

Kansas Administrative Regulations

Kansas Corporation Commission

Article 14.—The Kansas Underground Utility Damage Prevention Act

82-14-2. Excavator requirements.

In addition to the provisions of K.S.A. 66-1804, K.S.A. 66-1807, K.S.A. 66-1809, and K.S.A. 66-1810 and amendments thereto, the following requirements shall apply to each excavator:

(a) If an excavator directly contacts a tier 2 member or a tier 3 member, the excavation scheduled start date shall be the later of the following:

- (1) The excavation scheduled start date assigned by the notification center; or
- (2) two full working days after the day of contact with the tier 2 member or tier 3 member.

(b) Unless all affected operators have provided notification to the excavator, excavation shall not begin at any excavation site before the excavation scheduled start date.

(c) If a meet on site is requested by the excavator, the excavation scheduled start date shall be no earlier than the fifth working day after the date on which the notice of intent of excavation was given to the notification center or to the tier 2 member or tier 3 member.

(d) Each notice of intent of excavation shall include the name and telephone number of the individual who will be representing the excavator.

(e) Each description of the excavation site shall include the following:

- (1) The street address, if available, and the specific location of the proposed excavation site at the street address; and
- (2) an accurate description of the proposed excavation site using any available designations, including the closest street, road, or intersection, and any additional information requested by the notification center.

(f) If the excavation site is outside the boundaries of any city or if a street address is not available, the description of the excavation site shall include one of the following:

(1) An accurate description of the excavation site using any available designations, including driving directions from the closest named street, road, or intersection;

(2) the specific legal description, including the quarter section; or

(3) the longitude and latitude coordinates.

(g) An excavator shall not claim preengineered project status, as defined in K.S.A. 66-1802 and amendments thereto, unless the public agency responsible for the project performed the following before allowing excavation:

(1) Identified all operators that have underground facilities located within the excavation site;

(2) requested that the operators specified in paragraph (g)(1) verify the location of their underground facilities, if any, within the excavation site;

(3) required the location of all known underground facilities to be noted on updated engineering drawings as specifications for the project;

(4) notified all operators that have underground facilities located within the excavation site of the project of any changes to the engineering drawings that could affect the safety of existing facilities; and

(5) complied with the requirements of K.S.A. 66-1804(a), and amendments thereto.

(h) If an excavator wishes to conduct an excavation as a permitted project, as defined in K.S.A. 66-1802 and amendments thereto, the permit obtained by the excavator shall have been issued by a federal, state, or municipal governmental entity and shall have been issued contingent on the excavator's having met the following requirements:

(1) Notified all operators with facilities in the vicinity of the excavation of the intent to excavate as a permitted project;

(2) visually verified the presence of the facility markings at the excavation site; and

(3) complied with the requirements of K.S.A. 66-1804(a) and amendments thereto.

(i) If the excavator requests a meet on site as part of the description of the proposed excavation site given to the notification center, the tier 2 member, or the tier 3 member, then the excavator shall document the meet on site and any subsequent meetings regarding facility locations with a record noting the name and company affiliation for the representative of the excavator and the representative of the operator that attend the

meeting. The excavator shall keep this record for at least two years. This documentation shall include the following:

- (1) Verification that the description of the excavation site is understood by both parties;

- (2) the agreed-upon excavation scheduled start date;

- (3) the date and time of the meet on site; and

- (4) the name and company affiliation of each attendee of the meet on site.

- (j) Each excavator using trenchless excavation techniques shall develop and implement operating guidelines for trenchless excavation techniques. At a minimum, the guidelines shall require the following:

- (1) Training in the requirements of the Kansas underground utility damage prevention act;

- (2) training in the use of nonintrusive methods of excavation used if there is an indication of a conflict between the tolerance zone of an existing facility and the proposed excavation path;

- (3) calibration procedures for the locator and sonde if this equipment is used by the excavator;

- (4) recordkeeping procedures for measurements taken while boring;

- (5) training in the necessary precautions to be taken in monitoring a horizontal drilling tool when backreaming or performing a pullback operation that crosses within the tolerance zone of an existing facility;

- (6) training in the maintenance of appropriate clearance from existing facilities during the excavation operation and during the placement of new underground facilities;

- (7) for horizontal directional drilling operations, a requirement to visually check the drill head and pullback device as they pass through potholes, entrances, and exit pits; and

- (8) emergency procedures for unplanned utility strikes.

- (k) If any contact with or damage to any underground facility or the facility's associated tracer wire, locate ball, or associated surface equipment occurs, the excavator shall immediately inform the operator.

(Authorized by K.S.A. 2008 Supp. 66-1815; implementing K.S.A. 66-1803 and K.S.A. 66-1809; effective Jan. 19, 2007; amended July 6, 2009.)

***** Authenticated Kansas Administrative Regulation *****