

Mandatory participation in One Call effective July 1, 2009

On May 14 and 15, I traveled to Wichita to attend and participate in the annual Kansas Municipal Utilities' conference. Executive Director Colin Hansen and Administrative Assistant Brad Mears, and the KMU hosted a well-run event. It was a pleasure to be on a panel with Kansas Water Office Director Tracy Streeter and Dave Warren, Utilities Director for the City of Wichita. Part of our session focused on territorial disputes between cities and RWDs. The one topic that we did not discuss was the new One Call Bill passed during the 2008 Kansas Session. That legislation requires all public water and wastewater systems

(cities, RWDs and sewer systems) to become members of Kansas One Call effective July 1, 2009.

Returning to the KRWA office at Seneca on the afternoon of May 15, I was surprised to drive into the site to find orange, yellow and red flags planted the

full 575 feet width of the property, and perpendicularly across the property, right down to three yellow flags that identified a gas line within five feet of the KRWA office. I was confident that we had not called in a locate request because as far as anyone at KRWA is aware, there is no construction planned or desired on the KRWA office site. So then, why all the flags?

Well, we can only assume that a landowner to the east by another 575 feet is preparing to construct a new restaurant. And yes, the next day, the locate service returned to

locate all the utilities on another landowner's property? I don't have access to the locate request – but wouldn't it be reasonable to restrict locates to specific properties? Most

All water and wastewater systems are required to be members of One Call as of 7/1/09 – but they have options: Tier I, Tier II or Tier III.

conduct more locates. We questioned him about the need to locate utilities on the KRWA site. He confirmed it was for a restaurant to the east. The city also was "exploring" the installation of a sanitary sewer line to our office to replace the existing grinder pump. The proposed restaurant has no effect on the KRWA site. So why

counties have parcel IDs in electronic format. Ratepayers somewhere along the line are paying for what often ends up being completely unnecessary locates.

More of the same

This is consistent with the complaints concerning the locate

PHOTO BY GARY SHIKE FOR KANSAS MUNICIPAL UTILITIES



*E. Ronnebaum
General Manager*



The water panel at the KMU Annual Conference in Wichita consisted of, left to right: Tracy Streeter, Director, Kansas Water Office; Elmer Ronnebaum, KRWA General Manager; and David Warren, Wichita Director of Utilities.

requests. It's likely to become a lot worse now that the Kansas Legislature has mandated the participation of another 600 plus water and wastewater systems. Local RWDs and cities, many which do not have updated maps of their utilities – and in some cases no maps at all, have yet to appreciate just how much of a task participating in One Call may become.

KRWA has been criticized for supporting HB 2637 that was amended on 3/26/08 to include mandatory participation by water and wastewater utilities in Kansas One Call. HB 2637 originally concerned pricing flexibility of telecommunications utilities. The bill was amended and language requiring One Call participation was added.

The bill was further amended on 4/3/08 by a Conference Committee and then approved by the Senate later that day by a vote of 39-1 and by the House on 4/4 by a vote of 102-16. The bill goes

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into effect 7/1/2009; it contains the following amendments from the bill as amended on 3/26.

- A new Tier III classification of membership applies to systems serving more than 20,000 population. To qualify as a Tier III member, the water or wastewater system shall; 1) maintain locate service Web site; 2) maintain and publish a dedicated telephone number for locate services; 3) have 24 hour response capability for emergency locates; 4) employ at least two individuals whose primary job function is the location of underground utilities. Tier III operators shall make either the Web site

or contact information available to the Notification Center. Tier III operators shall pay a flat annual fee of \$500 to the Notification Center. No other fee, charge or cost shall be assessed to a Tier III member. Tier III members shall be subject to all other provisions of the Act.

- Tier II members shall pay a \$25 annual membership fee to the Notification Center.
- Tier II members shall be charged a referral fee of no more than 50% of the rate charged to Tier I members.
- Excavators can be required to whitenline the area of intended excavation prior to locates being performed.



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- A board of directors that shall be representative of the membership of the Center shall govern the Notification Center. Tier II and Tier III members shall hold a pro-rata number of positions on the board.
- Tier II and Tier III members may elect to notify the excavator of a 5-foot tolerance zone for purposes of locating facilities.
- The Notification Center and any managing organization or corporation shall be subject to the Kansas Open Records, Open Meetings Act.
- The Notification Center shall prepare an annual report on its activities and shall have an annual independent audit conducted. Copies of said reports shall be provided to all members of the Notification Center and shall be subject to the Open Records Act.
- The Notification Center shall solicit proposals for operation of the Notification Center every five years to be awarded, in open meeting, by the Board of Directors. The bidding process shall be subject to Open Records.
- The Notification Center shall conduct a cost of service study every five years or as otherwise requested by the Board of Directors or a majority of the members of the Center.

KRWA has been vocal in opposing mandatory membership in One Call. KRWA suggested that time (five years) be allowed for systems to improve their mapping and therefore supported legislation that would require cities and RWDs to bring their utility maps up to date. The League of Municipalities opposed that

legislation stating in the hearing that requiring cities to update their utility maps was an unfunded mandate. Well, so is painting the inside of a water storage tank – but it has to be done to protect that tank. HB 2808 was also proposed with the suggestion that mandatory participation in One Call be delayed for five years. Very, very late in the Session, key legislators moved to require participation in One Call in 2009. After being told by leadership in both Houses that the One Call bill, which was combined with a telecom bill, would pass, Water One of Johnson County and KRWA supported amendments that made the bill much more acceptable.

It has been suggested there will be attempts to amend the legislation in the 2009 Legislature; KRWA will stay engaged in the debate.

Meanwhile, ways need to be found to limit the distance that utilities are being forced to locate facilities, particularly so by rural water districts. Someone recently told me that he saw a lawn mowing service removing “handfuls” of utility locate flags along a street in Topeka. The flags were also pulled on our site – after we verified with the city and the locate service what the project might be. What often seem as unnecessary locates will likely continue until all excavators are



This busy easement is located south of Wichita and involved a Sedgwick RWD 3 pipeline. The locate flags represented one of many separate locates provided by RWD staff during a two-lane to four-lane road project involving multiple utilities in the easement.

required to white flag their zone of construction PRIOR to requesting utility locate notices through One Call. For now, we end with these same questions: If that excavator does not know where he/she is going to dig, then what are other utilities doing spending time locating their facilities? And here’s the other question: “If water and wastewater systems don’t have updated maps, how are they to participate efficiently in a notification process?”

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