

**City Hall**  
**8500 Santa Fe Drive**  
**Overland Park, Kansas 66212**  
**[www.opkansas.org](http://www.opkansas.org)**

Date: February 11th, 2019  
To: House Committee on Judiciary Members  
From: City of Overland Park  
Re: Written Neutral Testimony regarding HB 2178 (With Concerns)

Thank you for allowing the City of Overland Park (“City”) to submit this neutral testimony regarding HB 2178, amending the Kansas Underground Utility Damage Prevention Act, and share our concerns.

The City’s understanding of HB 2178 is that the proposed changes to the definition of “operator” in Section 1, and the proposed changes regarding the duties of electric utility operator for marking “downstream of the point where ownership of the facility changes from the operator to another person” in Section 2, would have the impact of not requiring electric utilities to be responsible for locating electric utility facilities between the meter and buildings.

The City has concerns regarding the impacts of this bill, which are (1) the electric utility customers’ awareness of their responsibility to locate these facilities, (2) the ability of the electric utility customer to take on this responsibility (i.e., “How will dig safe get this information to the electric utility customer?” and “How will electric utility customers will stay in compliance with the law and indicate whether their facilities are in conflict or not when a locate request is made?”), and (3) the customers ability to safely locate the facility as this bill would require them to do.

In addition the transfer of locating responsibility raises questions regarding if the customers should have a safe way of de-energizing the services lines which they are expected to locate.

Safety issues regarding locating electrical facilities could be a consequence of this bill if the concerns above are not properly addressed.

Thank you for allowing the City to testify regarding this legislation. We respectfully request that the Committee thoroughly vet and address the above concerns and questions in consideration of this bill.