

ROADS AND HIGHWAYS COMMITTEE MEETING - January 20, 1972

The Roads and Highways Committee met in room 510 S at 2:45 P. M. on January 20, 1972. Chairman Dierdorff called the meeting to order and all members were present except Dugan, Hayes and Ossmann. Merritt Buffon and Dick Long represented Legislative Research.

Conferees on House Bill 1709 were: Representative Jerry Harper; John Hiller, Topeka, County Commissioner of Shawnee County; Dick John Rothrock, Topeka; Fred Allen, League of Kansas Municipalities; Maloy Quin, Clay Center; H. F. Foley, Topeka; Mike Sockse, Leavenworth; Dan R. Allan, Atchison City Manager; Ron Barton, Salina.

House Bill 1709 - AN ACT concerning the location, relocation, construction, maintenance and protection of railroad crossings; prescribing powers and duties of the state highway commission and of certain cities, counties, townships and railroad companies; imposing liability for costs incurred in connection therewith, and providing for the apportionment and payment thereof.....

Representative Harper told the committee that his reason for suggesting legislation of this type was to save lives. He pointed out that he had nothing to do with drafting the bill. He said that he would like to see all of Section 6 removed, and for the railroads to have to bear the entire cost.

Hiller, Rothrock, Allen, Quin, Foley, Sockse, Allan and Barton all testified that they would like to see Section 6 stricken from the bill - that they do not feel the cost should be shifted from the railroads to the cities and counties. (Dan Allan's remarks are attached.)

Mr. Dempsey told the committee it was his understanding that the Federal Government has set aside \$100,000 for a study of railroad crossing accidents.

Except as otherwise noted, the individual remarks recorded herein have not been transcribed verbatim and this record has not been approved by the committee or by the individuals making such remarks

Mr. Harper replied that we could build a lot of roads with the money that has already been spent on studies that have been put on the shelf.

Chairman Dierdorff announced that the hearings on House Bill 1709 would be continued on Tuesday, January 25, 1972.


Mr. Dierdorff asked permission of the committee to introduce the legislation relating to taxation; amending the liquefied petroleum motor fuel tax law and the motor-vehicle tax law of the state; imposing certain additional taxes; providing for permits for certain vehicles of certain farm users; providing for the collection, distribution and use thereof. This was the legislation that the Special Committee on Transportation in the interim recommended the Department of Revenue and the LP Gas people prepare.

Mr. Davis made a motion, second by Mr. Ratner, that the proposed legislation be introduced. Motion carried.

The meeting was adjourned.

Fran Stafford, Recording Secretary

APPROVED:



ARDEN DIERDORFF, CHAIRMAN
January 24, 1972

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ROADS AND HIGHWAYS COMMITTEE

GUESTS

NAME	ADDRESS	FIRM OR CORPORATION REPRESENTED
* Daniel R. Allen	Atchison, Ks	City of Atchison
Donald A. Yelton	Atchison, Ks	City of Atchison
Mary T. Wainwright	Topeka, Kans	Kansas Motor Carriers Assn.
Jack Milligan	Meriden, Conn	Kansas Motor Carrier Assn.
Walter W. Kieker	Topeka,	Kansas Motor Carriers Assn.
Ray J. [unclear]	Topeka	KANSAS MOTOR CARRIERS ASSN
R. J. McCabe	Salina P.O. Box 744	City of Salina
* Roy Barta	Salina, Ks.	City of Salina
Ed [unclear]	Leavenworth, Kansas	Municipal [unclear]
* [unclear]	Clay Center	Clay County
* [unclear]	Leavenworth	Leavenworth County
Ed [unclear]	McPherson	McPherson County
Alfred S. [unclear]	Manhattan	Riley County
* H. J. [unclear]	Topeka	Shawnee Co.
* John [unclear]	Topeka	Co. [unclear]
Barry Albin	Lawrence	Legislative aid / Sen. Simpson
* Fred Allen		
Ernie Mester		

a program. Right now. there are no estimates that I know.

In concluding my remarks to you on this matter I have several brief points to make in general terms of the amendment and proposed bill.

1. Governor Blockley has outlined in his budget message that he recommends that "all bonds to be paid by property tax revenues should be subject to a mandatory vote of the people." I bring this out solely to point out that HB 1709 provides for the issuance of S. O. Bonds to finance crossing improvement. Whether ^{or not} the Governor's position is implemented by the legislature it appears that conflict may exist between HB 1709 and referendums on bond issues if approved by the legislature. Further, success of the program of crossing improvement could be wholly dependent on the desire of the public as would be expressed through a referendum.

Generally, I would offer the following
for your consideration.

1. Determine the scope of the problem
from the standpoint of the frequency
of at grade crossing accidents
and the area in which they
occur. Although your report
indicates that, ^{there} are no discernable
or major factors which contribute directly
to the accidents, I submit, ^{that} there
may be a correlation between the
existence or non-existence of standards
within a locality and the frequency of
at grade crossing accidents. Although
a simple solution may not be
at hand, ^{if} a correlation can
be found between standards and
accidents then a state law establishing
construction and maintenance standards
may correct or improve the
situation (Ambulance - Hog pounds)
2. Aside from my comments regarding
established standards, there should
be made a comprehensive study of
grade crossing in the State of Kansas.
As a result of such a study there
should be developed a long range
improvement program of such
crossings by the R.R. Aside from
insuring a comprehensive approach
to this problem, dollar estimates
can be made of the cost of such

③ Technological changes in type and pattern of vehicular movement has little to do with the question of the states being required to finance RR crossing improvements. Time and time again states in communities across the state have had to improve existing street systems by widening, reconstruction and so on. States have been attempting to satisfy their responsibilities in providing for street systems to cope with changes in type, speed, weight etc of passenger vehicles. It would appear that the RR's have a responsibility to cope with changing technology and financing necessary improvements.

3. Overall I feel there needs to be a degree of governmental intervention in the matter of at grade RR crossings. However I disagree with the present concept contained in the suggested amendment and proposed HB 1707. I would suggest that intervention and correction of the safety problem now existing due to sub-standard grade crossings or to warning devices etc. be accomplished not through a law which establishes a cost sharing formula but via which establishes stringent requirements on RR's to improve grade crossings through their own resources.

Proposed Comments on HB No. 1709

1. What really is the problem in RR crossings? ~ more specifically when do the problems exist?
 - A. Rural - Urban.
 - B. Study of area with standards for maintenance would show, I believe, that accidents more prevalent in areas where standards do not exist.
 - C. Review City of Atchison codes - submit to committee for consideration.
 - D. City has standards in RR crossings, are in good shape. However obtaining compliance hasn't been easy.
 - E. Could the problem be that due to a lack of standards for RR's to follow that poor level of maintenance is achieved.

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 O - existing ordinances in community are outdated given changing stipulations RR responsibility former

2. Problems in financing the proposed HB 1709. Understandably the proposed ^{several} bill relies on a financing formula by (1) amending K.S.A. 79-3425c to permit RR crossing repairs with R:B fund money; (2) HB 1709 projects for cost sharing with localities.

Regulatory and Code Management -
 City of Atchison
 2009 Budget
 Mike McIntosh

Road & Bridge Fund

1. Difficult to use - how is money now utilized. Should be shared more with cities in the county. Explain Atchison position submit copy of Road & Bridge Fund study & continue inquiry. Cost of being paying cost of rural RR improvements.
2. County's now doing bridge survey and analysis - R:B funds to used for bridge improvements.
3. Now suggested that law be amended to permit money to be used for RR crossings. Realistically, that are too many competitive demands which would be placed on this fund.

HB 1709 50% sharing provision

1. Why city should share the RR's in the past assisted in the cost of street maintenance.
2. It is obvious that the present condition of numerous railroad crossings here or what they are because the RR's have not been spending money for maintenance.

Cost sharing