



**Senate Committee on Utilities  
Hearing on Senate Bill 401  
Hearing Date- February 8, 2016**

**Written Testimony in Opposition to SB 401 on behalf of the City of Manhattan  
By Kiel Mangus, Assistant City Manager**

Good morning Chair Olson, Vice Chair Petersen and honorable members of the Senate Utilities Committee. My name is Kiel Mangus, and I am the Assistant City Manager for the City of Manhattan.

**The City of Manhattan opposes SB401.** The City of Manhattan supports legislation allowing cities to continue and control public lands and public right-of-way within their city limits. The City should be able to control those areas locally, or have the ability negotiate franchise agreements with those entities that want to use the right-of-way or public lands. The City of Manhattan recognizes that use of the public rights-of-way is important to the enhancement of services for businesses and citizens. The City of Manhattan has several other concerns regarding this bill including:

- In today's society, electronic needs and service to networks is ever increasing from citizens and businesses. The public right-of-way and lands are becoming more and more limited in space as that demand grows. The City must continue to maintain order in this crowded and limited space. The City should have that local control and negotiating ability to determine what occurs in that space.
- The bill is murky on the local municipalities ability to limit looks and locations of these types of facilities. The local citizens and elected representatives have better knowledge on how these facilities will affect their properties and right-of-ways. The City should be able to negotiate, within reason, on where these are located in a given area and how that final product may look.
- This bill allows two years from application date for the facilities to be built and within that time frame the City cannot change any terms. With this rapidly changing technology two years is too much time before construction can occur. The elements occurring on property in the right-of-way could greatly change in that time period.
- Finally, this bill requires the City to provide "reasonable" evidence as to why an application was denied and provide that information and interpretation in a public manner to the applicant. This term is not well defined, leaving cities vulnerable to what may be considered reasonable, and could easily be challenged by utility companies.

For all the above reasons the City of Manhattan opposes SB 401. Thanks for your time and consideration.

SENATE UTILITIES COMMITTEE

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