

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairperson Ronald Ryckman Sr. at 1:30 pm on Tuesday, February 17, 2015, 582-N of the Capitol.

All members were present except:

Representative Kasha Kelley – Excused

Committee staff present:

Jill Shelley, Legislative Research Department

Craig McCullah, Legislative Research Department

Adam Siebers, Office of Revisor of Statutes

Scott Wells, Office of Revisor of Statutes

Betty Boaz, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

John Faber, ABATE Lobbyist

Terry Campbell, former Leavenworth County Sheriff

Jacob Wade, Owner, Wade Quarries

Edward "Woody" Moses, KS Aggregate Producers Association

Tom Whitaker, Executive Director, KS Motor Carriers Association

Darryl Lutz, Butler County Engineer

Kent Olson, Director of Fiscal and Asset Management, KDOT

Randall Allen, KS Association of Counties

Erik Sartorius, League of Municipalities

Ed Klumpp, representing KS Ass'n. Chiefs of Police, KS Sheriffs Ass'n. and KS Peace Officers Ass'n.

Others in attendance:

[See Attached List](#)

Hearing on: HB2195 — Providing for increased penalties for right-of-way violations.

The meeting was presided over by Vice-Chairman Ryckman due to the absence of Chairman Proehl.

The Vice-Chairman opened the hearing on **HB2195** which had been carried over from the meeting on February 12, 2015.

HB2195 - Providing for increased penalties for right-of-way violations.

Staff explained that under this bill a right-of-way infraction that results in a vehicle accident or collision would be charged as an unclassified misdemeanor and upon conviction the individual would be required to take 16 hours of driver's education.

Vice-Chairman Ryckman recognized John Faber. ([Attachment 1](#)) Mr. Faber said right-of-way violations involving motorcycles are devastating and when they happen are almost always unavoidable. He gave a couple of examples of right-of-way violations happening to other drivers and the tragic results. They

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feel like previous attempts at awareness have helped and feel increasing the fine will raise awareness even further.

The Vice-Chairman drew the Committee's attention to written testimony submitted in support of **HB2195** by Brian Thompson, ABATE, ([Attachment 2](#)) Tina Nichols, Eldorado, KS ([Attachment 3](#)) Cassandra M. Reicher, Haysville, KS ([Attachment 4](#)) and Representative Larry Campbell ([Attachment 5](#))

There being no other proponents and no opponents, the Vice Chairman closed the hearing on **HB2195** and opened the hearing on **HB2229**.

Hearing on: HB2229 — Designating the junction of interstate highway 70 and 110th street as the Bert Cantwell memorial interchange.

Staff explained **HB2229** would designate the junction of Interstate Highway 70 and 110th Street in Wyandotte County as the Bert Cantwell Memorial Interchange.

The Vice-Chairman recognized Terry Campbell, former Leavenworth County Sheriff. ([Attachment 6](#)) Sheriff Campbell provided background information on Bert Cantwell. He asked the Committee to favorably pass this bill to honor Bert Cantwell so his professional accomplishments and dedication to Wyandotte County, Kansas City and the State of Kansas will be memorialized for all to see as they pass by Interchange I-70 and 110th Street. Sheriff Campbell also introduced Larry Welch former Director of the Kansas Law Enforcement Training Center, prior to becoming KBI Director. Mr. Welch also spoke in support of this bill.

There were no other proponents and no opponents so the Vice-Chairman closed the hearing on **HB2229** and opened the hearing on **HB2242**.

Hearing on: HB2242 — Excepting certain vehicles from gross weight limits on wheels and axles.

Staff explained **HB2242** would exclude a truck tractor and dump semitrailer or truck trailer combination from meeting wheel and axle weight limitations when used as a combination unit exclusively for the transportation of materials, specified in the bill, to a construction site, highway maintenance, construction project or relocation.

The first proponent was Jacob Wade. ([Attachment 7](#)) According to Mr. Wade to provide the limestone or building products it is necessary to mine from small quarries which requires them to transport equipment from time to time to maintain production. He referred to "roading" or driving a piece of off-highway equipment over a variety of roads. He said this practice has been generally recognized as appropriate by most law enforcement agencies. Recently, however, in an exception to a long standing practice, two of his off-highway trucks were ticketed for a violation of this statute. He is asking the

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Committee to amend KSA 8-1098 to allow this practice of "roading" to continue.

The next proponent was Edward "Woody" Moses. ([Attachment 8](#)) He said this bill seeks to provide clarification regarding the application of axle weight limits on off-road equipment for aggregate production. He said this bill would place into statute the current unwritten policy the industry has been operating under since its creation.

There were no other proponents so the Vice Chair recognized Tom Whitaker as the first opponent. ([Attachment 9](#)) Mr. Whitaker said KMCA believes if this bill is passed it will accelerate wear and tear to Kansas highways and possibly create situations where the Federal Highway Administration will withhold critical highway dollars. He said the trucking industry along with all highway users have made a substantial investment in the Kansas highway system and they want to see a positive return on that investment.

The next opponent was Darryl Lutz. ([Attachment 10](#)) He said highways and bridges are designed and constructed based upon maximum axle loads as well as entire truck loads. Excess loads cause highway pavement and pavement structures to fail. He said the failure of pavement structures in relation to axle loading is exponential. Damaging a pavement structure is like breaking a piece of lumber or glass in that once broken, it can't be unbroken.

The Vice-Chairman directed the Committee's attention to written testimony submitted in opposition to this bill by Melissa Wangman, KS Association of Counties. ([Attachment 11](#))

There were no other opponents or neutrals so after all questions were answered the Vice-Chairman closed the hearing on **HB2242** and opened the hearing on **HB2255**.

Hearing on: HB2255 — Prohibiting the secretary of transportation from entering agreements or issuing bonds after December 31, 2014, for the transportation revolving fund and the communication systems revolving fund; repealing the intermodal transportation revolving fund.

Staff explained **HB2255** would provide that no bonds would be issued by the Kansas Development Finance Authority for either the Transportation Revolving Fund or the Communication System Revolving Fund after December 31, 2014.

The Vice-Chairman recognized Kent Olson, from KDOT. ([Attachment 12](#)) According to Mr. Olson over the past few years, usage of the program has greatly diminished, due in part to local government being able to obtain funding at lower interest rates than the rate offered through the program.

There were no other proponents so the Vice Chairman recognized Darryl Lutz as the first opponent. ([Attachment 13](#)) According to Mr. Lutz the current program providing a financing mechanism to local units of government for transportation related projects has been a very popular tool based upon the

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information provided to the legislature by the Bureau of Fiscal Services.

Randall Allen was the next opponent. ([Attachment 14](#)) He said axle weight limits and gross vehicle weight limits have been established to protect pavements, culverts and bridges from overload damage. He said this bill removes those protections and will result in considerable, additional damage to the rural road infrastructure.

The next opponent was Erik Sartorius. ([Attachment 15](#)) He said The League has heard from several members who have utilized these programs in past years, particularly the revolving fund for transportation projects. He cited some examples of how this program had been used by League members.

The last opponent was Ed Klumpp. ([Attachment 16](#)) According to Mr. Klumpp this bill will prohibit a program that has allowed many local governments an affordable method to achieve emergency communications interoperability. He said this program has allowed local governments to join the statewide radio system through a lease program funded by bonds issued through KDOT.

The Vice-Chairman drew the Committee's attention to written testimony submitted in opposition to **HB2255** by the Board of Commissioners of Riley County, Kansas. ([Attachment 17](#))

Due to the lack of time the meeting was adjourned without doing Final Action on **HB2085** or **HB2188**. Vice Chairman Ryckman announced the next meeting would be on February 18, 2015.

The meeting was adjourned.