

## **Kansas Underground Utility Damage Prevention Act; Notice of Excavation; Virtual Whitelining; HB 2226**

**HB 2226** amends the Kansas Underground Utility Damage Prevention Act regarding excavation notification and whitelining (*i.e.*, the marking of a site for excavation).

The bill changes several definitions, including updating the definition of whitelining to allow for virtual whitelining with the use of technology and makes several changes to notification and location requirements including, but not limited to, extending the maximum allowable number of days for notice of intent to excavate from 15 to 20 days, and requiring immediate notification of contact or damage to underground facilities.

### ***Definition Changes***

The bill changes the definition of “permitted project” by requiring a permit applicant to serve notice to all underground facility operators of an intent to excavate instead of locating such facilities in the area of work.

Further, the bill changes the definition of “tolerance zone” to mean not more than 24 inches outside the dimensions of an underground facility for facilities in which a larger tolerance zone has not been established in rules and regulations by the Kansas Corporation Commission (KCC) or not more than 60 inches outside the dimensions of an underground water or waste water facility.

The bill amends the definition of “whitelining” to include the use of technology developed for the purpose of the identification of routes or boundaries, allowing an excavator to provide a virtual excavation path when applying for a ticket.

### ***Notification and Location Requirements***

The bill increases the maximum number of calendar days for a notice to excavate to be served from 15 to 20. The bill also increases the number of calendar days an intent to excavate notification is valid from 15 to 20 days and allows the KCC to adjust, notwithstanding the statutory maximum, the extent of time that a notice is valid through the rules and regulations process.

The bill also changes the two-working-day notification requirement for providing tolerance zone locations to a determination made by the KCC in rules and regulations and no longer requires an operator, after notification from an excavator, to re-identify tolerance zones whose physical identifiers have been improperly removed or altered within one day of notification from the notification center.

The bill requires individuals filing a notice of intent to excavate to whitenline the site at the request of the operator in all instances and removes the requirement that a whitenline must be completed prior to facility locations being identified.

### ***Notification of Damage***

The bill requires an excavator to immediately notify an underground facility operator and the notification center when contact or damage has been made to an underground facility. The bill also requires the notification center to contact the underground facility operator when such contact or damage occurs.

The bill changes the notification threshold for civil action when there is a failure of an operator to inform the excavator of the tolerance zone of the underground facility from two working days to prior to the excavation start date.