

Testimony before House Agriculture Committee  
HB 2531 County Road ROW authority  
In-Person testimony in support  
Craig Ingram

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Mr. Chairman & members of the House Agriculture Committee:

I am Craig Ingram. My wife and I live and farm in Phillips County. Our agricultural operations include a combination of activities. We raise corn. We grow hay. We have cattle. We are owners in an operation for raising hogs. In fact, with our business partners we have invested over \$9 million dollars in livestock buildings that we could not have built and could not operate without placing pipelines in county public road rights of way. When I wanted to put those pipelines in, I contacted a county commissioner and asked if it would be okay. I was told verbally yes, that was fine. My business partner did the minimal paperwork the county wanted. We then installed the pipeline. When we buried the pipes, we knew we were only one user of the public road right of way. We realized that the pipes needed to be laid in an orderly fashion and in a way that the county and others using the right of way could know exactly where they were, so we laid copper wire along each one so that you locate them from the surface. These pipelines are not amateurish undertakings randomly placed with no concern for the roads or for others who might also have buried, or in the future might bury, infrastructure in the rights of way. They are designed projects installed with industrial earthmoving equipment.

The ability to farm efficiently requires that we have the ability to move water and liquid nutrients from one tract to another. Trucking is too expensive. Even if it weren't, the impacts of the constant truck traffic on these lightly maintained roads would have been enormous and the county, townships, and the people who live along the roads would bear that.

In my mind, the transportation of agricultural products, inputs and materials is exactly what these roads are meant for. In rural areas it is a large part of why they exist in the first place. It used to be that we would transport those things by loading up a wagon and moving the wagon along the road while the load stayed stationary in the vehicle. Time moves on. Now it's a lot more efficient to have a vehicle—the pipeline—stay stationary and have the load move through it. It costs less money, it takes less fuel, it creates less pollution, and it doesn't wear down the roads. It's the same thing roads have always been for, carrying things from one place to another, it's just a different way of doing it.

Because the County permitted pipelines, farmers have invested tens of millions of dollars in new buildings and hired large numbers of people to work in those facilities. If we look at the animal feeding facilities that rely on pipelines in the road rights of way alone, we see that they probably comprise around 8-10% of our tax base. The

employees of Cox Family Farms, an operation that relies heavily on the pipelines, probably account for around 10% of the students in our schools.

But here is the problem: we live in a litigious society. Before we make any investment, we need to think about the question of who is going to sue us. It makes us hesitant to make more investment. And we have seen the start of what could be an avalanche of new lawsuits—claims that what we have long been doing, what we need to be doing, using the roads for the purpose they exist for, is, for a hyper-technical reason, the source of legal claims by people who own the properties next to the road. We've seen plaintiffs and a plaintiff's attorney willing to bring these claims. Unfortunately, they have been successful. No doubt others will follow.

Those of us in northwest Kansas aren't the only ones who rely on private pipelines we have placed in road rights of way. They are used throughout Kansas by farmers, stock growers, and feed yards. No doubt KDHE has approved many confined animal feeding operations with designs that rely on these agricultural pipelines.

This isn't the first threat of over-the-top litigation we farmers have faced. Each time in the past the Legislature has come to the rescue. When the threat of litigation was nuisance claims because farms smell like farms, the Legislature passed the right to farm law that protects us against unwarranted lawsuits. When the threat was personal injury suits if we let people come to our farms to ride horses, the Legislature passed the agritourism protection act. I'm here to ask you for help again. Please pass HB 2531. We need your help because we have relied on the ability to install, maintain, and operate these pipelines. These pipelines are our lifelines.