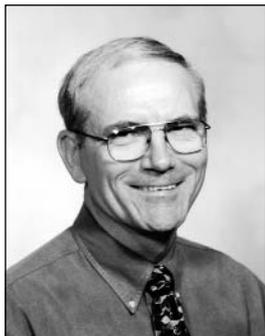


One Call legislation debated, but not passed

A variety of issues of concern for water and wastewater utilities were debated during the recent 2007 Kansas Legislative Session. The proposal to mandate participation by public water systems (cities and rural water districts) and wastewater systems in the Kansas One Call system was closely tracked by KRWA and others. The legislation, originally introduced in the Senate Utilities Committee as Senate Bill (SB) 20, was supported by the Kansas Contractors Association, Associated General Contractors of Kansas, Associated Builders and Contractors Heart of America Chapter, and others. Opponents included the Kansas Rural Water Association, the League of Kansas Municipalities, the City of Olathe and Water One.



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KRWA invested necessary time and resources in providing testimony at all stages, including an interim study in late 2006, with the hope being to gain an appreciation for the challenges many rural water districts and small towns would face if they were

required to be full members of One Call.

While the proposal was not approved by the Legislature, the bill remains alive for the 2008 legislative session.

One Call adds responsibilities

You might ask why KRWA does not support a mandatory requirement for water and wastewater utilities to be members

of One Call? Well, it is this. While there is concern by utilities and contractors alike to avoid damage to underground facilities, many cities and rural water districts are unable to locate their pipelines, and

However, the zone of tolerance and the time frames involved add to the responsibilities of the utilities. The potential *loss* for failure to meet those standards increases substantially as members of One

No matter how many laws are passed, if systems cannot locate their pipelines within two feet, then requiring membership in One Call isn't going to improve that. Which gets us to the real question: Is the goal to help prevent damage to pipelines or is the goal to relieve contractors of liability?

certainly not within the two-foot tolerance as required by One Call. If water systems are unable to locate their lines, the risk of loss to

Call. (See Gary Hanson's column 'Legally Relevant' on page 46). While it may be beneficial for a uniform notification process, the



mandatory participation will not help any system locate their facilities. No matter how many laws are passed, if systems cannot locate their pipelines within two feet, then requiring membership in One Call isn't going to improve that. Which gets us to the real question: Is the goal to help prevent damage to pipelines or is

their lines or damages shifts to them, even if the line is in private easement. A water system could not show negligence (triggering liability on the excavator) if the water supply cannot locate its lines.

the goal to relieve contractors of liability?

KRWA testified that it could be much more palatable for water and wastewater systems if they were to bill excavators for locate charges.

There may be some difference between pipelines located in private easement compared to those that are in public right-of-way. Responsible contractors attempt to work with other utilities in locates; water and wastewater systems also are generally more than accommodating in working with excavators; water and wastewater systems often are the excavator. In spite of the best of efforts, accidents will happen, mistakes will be made – but protecting water and wastewater pipelines from damage requires a higher level of concern than just making one call to an 800 number and then going on.

Wasted tickets

Another complaint, particularly by rural water districts that are members of One Call, is the extreme number of erroneous locate requests. Each of the requests requires time and expense for the water system to chase down. Rather than the contractor being required to contact the water utility, it's the water utility that spends time trying to locate the contractor. There are numerous cases where the contractor who is going to do the work has yet to be issued a work order. The water systems, particularly rural water districts, are left with the challenge of now trying to identify the location of the proposed excavation. The phrase "locate entire property", whether that's 80, 160 or 320 acres, is all too common on the locate request. Even when a water system is its own excavator and calls in the locate request – and specifies which side of a house or area that should be located, requests have been returned to the same entity with the request being, "locate entire property." The result is numerous erroneous tickets, costing \$1.14 each. But the bigger cost is in personnel time and travel to investigate each locate request. Some water systems are 50 or more miles wide.

Stakeholders who commented on SB 20 met at the Kansas Corporation Commission in early

February to discuss improvements to the original bill. Many of the suggestions were incorporated, but KRWA thought other improvements should be incorporated. Those were identified in testimony when the bill came to hearing in the House. The House Energy and Utilities Committee added those and other

identify the zone of excavation, then how is the local water district or city expected to locate their facilities within two-feet? That's just not very logical.

Service areas and contacts

The second issue is that KRWA and the League of Municipalities

In spite of the best of efforts, accidents will happen, mistakes will be made – but protecting water and wastewater pipelines from damage requires a higher level of concern than just making one call to an 800 number and then walking away.

suggestions. The amended bill did not come up for vote in the full House. The concerns continue that the process that One Call uses to identify locations needs to be revisited. KRWA believes that all requests for locates should be flagged by the utility or contractor PRIOR to his/her making the locate request. If the contractor cannot

both recognize the difficulty of contacting local officials. To that extent, KRWA and the League offered to participate in and develop a website which would provide contact information. In testimony, KRWA explained that the Kansas Water Office, the Data Access & Support Center (DASC) and KRWA recently completed the remapping

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Most cities and rural water districts have difficulty locating their water or wastewater utilities

of all service areas of all rural water districts in Kansas. KRWA is posting these maps in pdf format for download through the KRWA Web site. KRWA receives many inquiries about service areas. These individual water system pdfs include all points of interconnection, all transmission lines from those interconnects to pumps, tanks and from wells or treatment plants, basically any major feeder line going to another facility in that system. These are the most critical pieces of infrastructure of the water systems that protect public health. There are many people who wish to know how to contact a certain system, or even which RWD serves in a specific area. Given today's technology, KRWA believes that hosting such a locate service on the Internet is in everyone's interest –

from the individual systems, contractors, and numerous others attempting to determine who's who and where.

Make mapping a priority

KRWA continues to hold that it is important to improve the One Call process. Public water and wastewater utilities take seriously the responsibility to attempt to locate their facilities. KRWA supports having all new facilities be locatable. Most cities and rural water districts have difficulty locating their water or wastewater utilities based on the conventional 'as-built' maps. More accurate technologies are available and should be utilized. Approving agencies could implement such requirements in regulation. I have personally asked KDHE to consider making GIS/GPS mapping a requirement for new or improved

projects. The cost of a typical project should be discounted because the traditional mapping would no longer be required.

Bottom line, KRWA, the League and individual water or wastewater systems and contractors in general should all be concerned to not damage facilities that provide life-supporting services to citizens. And while there may be a few bad experiences where water systems failed to respond to a locate request, those are certainly not the norm. KRWA hopes to meet sometime this summer with One Call officials to discuss these and other concerns that were expressed during the 2007 Legislative Session. A lot more work will need to be done on the part of agencies and organizations for water systems to transition to membership in One Call. Without being too presumptuous, it's likely that One Call also recognizes the potential formidable task it would face adding another 600 entities as One Call members.



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