

## HB 2178

### Points of Consideration for Opposition

#### Rex Schick

Good morning Senators, I am providing testimony today about an issue that jeopardizes the public safety of the people you represent. I am speaking of house bill 2178 that stands before your committee today. This bill is asking for a language change that would grant an exemption to commercial electric facilities being visibly located by the facility owner that profits from that supply of energy.

The goal of the Kansas Underground Damage Prevention Act (KUUDPA) is to minimize damage to buried utilities in an effort to promote public safety and supply needed resources to the end user. The KUUDPA is very similar to damage prevention efforts provided in every state in the union, and was written with much effort by dedicated people that understood the importance of protecting life and property.

The communication between utility service providers and those who wish to excavate is accomplished by these existing underground utility lines being visibly marked for all to see. Unknown buried facility can be easily damaged by anyone excavating, using a shovel or a large excavator. In Kansas there have been many attempts for facility operators to try and be exempted from this law. The reasons behind this have varied with each attempt.

Below you will see bullet points that attempt to point out why this attempted language change is detrimental to public safety and underground damage prevention efforts, in the state of Kansas.

- This proposed change to the current law (66-1802 as written) will compromise excavator and public safety as well as create confusion about liability if damages or injury occur.
- This effort by the Rural Electrical Cooperatives is a step backwards for underground safety and damage prevention in the State of Kansas.
- This proposed change could jeopardize future federal funding or federal grants for state damage prevention efforts.
- On accessing private property issue, other utilities such as communication providers and gas providers are already accessing private property to locate their facilities.
- Changes to 66-1802 should not specifically be for the Rural Electrical Cooperatives, all utilities, including electric should be required to locate their facilities to the first point of entry into any structure.
- If the electric utility is not required to locate to the first point of entry, then who is responsible for completing the locate of the buried electrical line? How would that private entity be notified of their responsibility to locate? Do they have the capabilities and expertise to locate and mark the electric line correctly? If not, then who is liable for unmarked damages? Who would be responsible for enforcement?
- The ruling by the KCC Commissioners in March of 2018 should be upheld. (17-GIME-565-GIV)
- If HB 2178 is passed into law, it will be allowing one stakeholder group to have an exemption that will not benefit other stakeholder groups and compromise utility damage prevention.
- Passage of HB 2178 would create a burden to the state one call system by creating:
  - Administrative nightmares trying to get the information from all of the new members that must now be in the system.
  - Monitoring and enforcement to these changes will add cost to the fees by all members.
  - Education of the property owners of their responsibilities to comply with the State One Call law could be costly and time consuming.