

Approved September 19, 1988
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~am~~/p.m. on February 18, 1988 in room 519-S of the Capitol.

All members were present except: Representative Laird

Committee staff present:

Bruce Kinzie, Revisor of Statutes
Hank Avila, Legislative Research
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Mrs. Mary Turkington, Kansas Motor Carriers Association
Mr. Ed DeSoignie, Kansas Department of Transportation
Mr. Robert G. Cutter, Kansas Department of Transportation

The meeting was called to order by Chairman Crowell, and the first order of business was bill requests.

Representative Nancy Brown requested that the Committee introduce a bill providing for a symbol to be placed on a vehicle driven by the hearing impaired.

A motion was made by Representative Freeman that this be introduced as Committee legislation. The motion was seconded by Representative Harper. Motion carried.

Mrs. Mary Turkington, Kansas Motor Carriers Association, requested introduction of a Committee bill authorizing a 5-year, multi-year, registration for trailer equipment in Kansas. (See Attachment 1)

A motion was made by Representative Moomaw that this be introduced as Committee legislation. The motion was seconded by Representative Wilbert. Motion carried.

The next order of business was a hearing on HB-2822 concerning the removal, modification or relocation of public utility structures or facilities.

Mr. Ed DeSoignie, Kansas Department of Transportation, gave favorable testimony concerning HB-2822. (See Attachment 2)

Mr. DeSoignie said HB-2822 was requested by the Department of Transportation to facilitate the process of utility relocations necessitated by highway projects.

He said passage of HB-2822 would provide discretionary authority to the Secretary of Transportation to advance funds for utility adjustments, and for such monies to be recovered with interest by the State.

Also, the bill would authorize the Secretary of Transportation to acquire utility corridors for relocations of utilities and the discretion to transfer, exchange or sell such corridors to the utility being relocated.

Mr. Robert G. Cutter, Kansas Department of Transportation, testified in support of HB-2822. (See Attachment 3)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation

room 519-S Statehouse, at 1:30 ~~xx~~ p.m. on February 18, 1988.

Mr. Cutter said that on almost all reconstruction projects, utilities must be either adjusted or relocated, and in the past some utilities were adjusted during construction. He said as a result, there were highway construction delays which led to contractor claims against KDOT and utility companies.

Mr. Cutter stated that KDOT is continually seeking ways to expedite project development and be as cost effective as possible, and requested that the Committee support HB-2822.

The hearing on HB-2822 ended.

The next bill taken up was HB-2706 concerning repair or reconstruction of certain bridges of a certain age.

A motion was made by Representative Freeman that HB-2706 be amended striking the words "and the bridge or bridges are more than 15 years old" in line 51. Also, to change it to being effective upon publication in the Kansas Register. The motion was seconded by Representative Moomaw. Motion carried.

A motion was made by Representative Shore that HB-2706 be recommended favorable as amended for passage. The motion was seconded by Representative Wilbert. Motion carried.

The next bill taken up was HB-2769 concerning duplicate drivers' licenses. Representative Crowell said it had been suggested by John Smith, Revenue Department, Motor Vehicle Division, that we strike "and date of birth" in line 57.

A motion was made by Representative Snowbarger that we strike the requirement for the date of birth on line 57. The motion was seconded by Representative Adam. Motion carried.

A motion was made by Representative Adam that HB-2769 be recommended favorable for passage as amended. The motion was seconded by Representative Snowbarger. Motion carried.

The next bill taken up was HB-2770 concerning fee for non-highway title.

A motion was made by Representative Snowbarger to recommend HB-2770 favorable for passage. Chairman Crowell said there had been some amendments suggested for the bill. Representative Snowbarger withdrew his motion.

A motion was made by Representative Moomaw that HB-2770 be amended to make the effective date upon publication in the Kansas Register and sunset the increase on January 1, 1990. The motion was seconded by Representative Snowbarger. Motion carried.

A motion was made by Representative Adam that HB-2770 be recommended favorable as amended for passage. The motion was seconded by Representative Justice.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~xxx~~ p.m. on February 18, 1988

Representative Mead said he is voting "no" on the motion, as he is not convinced that the money this is generating was originally figured into the cost of paying for the VIPS program.

Motion to recommend HB-2770 as amended favorable for passage carried.

The next bill taken up was HB-2771 concerning the incidence of motor vehicle fuels tax.

After brief discussion it was determined further study was needed on HB-2771 before taking action.

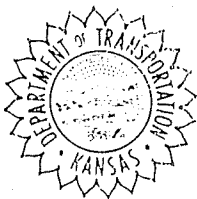
The meeting was adjourned at 2:40 p.m.


Rex Crowell, Chairman

The following is a list of states that allow a multi-year trailer/semi-trailer plate and the duration of the plate. I have also included the cite in the state statute.

<u>STATE</u>	<u>Registration period</u>	<u>Public law</u>
Arkansas	3 years	[75-251]
Connecticut	5 years	[14-486]
Delaware	5 years for fleets	
Illinois	of 15 or more vehicles 5 years	[3002(a)(3)] [3-814]
Indiana	2 years	
Iowa	3 years if paid in advance or 6 years	[IC-9-1-4-41]
Kentucky	5 years	[1986 laws] [186.675]
Louisiana	4 years	[74:462B(1)]
Maine	8 years or 12 years	[245-A]
Massachusetts	5 years	[Chapt.90 33(2)]
Michigan	number of years open if prepaid. fleets of 50 or more 5 years with 1 year payment	
North Carolina	5 years	[1980 laws] [20-88]
North Dakota	Permanent	[39-04-19]
Oklahoma	Permanent	[1133c]
South Carolina	5 years	[1978 laws]
South Dakota	Note: proposal to have permanent plates being considered. Permanent	[32-9-22]
Tennessee	Permanent	[55-4-113]
Texas	5 years	[6675]
Utah	8 years	[41-1-49]
Virginia	fleet of 50 or more trailers-5 years	[46.1-157]
Wisconsin	permanent	[341.264]

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION

Docking State Office Building

Topeka 66612-1568

(913) 296-3566

February 18, 1988

Horace B. Edwards
Secretary of Transportation

Mike Hayden
Governor of Kansas

MEMORANDUM TO: House Transportation Committee

FROM: Kansas Department of Transportation

REGARDING: House Bill 2822

House Bill 2822 was requested by the Department of Transportation to facilitate the process of utility relocations necessitated by highway projects. I would like to provide a brief background to the Committee before I discuss House Bill 2822, after which I will have Mr. Robert Cutter, Coordinating Engineer with the Department's Bureau of Design, present to the Committee an example of utility relocations commonly encountered on highway projects. I also have Mr. Joe Krahn, Chief of Right of Way, and Mr. John Strahan, First Assistant Attorney with the Department's Chief Counsel's Office, here to assist the Committee.

Background

As many of you are aware, utility lines and structures are often located either adjacent to or on public highway rights of way. The placement of utility lines and structures at these locations is done out of practical necessity; involving reduced easement costs, facilitating servicing of customers, etc. As a result, highway projects undertaken by the Department quite routinely impact utility structures requiring such structures to be altered from their original locations.

Att. 2

As part of the design phase of a project, the Department identifies rights-of-way needs and utility structures affected by the project. The agency works with utilities to have any utility relocations completed prior to letting of the project. (Mr. Cutter will cover this in more detail.) These actions enable the Department to manage project costs more efficiently by reducing project delays which ultimately translate into higher project costs.

As mentioned earlier in my testimony, utility modifications required by a highway project generally fall into two categories:

- + Public rights of way adjustments
- + Private rights of way adjustments

I would like to cover each of these briefly for you.

Public Rights-of-Way Adjustments

Highway projects requiring modification of existing utility structures located on public highway rights of way require the utility to pay for needed adjustments. The ability of a utility to pay for such work depends upon available cash reserves, or the ability to secure funding from other sources. Major utility companies budget for or have the financial capability to adjust their structures without undue disruption. Other utilities may not have available reserves for the project and must secure funding from other means. The inability of a utility to fund utility adjustments in a timely manner produces delays in the state project.

Private Rights-of-Way Adjustments

Public highway rights-of-way needs on a project may require the state to purchase additional property to widen the rights-of-way. These actions can impact utilities located along side the highway on utility easements. As a result, the utility may need to acquire new easement for relocation of its structures. Utility easements are acquired by the utility's agent(s).

When more than one utility is located along a highway corridor, the affected property owner may be contacted by right-of-way agents from the State, utility A, utility B, etc., each in essence duplicating the effort of the other. The results are: 1) inconveniences to the property owner from the numerous contacts, and 2) finding out piece-meal what property will be needed for the project.

The Department's experiences have resulted in an awareness that needed changes to the utility adjustment process would be beneficial to:

- 1) Ensure timely completion of public projects.
- 2) Minimize disruptions to utilities and their customers.
- 3) Inform property owners of the full impact of the public project.
- 4) Minimize the inconveniences to the property owner.
- 5) Minimize claims for delay damages filed against KDOT by highway contractors when a utility delay disrupts the contractor's work schedule.

Towards these ends, the Department requested the amendments to K.S.A. 68-415 as contained in House Bill 2822. The proposed legislation before you accomplishes these goals by:

- + Providing discretionary authority to the Secretary of Transportation to advance funds for utility adjustments. Such monies to be recovered with interest by the State. (Para. (b))

- + Authorize the Secretary of Transportation to acquire utility corridors for relocations of utilities and the discretion to transfer, exchange or sell such corridors to the utility being relocated. (Para. (c))

Mr. Chairman, with the Committee's indulgence, I would have Mr. Cutter explain an example that illustrates the problems presently encountered to provide the Committee with a clear picture of how HB 2822 would assist in resolving these situations.

TESTIMONY ON
HOUSE BILL 2822

ROBERT G. CUTTER
COORDINATING ENGINEER
BUREAU OF DESIGN
KANSAS DEPARTMENT OF TRANSPORTATION

Mr. Chairman and members of the committee. I would like to first set the stage and present some historical information concerning the utility relocation process within the Kansas Department of Transportation. As Mr. DeSoignie has stated, utilities are located on Highway right of way by practical necessity and by provisions set forth in KSA 68-415. On almost all reconstruction projects, utilities must be either adjusted or relocated. In the past some utilities were adjusted prior to construction while others were adjusted during construction. This resulted in highway construction delays which eventually led to contractor claims against KDOT and utility companies. The Federal Highway Administration also mandated that all utilities be adjusted prior to contracting construction work on projects. It was during this time that I was transferred to the Bureau of Design to work on the utility process. There were several steps that KDOT took to encourage the utility companies to initiate action at an earlier point in the projects development. The first step was to inform the companies of KDOT'S 2 year firm construction program. The second step was to establish project schedules which allowed for seasonal adjustments, such as, gas lines in the summer, water lines in the spring and fall and electrical

lines in off peak use periods. The next step was to provide individual project schedules to the companies as well as progress reports. In conjunction with this we held meetings with the utility companies affected by the project to discuss their adjustment schedules. This was coordinated with the project schedule by establishing target dates for the major milestones in the adjustment process.

These steps were successful, but did not totally eliminate delays. Two main sources of these delays were then identified as being the easement acquisition process and the companies ability to fund their portion of the cost.

The acquisition of easements is the most common source of delay experienced, as it occurs on 59 percent of KDOT projects. These are easements necessary for the utilities. The cause of the delay is due to the companies position to withhold any action until the KDOT has virtually completed acquiring the right of way necessary for the reconstructed highway.

Delays caused by the company's inability to fund their portion of the cost occurs only occasionally, but it can result in the delay of a major project. The best example of this is a rural water district with water lines on public highway right of way. (figures A1-A3) There are two cases; one involved a rural water district on a project, and another project involved a small city that did not have sufficient operating capital to pay for their portion of the cost. In both examples the result was a delay of approximately 6 months in the letting of these highway construction projects. The net result of this could be higher construction costs due to

projects being carried through winter months. In the one example the rural water district lacked \$4,000 and in the other, the city lacked less than \$5,000 to fund their costs. By comparison these highway construction projects cost over a million dollars on one and several hundred thousand dollars on the other. The point here is that the lack of a few thousand dollars in the budgets of the local utilities, jeopardized the progress of highway construction projects involving much larger sums of public funds.

I would like to explain that there are two types of utility adjustments that KDOT is involved with. First there is the public highway right of way utility which consists of the utility company having their lines on public highway right of way. They are on highway right of way by permission of the Secretary of Transportation as specified in KSA 68-415. As a condition for being on public highway right of way they must move their lines at their own expense if they are in conflict with pending highway construction.

The second type of adjustment involves those utilities on private easements. If they are displaced due to highway construction, then KDOT must pay the cost of the move which includes the cost of any new easement.

The legislation being proposed by KDOT would improve the utility adjustment process by allowing us to do two things.

1. It allows us to purchase or condemn easements for utility companies in conjunction with and adjacent to highway right of way.

2. It would permit KDOT to advance or loan at its discre-

tion, on a last resort basis monies to utilities such as rural water districts to accommodate highway construction schedules. In the administration of this provision, the Department will require two elements to be present: 1.) The utility would have to demonstrate a financial need and 2.) the necessity to expedite the project schedule would need to be present.

The need to advance funds to utilities has not occurred more than three times in the past several years and would not have cost more than \$10,000 on each occasion if this legislation had been in place. In contrast the financial consequences to KDOT of construction delays caused by such utility relocations can be quite substantial.

I would like to show you an example of how a project could be expedited by KDOT having the ability to acquire utility easements in conjunction with highway right of way. (figures B1-B3) In this example a landowner has two utilities occupying private utility easements on his property which is immediately adjacent to highway of way. The highway reconstruction project will require an additional 15 feet of right of way to be acquired. This would increase the right of way from 45 feet to 60 feet and would encompass the two utility easements.

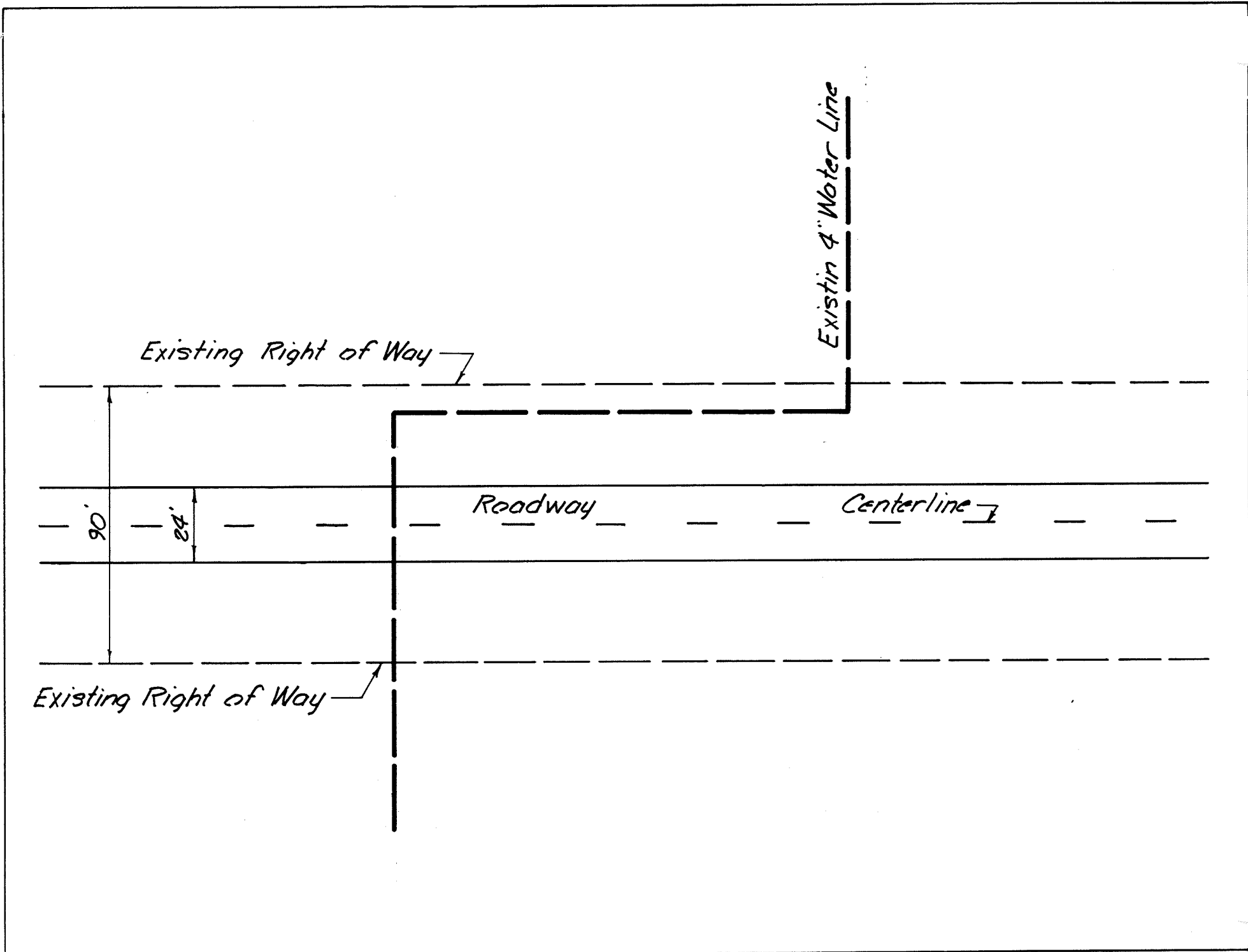
Under current procedures KDOT right of way agents would appraise and acquire the necessary highway right of way from the property owner. Each utility company would then contact the property owner to acquire their necessary easements. The property owner would have to deal three separate times with different parties. The property owner does not know the full extent of the effects of the highway project on his property

until after the last utility company contacted him.

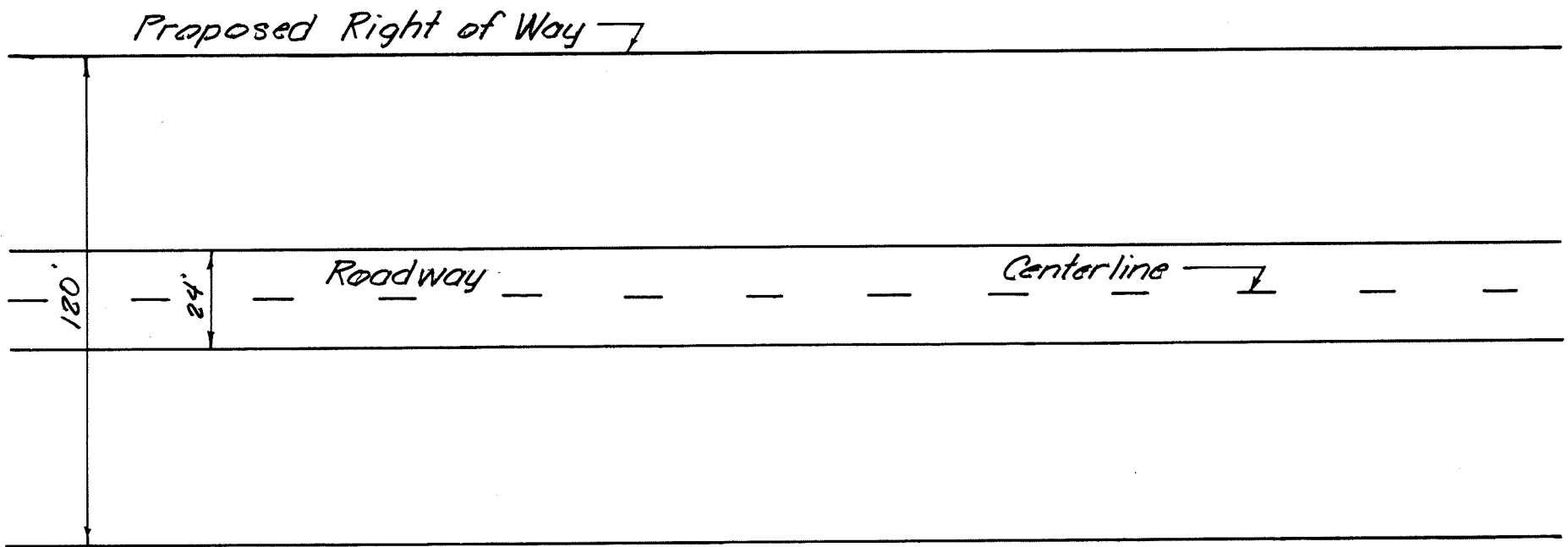
The proposed legislation would allow KDOT to acquire the highway right of way plus the necessary utility easement from the property owner. This property owner would then have a better understanding of the total effects of the highway project on his property, he would have to deal with only one party and would most likely have a narrower easement acquired from him. After the acquisition of the easement it would be conveyed to the utilities. In the example shown here, KDOT would be paying for 100 percent of the easement cost regardless of which procedure was used. For KDOT to acquire the easement at the same time, the acquisition could be done quicker and most likely at a cost savings. The property owner would be paid just compensation for highway right of way and utility easements.

In closing I would like to add that practically all highway reconstruction projects along existing alignments, will involve the adjustment or relocation of utilities. The Department of Transportation is continually seeking ways to expedite project development and be as cost effective as possible.

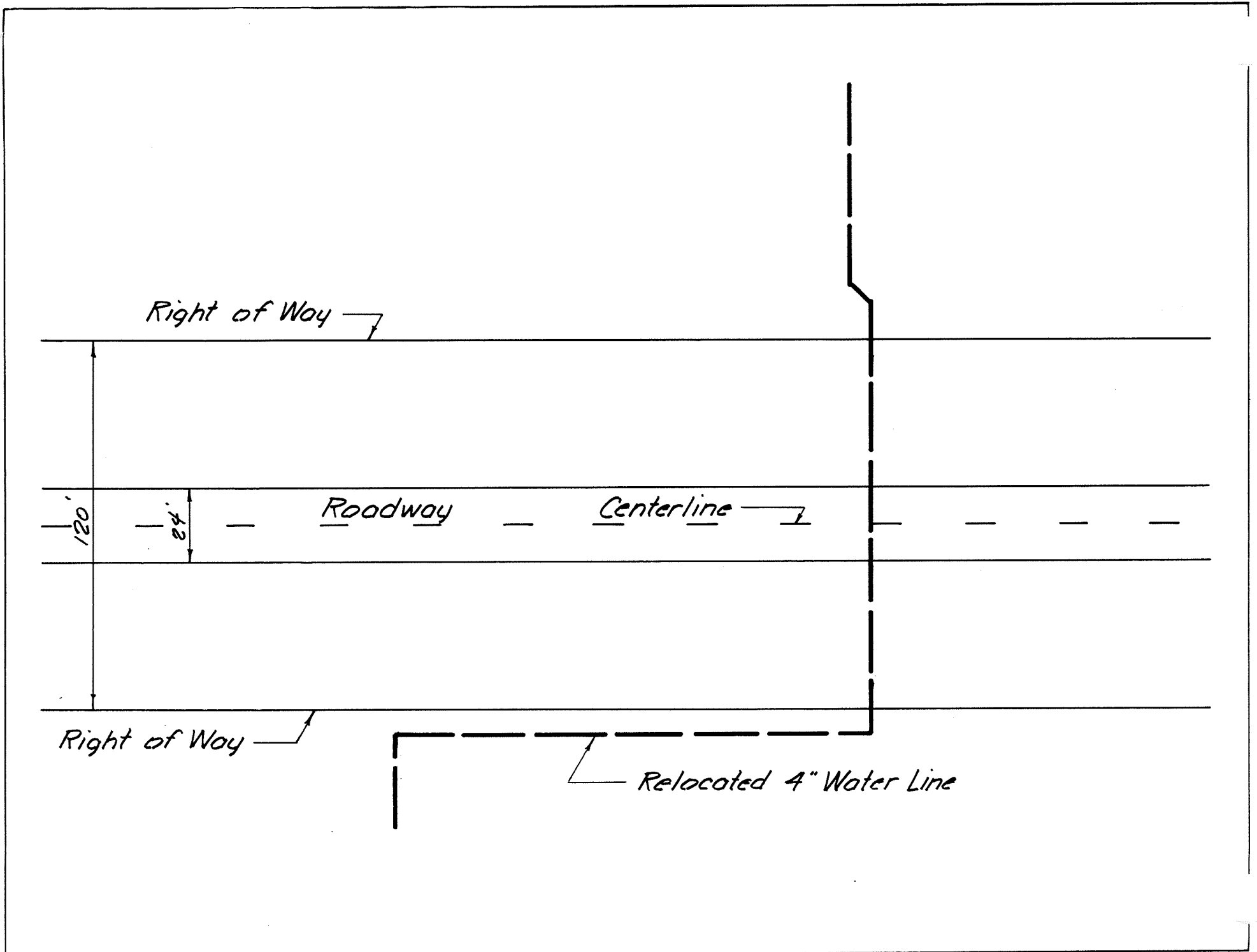
THANK-YOU



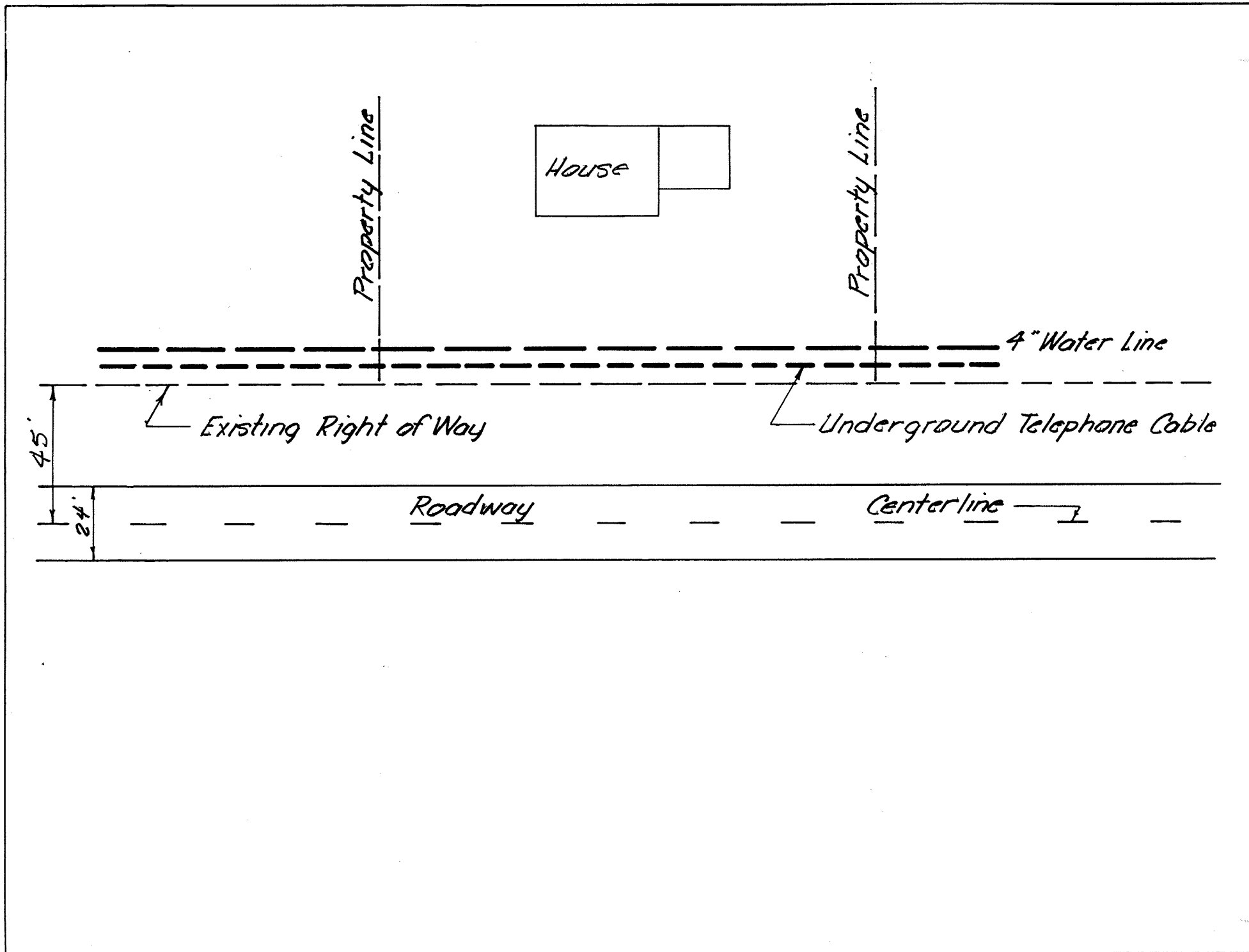
A1 Existing



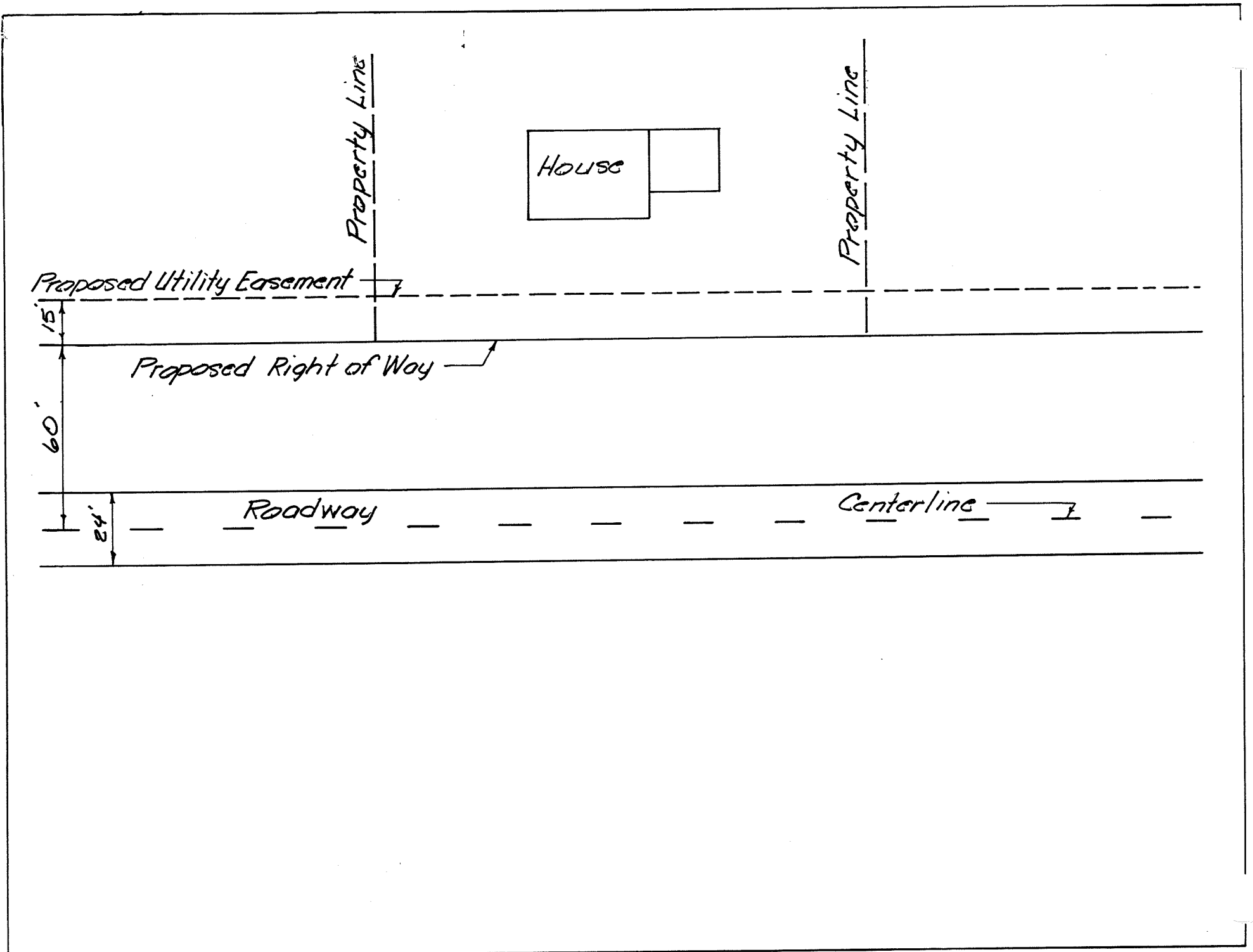
A 2 Proposed Right of Way



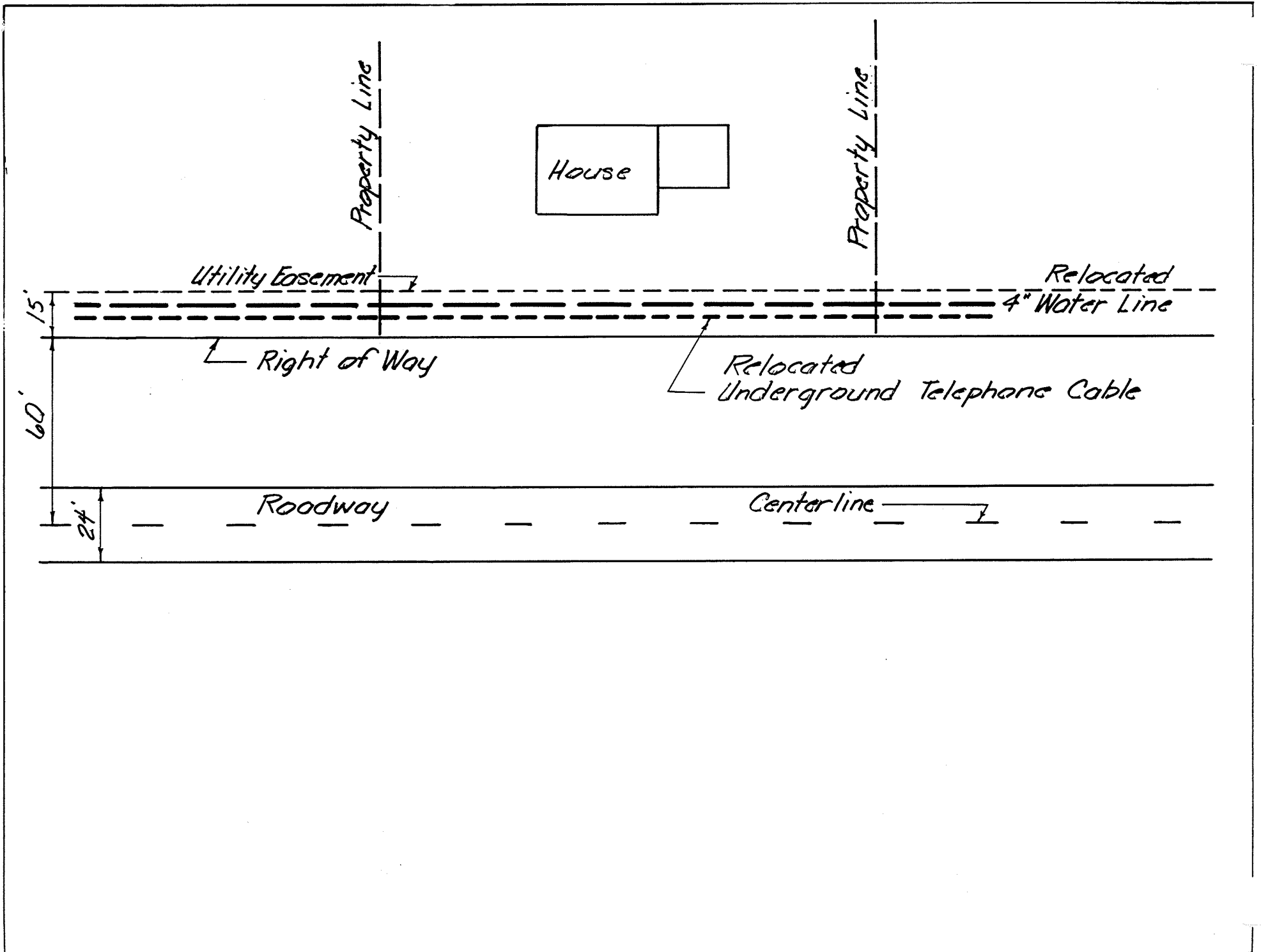
A3 Relocated Utilities



B1 Existing



B2 Proposed Right of Way



B3 Utility Easement

RURAL WATER DISTRICT

Plans to Water District	5-2-84
Meeting with Water District Board and Consultant to discuss policies and procedures	5-15-84
Tentative Schedule	
Preliminary Study by 6-14-84	
Decision by Water District by 7-1-84	
Final Plans by 9-15-84	
Water District letting by 11-1-84	
Executed Engineering Agreement Received	5-29-84
Preliminary Plans & Estimates Received	10-24-87
Meeting with Rural Water District, Consultant and FHWA to discuss: Funding, Replacement Easement Acquisition, Letting of H ₂ O Contract, etc.	10-24-84
New Tentative Schedule	
Plans and Estimates - 11-1-84	
Water Dist. Letting - 1-85	
Final Plans & Estimates Received (not correct)	11-21-84
Easement Acquisition Started	12-1-84
Revised Final Plans & Estimates Received	1-11-85
Agreement Approved	3-14-85
Rural Water District opened bids (letting)	7-22-85
Bids Approved by KDOT	8-5-85
Started Water Line Relocation (Approx.)	9-1-85
Easement Acquired Complete	12-8-85
Water Line Relocation Complete	4-23-86
Original Proposed Letting Date	6-85
KDOT Letting	12-19-85

Sample Project For
Utility Costs

<u>Type Utility</u>	<u>% KDOT</u>	<u>% Utility</u>	<u>Cost KDOT</u>	<u>Cost Utility</u>	<u>Cost Total</u>
Telephone	100%	0%	\$ 4,794	\$ 0	\$ 4,794
Telephone	0%	100%	0	20,000	20,000
Power	0%	100%	0	12,000	12,000
Power	100%	0%	9,306	0	9,306
Power	69.17%	30.83%	195,032	86,928	281,960
Pipeline	58.16%	41.84%	13,704	9,859	23,563
Water	100%	0%	8,784	0	8,784
Water	0%	100%	0	10,500	10,500
TV Cable	0%	100%	0	2,000	2,000
Water	96.56%	3.44%	61,557	2,193	63,750
*Water	100%	0%	8,584	0	8,584
Water	92.64%	7.36%	71,319	5,666	76,985
		Totals	\$373,080	\$149,146	\$522,226

*Replacement Easement Costs \$8,584