

February 4, 2022

Rodney Ross
27615 Road H
Almena, KS 67622

Re: HB 2531

Dear Chairman Rahjes and Members of the Committee:

My name is Rodney Ross from Almena, Kansas in Norton County, Kansas. I am a Fourth-Generation farmer who still resides on the farm I was born and raised on. I've lived here for approximately 60 years – my entire life.

My wife and I do NOT support HB 2531 for several reasons. We have experienced an incredibly unpleasant event that directly relates to this bill.

I will never forget the day I was driving over the hill about a mile southeast of my home. I saw more than a mile of my road right-of-way being dug into and destroyed. I stopped to ask the person doing this why he was in my right-of-way. He told me he didn't need any permission to be there. I proceeded to call one of my County Commissioners who came out to the roadside. I again asked the person responsible for the trespass to stop because he did not have my permission. This person looked at me and said, "I have done this before. I will do this again. And you can't stop me." This ended with a jury trial verdict of guilty for trespass and the jury set a damage amount to be paid to my family and another neighbor. We were to use the money for removal of the pipelines that were illegally installed. The destruction from this trespass in my right-of-way included fence damage, erosion of fence line, silted-in fence line from loose dirt, silting-in of a roadside pond, hazardous conditions from risers placed in my right-of-way, and insurmountable stress to me and my family. Because of this individual's actions, our once enjoyable lives on the farm have become difficult and unpleasant.

We feel this proposed bill, which gives access to people's private property, will only result in situations like our own. This creates expenses to our county and court systems. It creates hazards to our road rights-of-way and added responsibilities to our County Commissioners. It creates unrest between neighbors and takes away property rights which we have worked hard to have and should be able to enjoy. We feel HB 2531 would be a logistic nightmare for public utilities in the event they requested the use of the right-of-way for a public use.

From this recent personal experience, we do NOT wish our State, County, Neighbors, or anyone for that matter, to have to endure the type of events we have had to go through with trespassing and property destruction. The individual in our case admitted to using the wrong size pipe required for our county because he could not afford to buy the correct size. The pipe in some areas of our right-of-way is hardly below the ground. This sincerely seems too much of a burden to put onto our County Commissioners. They should not need to be experts on pipelines and the materials transported through these pipelines.

A couple of questions to ask:

1. If the person who installed the lines fails to fix them when they leak, such as swine waste lines, or if they can't afford to maintain them, who will pay for it? What if waste from these pipelines in someone else's right-of-way leaks onto their property, yards, ponds, etc.? The landowner should determine who and what is put onto their right-of-way.
2. HB 2531 mentions grandfathering existing lines. As this is a proposed new bill, what existing lines would that be, unless it's referring to lines put in illegally? Why would something installed illegally, and deemed so by a court of law, now be considered ok to remain in place? A Court of Law found it to be a trespass.

HB 2531 would almost appear as a legislative "fix", with the help of KLA, to accommodate someone who didn't like the outcome of his trespass.

We want to stress why the failure of HB2531 is vitally important to us. We have lived through four years of a nightmare fighting the mess that someone created in our right-of-way. We are a multi-generation farming family and support being good stewards of the land – while respecting others and their own property rights. We must not allow complicating the system just to cause undue burden on others. It seems like this could be less complicated if people would just ask others for permission.

We value and respect the jobs you are doing to protect our rights and help fellow Kansans. Thank you for your time.

You are appreciated more than you know for your service to our state.

Respectfully Submitted,

Rodney and Tonda Ross