolved amiably for all – possibly, before the contractor leaves the site or even before he arrives!

The process described

After lunch, I was given a tour of the Call Center by OCC GIS specialist Trevor Thornicroft. It was very interesting to hear a call come in and watch the Call Center operator take down the information and send out the requests. I had several questions after witnessing the process; Trevor and I went to his desk to look at various data layers and the software that OCC uses to perform call center services.

During the call, I watched the operator draw a polygon around the requested excavation site and was a little surprised that she encompassed more area than was requested. When I asked Trevor why she did this and if

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they could “narrow it down” he said they couldn’t because it is KOC policy and OCC employees simply follow policy. We had a good discussion; we concluded that most of the water utility concerns could be resolved by acquiring more accurate base files to use and by changing KOC policy to allow more accurate polygon generation by operators. This will, however, require more diligence on the part of water utility operators as well. Ensuring that OCC has up-to-date locate area polygons in its database is the responsibility of the RWD or

municipality. If digital data has been collected for waterline infrastructure, and the utility feels confident about its geographic location, a buffer polygon can be generated around the pipelines and sent to OCC for incorporation into the database. It is the utility’s job to ensure the accuracy of

The comments below are a collaboration of KRWA Counsel Gary Hanson and partner Todd Luckman and Leo Haynos, Chief of Gas Operations and Pipeline Safety at the Kansas Corporation Commission. There are several points: 1) that failure to whitelist at all is “incomplete notification” – not just the failure to start a time period for a deadline; 2) that the statutes may give an excavator an out based upon an argument that the notice gave sufficient detail; and, 3) the KCC will help resolve disputes.

One question pipeline operators sometimes ask, especially for a large locate project such as a cross-country pipeline or cable installation, is can we charge the excavator for these locating services? The answer is generally “no”. The pipeline operator has a duty to mark the lines in accordance with statutes. There is no legal right provided in state law to insist upon payment before marking the lines. Presumably the pipeline operator could send the excavator a bill but there is no requirement that the excavator pay it.

A related question stems from the “whitelining” requirement. In order to request a locate, the excavator must first give a specific location of the excavation by street address or similar information, but this location usually is much larger than the actual area to be excavated. An operator can then contact the excavator and require that the proposed excavation area be “whitelined”, showing the perimeter of the actual excavation. If a request is made, the normal two working day deadline for an operator to mark the line is not triggered until the excavation site is whitelined, which essentially means that the operator has not been properly notified under One-Call until it is whitelined. But what if the excavator whitelines a broad area without any more detail, or does so lazily, without making any effort to actually confine the area to that actually to be excavated? Can the pipeline operator refuse to mark the lines, or demand to be paid for doing so? There is no clear answer to this, but refusing to mark the line is not a good idea as you are then violating the law, nor is asking for compensation, as noted above. Since operators are required to document any request for whitelining under the regulations (KAR 82-14-3(u)) the operator should keep track of all the details of these requests. This is important not only to comply with the rules, but it will help if there is a dispute with an excavator, or if an excavator repeatedly fails to whitelist properly. While the law is not clear on this point, an excavator may claim that the initial description is enough to avoid whitelining, or that they don’t need to do it with any more specificity. Instead of arguing, the operator should report the issue to the KCC to get help in negotiating a resolution, or having the KCC enforce the act against an excavator through its powers to impose penalties. By documenting whitelining requests, the operator then has the facts in hand in any dealings with the KCC.

the locate polygon, and it is the Call Center operator's job to accurately follow the instruction of the caller. As layer accuracy increases, the number of unnecessary ticket generation decreases!

I have always been interested in visiting the Call Center. Now that I have that experience and have listened to a few calls come in, I have a better understanding and appreciation for the operators who deal with angry contractors, frustrated utility owners or plumbers who are calling in an emergency locate for a private well drilling "because crews are en-route and will get there sometime tomorrow". Call Center operators are not allowed to differentiate between proper and improper requests or emergency and non-emergency requests or determine what are adequate marking locations. They follow policy as set forth by the One-Call board of directors. It might be helpful if everyone could visit the Call Center.

Become more involved

Finally, the Kansas One-Call board of directors has twelve members. The Operating Committee has nineteen members. There are eight advisory members to the Operating Committee. Of these thirty-nine individuals, only two are closely related to the water industry. Pat Shaffer,

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Manager of Butler RWD 5 is a KOC board member and Vice-President of the board; Jim Bradley, Utility Director for the city of Ottawa is a KOC Member. Yet, fifty-eight percent of the members of Kansas One-Call are in the municipal or RWD or sewer district category. That percentage is increasing, as all RWDs are required to become members. Adequate representation of constituents or members by a governing body is a basis for democracy and the cornerstone of any body of leadership. However, the water and wastewater industries are scarcely represented on a board that sets

policy and employs a contractor that affects the daily operations of hundreds of cities and rural water districts. Now would be a good time to become more involved in Kansas One-Call governance and policy. I think that cities and RWDs will find, much as I did, that board and staff members welcome input and contribution from all members.

Pete Koenig has been a GPS/GIS Tech at KRWA where he was employed since 2004. He coordinated GPS Mapping and provided support for other KRWA programs. He resigned employment with KRWA in mid-June; he is relocating to the Omaha, Nebraska area.



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