

January 19, 2018

The Honorable Richard Proehl, Chairperson
House Committee on Transportation
Statehouse, Room 581-W
Topeka, Kansas 66612

Dear Representative Proehl:

SUBJECT: Fiscal Note for HB 2447 by Representative Garber

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2447 is respectfully submitted to your committee.

HB 2447 would require the Kansas Department of Transportation (KDOT) to allow Young Backhoe and Trenching from Seneca to construct highway access from U.S. Highway 36 to two adjoining private properties in Seneca. Young Backhoe and Trenching would be responsible for all costs related to the removal of the existing access and construction of the new access.

According to KDOT, the bill could result in additional expenditures for the agency, but the fiscal effect cannot be estimated. While the bill specifies that Young Backhoe and Trenching would be responsible for all costs associated with removing the current highway access point and constructing the new one, KDOT indicates there may be other costs beyond construction and removal of the access points that are not addressed in the bill such as compensating property owners for access control and acquiring easements or other legal rights.

KDOT indicates there is no requirement in the bill for Young Backhoe and Trenching to indemnify KDOT. Without indemnification, KDOT could be exposed to liabilities for damages during construction and removal of the access points. The bill does not require Young Backhoe and Trenching to compensate the agency for any liabilities for damages that KDOT could incur. According to KDOT, allowing the highway access point to be independently designed and constructed without state regulatory oversight would deviate from current practices established in KDOT's Access Management Policy (AMP). The AMP contains criteria for access points onto the state highway system in accordance with design, engineering and safety standards which were developed to minimize conflict and traffic congestion between access facilities and roads intersecting with a highway. KDOT notes the bill does not require Young Backhoe and Trenching

The Honorable Richard Proehl, Chairperson

January 19, 2018

Page 2—HB 2447

to obtain access permits or right-of-way permits, which is contrary with the AMP. The terms and conditions of the permits are designed to protect the safety of the travelling public and to protect KDOT from liabilities. KDOT indicates the bill could expose the agency to litigation risk.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Ben Cleeves, Transportation