

TESTIMONY BEFORE
JOINT COMMITTEE ON STATE BUILDING CONSTRUCTION
RELATING TO KDOT INVENTORY SYSTEMS
September 8, 2022

Good afternoon Chairman Billinger, members of the committee. I am Burt Morey, State Transportation Engineer and Deputy Secretary for the Kansas Department of Transportation (KDOT). Thank you for the opportunity to report on KDOT's progress to improve its real property inventory records and give the committee an accounting of all real estate transactions, in accordance with K.S.A. 75-3516.

KDOT's Bureau of Right of Way maintains an inventory system of all real property owned by KDOT including infrastructure and non-infrastructure holdings. Infrastructure property or right-of-way (ROW) includes all land that is part of the state highway system. Non-infrastructure inventory includes land which is not a part of the highway system, such as KDOT district, area and sub-area offices and facilities, and is in a separate inventory system from infrastructure inventory.

The Bureau of Right of Way utilizes a right-of-way acquisition, inventory and disposal data base system (RAID). This inventory system was developed in 2014 and includes ROW acquisition data from projects dating back to 2001. KDOT includes newly acquired ROW parcels into the RAID inventory system. The historic data prior to 2001 is maintained via a blend of microfilm records, hardcopy plan maps which have been scanned and are able to be shared electronically as necessary with interested parties.

KDOT's Bureau of Right of Way is responsible for acquiring property rights for infrastructure and non-infrastructure projects. Right of way parcels are generally acquired in fee simple title, permanent easements, typically to accommodate maintenance actions in the future, and temporary easements to aid construction activities temporarily to facilitate highway improvements. The table following is a summary of the real property interest acquired in FY 2021, and a recap of FY 2020 and FY 2019.

	FY 2022	FY 2021	FY 2020
Right of Way Parcel	133 (160.98 acres)	392 (925.06 acres)	148 (223.33 acres)
Permanent Easements	47 (139.18 acres)	72 (160.86 acres)	23 (13.11 acres)
Temporary Easements	253 (532.08 acres)	251 (74.51 acres)	103 (37.61 acres)

KDOT's Bureau of Right of Way is also responsible for the disposal of excess right of way parcels as well as non-infrastructure property that may no longer be needed for district operational use. Excess ROW can be defined as land that is not currently needed, or expected to be needed, for highway use in the future.

The Bureau of Right of Way works together with other KDOT staff to identify potential excess ROW. Additionally, there are inquiries that are forthcoming from the public. As parcels of land are identified as potential excess right-of-way, they undergo an Agency review to establish if the right-of way may be needed for future highway purposes and are then analyzed for marketability.

The "marketability" review process for potential excess ROW involves researching how the land parcel was acquired to determine the nature of title held by the Agency. KDOT can only market excess ROW when it owns the fee interest in the parcel. In instances in which KDOT holds only an easement for highway ROW we are unable market the site without first acquiring the underlying fee interest or by selling (or releasing) KDOT's property interest to the owner of the underlying property.

Some excess ROW parcels are not sites that can be sold to the public-at-large as a standalone property due to lack of adequate size, shape or topography, or may lack access to a public roadway. KDOT staff strive to employ good land-use stewardship practices in those instances in which the disposal of a property may not be justified strictly from an economic return consideration. The benefit of returning property back onto the tax rolls, or to agricultural and other useful production is also considered. Disposal of excess parcels also benefits KDOT in the cost of maintaining excess property.

The table below shows a summary of excess ROW tracts sold or released for FY 2022 and a review of disposals from FY 2021 thru FY 2018. Gross revenue from the disposal of excess property and property interests totaled \$47,885 in FY 2022. All moneys received from the sale of excess ROW are remitted to the state treasurer in accordance with the provisions of K.S.A 75-4215 and then deposited into the state highway fund.

	FY 2022	FY 2021	FY 2020	FY 2019	FY 2018
Parcels Sold	4	19	19	9	10
Parcels Released	4	9	9	24	29
Gross Revenue	\$47,885	\$167,407	\$306,341	\$1,046,158	\$224,831

Thank you for the opportunity to update the committee on the KDOT inventory systems, right of way acquisitions, and excess right of way activities in FY 2022. I would welcome to answer any questions at the appropriate time.