

ROADS AND HIGHWAYS COMMITTEE MEETING - January 27, 1972

The Roads and Highways Committee met in room 510 S at 2:45 P. M. on January 27, 1972. Chairman Dierdorff called the meeting to order and all members were present except Allison, Bush, Jacobs, Lady, Ossmann and Steffes. Merritt Buffon and Dick Long represented Legislative Research.

Henry Schulteis was the conferee on proposed legislation of railroad grade crossing safety devices.

Attached is a roster of guests who registered their presence.

A copy of the proposed legislation is attached. Mr. Schulteis explained the bill and answered questions of the committee.

Mr. Schulteis said this is a substitute bill for HB 1709 that they are suggesting. They have attempted to change a number of railroad bills. Last summer he went around to the counties and cities and visited and looked at the Oklahoma law.

In checking other laws it was revealed that in Colorado the railroads pay 10%, Nebraska 25%, Missouri 10%, the federal law 10%. If this committee feels the railroads should pay for benefits up to 50%, the railroads would still go with the bill.

Lines 33 through 38 update the Oklahoma law to conform with the federal law that is pending.

After discussion, the members of the committee felt there were items in the bill that should be spelled out more in detail - apportionment of the cost, section 3 needs to be changed, maintenance isn't spelled out, no reference to grade crossings, time limits, etc.

Chairman Dierdorff appointed a sub-committee consisting of Ratner, Chairman, Hayes and Dugan to work on the proposed legislation and bring it back to the committee.

Except as otherwise noted, the individual remarks recorded here are transcribed verbatim and the opinions expressed by the committee are those of the individuals making such remarks.

The attached, proposed legislation was sent to Chairman Dierdorff by the Highway Director. He asked the permission of the committee to have it introduced.

Mr. Hayes made a motion, second by Dr. Hughes, that the legislation be introduced as committee bills. The motion carried.

The attached letter from Al Thelen, City Manager of Leavenworth, objecting to House Bill 1709 was filed by Representative Dempsey.

The meeting was adjourned.

Fran Stafford, Recording Secretary

APPROVED:

Arden Dierdorff  
ARDEN DIERDORFF, CHAIRMAN  
January 31, 1972 CC

## ROADS AND HIGHWAYS COMMITTEE

1-27-72

GUESTS

NAME	ADDRESS	FIRM OR CORPORATION REPRESENTED
J. S. Belman	K. City Mo.	U. P. R. R. Co. AT + SF Ry Co
Henry Schuller Jr	Topeka Ks	AT + SF Ry Co Kansas Motor Carriers Assn
John C Allen	Topeka Ks	Kansas Motor Carriers Assn
Raymond A	Topeka	Kansas Motor Carriers Assn Wichita Eagle
Walter W Kieker	Topeka	Kansas Taxpayers
Mary Tunington	Topeka Wichita	
Lynne Holt		
Ronald Zimm	Leavenworth	

January 20th, 1972

Arden Dierdorff, Chairman  
House Committee on Roads and Highways

Dear Chairman Dierdorff:

On behalf of the City of Leavenworth, Kansas, I want to file our objections and general opposition to House Bill No. 1709. Due to prior commitments, we were not able to attend your hearing on January 20th and appreciate the opportunity to file this late statement.

While we would be the first to admit that problems exist in providing timely response to unsafe railroad crossing and the repair needs of current railroad crossings, we feel that this proposed bill which repeals the existing authority that cities have to deal with this problem, would aggravate rather than help the situation.

We feel that the procedure of working through the State Highway Engineer and eventually a hearing officer would provide additional "red tape" to an already time consuming process.

We take strong exception to Section 6 of this Bill which gives us the impression that this is a Railroad Company Bill. Sections 3 and 4 are designed to establish an impartial office under the Highway Commission which would review crossing problems and then make determinations as to who should be responsible for these costs based on the benefits as determined by this impartial officer. Section 5 then sets up procedures whereby an impartial reviewing officer really cannot be totally impartial, in that the railroad companies are protected from paying more than 10% of the cost of any construction and land acquisitions on Federal Aid Projects and not more than 50% of the total cost of any relocation or construction of a railroad crossing. We suggest that a thorough review of these three sections will reflect a built-in conflict as to the intent of the bill.

CITY of LEAVENWORTH, KANSAS

We feel that the existing authority that the cities have to deal with railroads on crossing matters is far superior to this bill and in particular allows cities to deal directly with the problem and particularly the cost, which is an unknown factor as proposed in House Bill No. 1709.

I can envision a substantial number of applications being made by the railroad companies to reconstruct or relocate existing crossings which are now the total financial responsibility of the railroads so that local units of government would be responsible for at least 50% of these costs.

We respectfully request your careful consideration of these matters before you act on House Bill No. 1709.

Respectfully submitted,

AT/1h

Al Thelen  
City Manager, Leavenworth, Kansas