

Testimony

By the Kansas Contractors Association before the Senate Committee on
Utilities regarding the Kansas Underground Utility Prevention Act and
the Inclusion of Water Facilities Under One Call—SB 20

January 18, 2007

Mr. Chairman and members of the Committee, I am Bob Totten, Public Affairs Director for the Kansas Contractors Association. Our organization represents over 400 companies who are involved in the construction of highways and water treatment facilities and utilities in Kansas and the Midwest.

Today, I come to you in support of Senate Bill 20. Our members wholeheartedly agree that all facility exemptions contained in the One Call program should be addressed and that all underground operators should be part of the Kansas Underground Utility Damage Prevention Act.

We strongly believe the safety of our employees should be paramount and knowing where a line is buried only adds to their safety. In addition, there are costs involved when a line is dug into. Those costs sometimes are not defined very well but trust me not only the contractor suffers down time when a line is incorrectly marked but in some cases lives could be at stake if a line is disrupted for any length of time.

Many of our members work in other states and they have for years groused to me about why the Kansas One Call Program doesn't include everyone. In Kansas it really isn't one call. It is 2 calls or 3 calls or maybe 4 calls in addition to the main call to the Kansas One Call Program. Those extra calls are costly and those costs are passed on to the customer when a project is bid and could be changed if the system were actually a one call system.

If this measure were approved, all sanitary sewer facilities and or potable water facilities would become part of the one call program as it pertains to facilities put in the ground after January of 2008. That is a step in the right direction however it is unfortunate that this legislation doesn't address all the water lines and sewer lines already in the ground.

Our members are constantly on the alert when they move dirt worrying about whether a line is buried beneath the ground that they are not aware of. They are concerned they might disrupt a gas line, a water line or a communication line.

They are concerned about hitting a gas line primarily but water lines can also be lethal. Each time a water line is hit, it effects service...and although most water lines are small...some are a foot in diameter and some can be up to 4 feet in diameter. Would you like to be digging and hit a 4 foot water line? Such an incident could take out an intersection and flood all the businesses in the area.. It is not only a danger to the excavator who digs into the line but it can also be costly to those whose houses are flooded or businesses damaged.

And what about a line that is damaged. An 8-inch line taken out by a contractor can empty a large water tank...at least that is what a water board member in Manhattan told me last fall. What happens if a fire occurs and there is no water in the line. I think sometimes we don't look at the big picture because such a mishap happens on a rare occasion but when it does happen the mishap is in the baby white spot light for a long time. It just could happen.

I have heard many stories from various contractors about digging into an unknown line. Trust me, ask a contractor about a time he/she dug into a line and they can take 20 minutes to explain what happened. It is usually a big mess.

I also want to take a moment and talk about how the downtime of a contractor who hits a line and how that effects you. If a line is hit by a contractor because it was not marked correctly, there is a delay in the project. The contractor usually has to help clean up the mess and spend more time on the job than what she had planned. Our contractors don't appreciate having to be on a job longer than planned. As a community, We never take into consideration who should pay for the contractor who has been held up because a line was not marked correctly causing a delay in his work.

I would suspect you will hear from various groups that it is too expensive for them to have their lines marked or located...but who pays the bill when a line not marked correctly holds up the contractors or hurts someone.

In essence you or the next customer does. Because it costs more for the contractor to do this job and the contractor will figure that cost in his next bid. So to think that we should allow utilities not to mark their lines because it costs the utility money...let's remember who the contractor is working for....you would soon realize the owner of the project ends up paying for allowing one group not to be paying for the service.

One last thing, the unit of government who gave the utility the approval to use the easement to put in the water line in . It is not a right to have the utility line there...it is a privilege and so in our opinion, the utility should be required to know where its facility are located....as a public safety issue. ...and to streamline this effort...be part of the One Call system like the rest of the utilities in the state.

Thank you once again for the time you have made for our concerns to be heard. I have brought a real live contractor with me today to discuss this issue further and although I will be glad to answer any questions, I think she might be a little more knowledgeable about it than I am...and with the indulgence of the chairman, I would like to introduce to Katy Steinbacher of BRB Contractors here in Topeka. She is a professional engineer and has worked out in the trenches so listen up.

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