



KANSAS
ASSOCIATION OF
COUNTIES

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February 3, 2025

Testimony to Senate Committee on Utilities

Senate Bill 57

Dear Chairman Fagg and Members of the Committee:

Thank you for the opportunity to offer this written testimony. I am submitting testimony in opposition to SB 57. I am Darryl Lutz, Local Road Engineer for the Kansas Association of Counties. In my position, I am a resource person to all 105 Counties in Kansas on matters related to County roads and bridges. Prior to my current position, I was the Director of Public Works and County Engineer for Butler County, Kansas for over 32 years.

SB 57 proposes legislation that would require KDOT, Counties and Cities to reimburse communications utility companies with structures located on public road rights-of-way for relocation costs related to any road improvement projects that require the utility structures to have to be relocated. There are a number of concerns with this proposal that will have negative impacts on local units of government and their constituents.

This proposal will result in the shifting of a significant financial burden to the local unit of government. Counties are already under tremendous pressure to control or reduce costs and to reduce property taxes. Project costs are already very expensive and the available funding through motor fuel taxes and other non-property tax sources has been stagnant for years while construction costs have risen steeply. This new cost to the County in many cases could make it cost prohibitive to construct highway improvements.

This proposal shifts the burden of costs from a for-profit company directly to the Kansas taxpayer. These utility companies have been allowed by statutory authority to occupy public road right-of-way dedicated for road purposes, right-of-way that was acquired and improved at taxpayer expense for taxpayer benefit. Utility companies that choose to occupy public road right-of-way do so with full knowledge and understanding that the public road has first and primary right of use. It is an unfair position to put Counties in to have to accommodate public utilities on public road rights-of-way and then be required to have to pay for utility relocation costs if the utility company has structures in the way of road improvement work. Most certainly if this bill were to pass, every single utility company or pipeline company that occupies or crosses road right-of-way will be lining up in front of the legislature asking for Counties, Cities and KDOT to similarly pay for their utility relocation costs.



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This proposal will result in road project delays or possibly cancellations. Counties plan for the costs of road improvements well in advance and it is often a challenge to sufficiently estimate project costs. It would be an even greater challenge to sufficiently estimate costs related to utility relocation work. Counties would be at the mercy of the utility company to fairly and accurately estimate utility relocation costs. Adding new costs to the County will require projects to be delayed in order to accumulate the additional funds for the project. And, ultimately road improvement construction costs will be higher due to inflationary cost increases resulting from project delays. Many counties may find themselves having to consider cancelling projects.

Road improvements are planned primarily for the purpose of improving driver and traveler safety and for increasing capacity. Project delays due to the inability to fund projects in a timely manner simply mean that more accidents and/or traveler delays will occur. Forcing counties to use local property tax revenues to pay for non-highway construction costs is a disservice to the taxpayer and betrays the public's expectation of seeing tangible roadway safety improvements completed in a timely manner in return for the taxes they pay.

Thank you for consideration of these points and all the points made today in opposition to this proposed legislation. I strenuously urge this committee to not pass this bill out to the Committee of the Whole.

Respectfully submitted,

Darryl C. Lutz

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