

## MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairperson Mike Petersen at 8:30 am on Tuesday, February 10, 2015, 546-S of the Capitol.

All members were present

Committee staff present:

Jill Shelley, Legislative Research Department  
Whitney Howard, Legislative Research Department  
Adam Siebers, Office of Revisor of Statutes  
Carolyn Long, Kansas Legislative Committee Assistant  
Scott Wells, Office of Revisor of Statutes

Conferees appearing before the Committee:

Patrick Vogelsberg, National Waste and Recycling Association  
Dennis Bixby, Chairman, Leavenworth County Commission

Others in attendance:

[See Attached List](#)

### **Hearing on: SB94 — Unlawful passing of a waste collector; penalties.**

Chairman Petersen opened the hearing on **SB 94**. Adam Siebers, Assistant Revisor, explained that this legislation would make it unlawful to overtake and pass another vehicle that is stopped and engaged in the collection of solid waste, recyclables, or yard waste on any street without reducing speed; if the street is posted with a speed limit of less than 40 miles per hour, the driver would be required to decrease speed to 15 miles per hour before approaching 100 feet; and on any street or highway with a speed limit of 40 miles per hour or greater, the driver would be required to decrease speed by 10 miles per hour before approaching within 100 feet. The bill would also establish a fine of \$105 for unlawfully passing a waste collection vehicle. The fine would double if a person is convicted of causing serious injury or death to a person collecting solid waste, recyclables, or yard waste.

Prior to recognizing the first proponent, Senator Pettey asked what the current fine was for passing a school bus. Senator Petersen noted that information was in the bill and the fine was \$315.

Patrick Vogelsberg, representing the National Waste and Recycling Association (NWRA), stated that solid waste collection is one of the most dangerous jobs in the United States. The NWRA is asking state legislators to join Alabama, Florida, Michigan, Wisconsin, and West Virginia in support of their "Slow Down to Get Around" program ([Attachment 1](#)).

Written testimony in support of **SB 94** was submitted by John Hawk, Kansas Chapter of Solid Waste Association of North America ([Attachment 2](#)), Kevin O'Brien, Waste Corporation of Kansas, Inc. ([Attachment 3](#)), Rick Grochowski, Safety Manager, Waste Management ([Attachment 4](#)), and Thomas F Coffman, Defenbaugh Industries ([Attachment 5](#)).

## CONTINUATION SHEET

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Responding to question from the Committee, Mr. Vogelsberg stated that it would be the decision of law enforcement as to the enforcement of this bill and that law enforcement personnel had not been consulted when drafting the legislation; that he did not have any statistics regarding injury from the Bureau of Labor Statistics but noted that this was the fifth most dangerous occupation; that efforts to inform the public would be the responsibility of the "Slow Down to Get Around" initiative and that there was a U-tube video available; that the bill includes no requirements for flashing lights installed on waste vehicles to be in use; and, currently no warning period was included in the bill.

There being no further testimony, the Chairperson closed the hearing on **SB 94**.

### **Hearing on: SB139 — Mayor Ken Bernard memorial highway.**

The Chairperson opened the hearing on **SB 139**. Mr. Siebers explained that this bill would designate the portion of K-7 Highway from the southern city limits of the City of Lansing then north on K-7 Highway to the northern city limits of the City of Lansing as the Mayor Ken Bernard Memorial Highway. The bill would also alter the boundaries of the existing Amelia Earhart Memorial Highway. The Kansas Department of Transportation must receive, in advance, funding to plan, manufacture, install, and maintain the signs.

Dennis Bixby, Chairman, Leavenworth Board of County Commissioners, shared that Kenneth W. Bernard held the office of Mayor of Lansing for 29 years before retiring. Mayor Bixby was a constant advocate for the City of Lansing and he could not imagine a person more fitting for this honor.

Favorable written testimony was also submitted by Michael W. Smith, Lansing City Administrator ([Attachment 6](#)).

Senator Fitzgerald noted that he was informed that the Kansas Department of Transportation did not include titles on signage and therefore the designation "mayor" would not appear. In response to questions, Jill Shelley, Legislative Research, noted that such language may not be included, based on the language in the Manual on Uniform Traffic Control Devices.

There being no further discussion, the hearing on **SB 139** was closed.

### **Possible action on bills previously heard**

Chairperson Petersen called for **Final Action on SB 5--Designating a portion of U.S. highway 69 as the 2nd Lieutenant Justin L. Sisson memorial highway**. Mr. Siebers reminded the Committee that this legislation had been amended to add the standard signage language regarding funding.

Senator Donovan asked if there had been any activity relating to covering the cost of this legislation. He contacted Carol Williams, Executive Director of the Governmental Ethic Commission, to ascertain if campaign monies could be used. She said no but that legislators could donate to a 501(c)(3) (such as the Veterans of Foreign Wars) who in turn could donate the monies.

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It was noted that the House pulled similar legislation from its Consent Calendar due to the lack of funding in the bill.

Motion by Senator King, seconded by Senator Fitzgerald to move **SB 5**, as amended, out favorably for passage. Motion carried.

Chairman Petersen called for **Final Action on SB 72--Transit buses to operate on certain right shoulders in Johnson and Wyandotte counties.**

After a brief reminder of the contents of this legislation from Mr. Siebers, Senator Pettey moved, seconded by Senator Schmidt, that **SB 72** be passed out favorably for passage and due to its non-controversial nature, be placed on the consent calendar.

Senator Wolf indicated that she had an amendment and Senator Pettey withdrew her motion with the consent of Senator Schmidt.

Senator Wolf proposed an amendment which would strike all of subsection (e) as requested by the Kansas Department of Transportation. Motion by Senator Wolf, seconded by Senator Pettey to move the amendment. Motion carried. Moved by Senator Pettey, seconded by Senator Wolf, to move **SB 72**, as amended, out favorably for passage. Motion carried.

There being no further business, the meeting adjourned at 9:13 a.m.

The next meeting is scheduled for Wednesday, February 11, 2015.