



KANSAS
ASSOCIATION OF
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Testimony of the KAC Local Road Engineer to the
House Committee on Agriculture
Opponent to HB 2531
February 9, 2022

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in opposition to House Bill 2531, which would allow private individuals to construct, maintain, and operate pipelines within public county road rights-of-way if that individual is engaged in an agricultural activity.

In Kansas, county right-of-way is a permanent easement for road purposes, i.e., the county does not own the right-of-way in fee simple. The underlying property owner owns the right-of-way. So, this bill would permit private utilities to be situated in property owned by an individual other than the owner of the pipeline. A pipeline breakage or other emergency would harm not only the public road, but also the underlying property owner.

Public utilities are members of Kansas One Call allowing for timely identification and location in advance of planned road work. Through this service, counties are aware of in-place utilities and can avoid them, if possible, or arrange for relocation, if necessary. This protects county road workers, the utility owner, the underlying land owner, and the public. Private utilities are not part of the One Call system. The existence of a private pipeline or its exact location would not be readily known. While public utility companies have the personnel, equipment, and money to relocate utility lines, if necessary, private utility owners may not. Identifying, locating, and getting private utility lines relocated would be a constant struggle. And, private pipelines that support “agricultural activity” could mean virtually any kind of utility pipeline or conduit. This could include wastewater lines, oil lines, water lines, private electric lines, etc.

Section 1(b) of this bill provides grandfathered authorization for any private utility line that exists without proper permitting. There is no way to know these lines even exist let alone their exact location. This presents a serious safety concern for road workers, the traveling public, and the underlying property owner.

I urge you to oppose HB 2531.

Respectfully,

Keith Browning, P.E.

Local Road Engineer

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