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**Date: February 5, 2025**

**To: Chairman Michael Fagg and the House Committee on Utilities**

**From: City of Overland Park**

**Re: Senate Bill 57 - Opposition (Written)**

Thank you for allowing the City of Overland Park ("City") to submit this testimony in opposition to Senate Bill 57 ("SB 57"), requiring certain state agencies, counties, cities and political subdivisions to reimburse owner/ operator of communications/ video service facilities for the costs to modify or relocate such facilities for certain road & highway projects.

The City's understanding of SB57 is that the proposed changes to require City-State contracts to include funds to pay for the cost of modification or relocation of communications facilities would have the negative impacts described below.

1. **It would erode the City's ability to regulate right of way.** Cities manage the right of way to balance many important public interests: the flow and safety of traffic, the needs of essential public utilities and services, and the convenience of private utilities. Requiring Cities to pay costs related to relocation or modification of telecommunications facilities in the right of way limits the City's ability to manage the right of way effectively.
2. **It would diminish overall funding for projects.** This bill adds additional cost to public projects without increasing funding. Therefore, it would reduce the scope of work that can be completed with federal funding.
3. **It invites other utilities to pursue the same treatment, which would be unsustainable.** The right of way contains many public and private utilities. If Cities are required to pay to modify or relocate one right of way user, other right of way users will likely demand the same benefit. This risks making public projects in the right of way unmanageable and overpriced.
4. **It diminishes the value of the City's right of way, an important City asset.** Cities acquire right of way for their own purposes, often by purchasing it at market value. Cities permit other users to benefit from the right of way for the public good. However, requiring Cities to relocate or modify other users' facilities in the right of way reduces the right of way's value to Cities.
5. **It invades the province of City franchise agreements with telecommunications companies.** Cities and telecommunications companies negotiated mutually beneficial terms concerning the use of City assets in franchise agreements. The parties' right to contract on their own terms should not be eroded.

Thank you for allowing the City to submit testimony in opposition to SB 57. We respectfully request that the Committee not advance this legislation to the full Senate.