

ROADS AND HIGHWAYS COMMITTEE MEETING - FEBRUARY 29, 1972

The Roads and Highways Committee met in room 510 S at 2:45 P. M. on February 29, 1972. Chairman Dierdorff called the meeting to order and all members were present except Hayes and Wingert.

Conferees were: On SB 700 - John B. Gehr, Kansas State Highway Commission, Lynn Burris, Jr., Director of the Kansas State Park and Resources Authority; SB 701 - Harold Turntine of the Motor Vehicle Department; SB 702 - Harold Turntine; SB 704 - Harold Turntine; SB 707 - A. J. Basile of the State Highway Commission, Col. Wm. Albott of the State Highway Patrol; SB 715 - Gene Pugh of the State Highway Commission; SB 733 - Albott and Basile.

A roster of others who registered their attendance is attached.

Chairman Dierdorff told the committee there have been developments regarding House Bill 2129 since it passed our committee and he read the attached information, Exhibit I.

SENATE BILL 700 - AN ACT relating to the state highway system; concerning the designation and mileage thereof; amending KSA 68-406, and repealing the existing section.

Mr. Gehr said at the present time the Highway Commission has no authority to maintain these roads. There are about 170 miles and the cost would be approximately \$1,500 per mile.

Lynn Burris, Jr. appeared in support of the bill and asked that the attached letter and Resolution, Exhibit II, be made a part of the minutes today.

SENATE BILL 701 - AN ACT repealing KSA 8-164, relating to the furnishing of lists of motor vehicle license plates with amateur radio call letters to sheriffs by the highway commission.

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. Turntine explained the bill and told the committee it was a request from their department. It would amount to a savings to the department of about \$1,000.

SENATE BILL 702 - AN ACT relating to motor vehicles; providing for the reissue of certificates of title therefor upon discharge of liens thereon; amending KSA 74-2013, and repealing the existing section.

Mr. Turntine explained the bill. This was also a bill requested by the department.

SENATE BILL 704 - AN ACT concerning the uniform motor vehicle operators' and chauffeurs' license act; relating to the authority of the motor vehicle department to suspend licenses; amending KSA 1971 Supp. 8-255, and repealing the existing section.

Mr. Turntine explained the bill. He said this would have no fiscal effect on the department.

SENATE BILL 707 - AN ACT regulating driving on divided highways; amending KSA 1971 Supp. 8-539a, and repealing the existing section.

A. J. Basile explained the bill and said it is not necessary - this can be handled through the Uniform Traffic Regulation.

Col. Albott said if the Highway Department policy will be to mark these places there will be no need for the bill.

SENATE BILL 715 - AN ACT relating to height and length of vehicles; amending KSA 1971 Supp. 8-5,116, and repealing the existing section.

Gene Pugh said their reason for wanting the bill was they have difficulty in defining "machinery or other objects of a structural nature which cannot readily be dismembered".

Mr. Gehr said judges in some areas arrest people and in others they do not. This would clarify the definition of the offenders.

SENATE BILL 733 - AN ACT relating to the uniform act regulating traffic on highways; providing for the movement of vehicles on certain roadways; amending KSA 1971 Supp. 8-537, and repealing the existing section.

Col. Albott said he feels it is necessary to go on record at opposed to this legislation. It is breaking away from the Uniform Code and is going to create a big problem if enacted.

A. J. Basile said the State Highway Department would like to go on record as opposed to this. He feels we need the capacity of four lanes and this would defeat the purpose of the four lanes.

Mr. Davis asked if they appeared in opposition to this bill before the Senate Committee and Col. Albott replied that they did not even know when it was coming out of the committee.

HCR 1130 - A CONCURRENT RESOLUTION requesting the port of entry board, or any successor thereto, to improve ports of entry so as to provide adequate tourist facilities and information.

Mr. Weaver explained the Resolution. He feels the ports are not supplying information, as is often advertised. He would like to see them modernized with clean rest rooms and water facilities.

Mr. Davis said he feels it should be first determined if the state is going to continue the port of entry system.

Mr. Weaver said all they would have to do would be to change the signs and still could have tourist information.

Mr. Gray made a motion, second by Mr. Ratner, that HCR 1130 be adopted. The motion carried.

HOUSE CONCURRENT RESOLUTION 1126 - providing for a special committee to make a legislative study of the liquefied petroleum

Mr. Davis made a motion, second by Mr. Gray, that HCR 1126
be adopted. The motion carried.

The Chairman announced that we would take action to the bills tomorrow that we heard today. Also, the committee will have hearings on SB 462 and take action on SB 460.

The meeting was adjourned.

Fran Stafford, Recording Secretary

APPROVED:



ARDEN DIERDORFF, CHAIRMAN
February 29, 1972 66

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

GUESTS

NAME	ADDRESS	FIRM OR CORPORATION REPRESENTED
John Bleh	St. Off Bldg	Ks St. Hwy Comm.
Gene Rush	" " "	st. Highway Comm
A. J. Basile	" " "	State Highway Comm.
Lynn Burris	801 Harrison	State Park Authority
Linda Inell	1651 Chestnut	Ottawa
Jane Wingert George + Harold	432 Elm	Ottawa
Mr. + Mrs. Frank Sarnardo	716 W 2nd St	Pittsburg Kans
Ray + Lindbergh	KMCA	Topeka
Mr + Mrs Roger Kloby R 3		Concordia
Mr. + Mrs. Everett Morgan		Concordia

2-28-72
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THE STATE



OF KANSAS

THE KANSAS STATE PARK AND RESOURCES AUTHORITY

801 HARRISON

Phone 296-2281

TOPEKA, KANSAS 66612

February 28, 1972

Honorable Arden Dierdorff, Chairman
House Committee on Roads and Highways
State House
Topeka, Kansas 66612

Dear Mr. Dierdorff:

This is to bring to your attention the unanimous support of the various state agencies concerning Senate Bill 700. Both the Kansas Joint Council on Recreation and the Kansas State Park and Resources Authority join with the Highway Commission in supporting maintenance of interior state park roads and parking areas.

Your affirmative action on this bill will be greatly appreciated.

Yours truly,

A handwritten signature in cursive script, appearing to read "Lynn Burris, Jr.", written in dark ink.

Lynn Burris, Jr.
Director

LBjr:nn

R E S O L U T I O N

WHEREAS, the Kansas State Highway Commission has done an exceptionally fine job in the development of access roads, interior roads, and parking areas for the Kansas State Parks; and

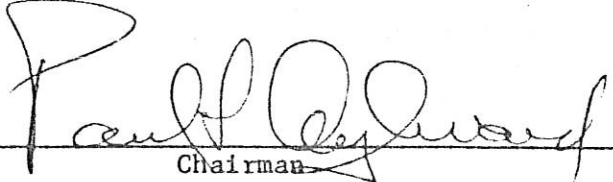
WHEREAS, the Kansas State Highway Commission and the Kansas State Park and Resources Authority have not had funds to properly carry out maintenance of these newly installed roads and parking areas under the jurisdiction of the Authority;

NOW, THEREFORE, BE IT RESOLVED that the Kansas Joint Council on Recreation recommends to the 1972 Kansas Legislature that funds be provided by law to the State Highway Commission for maintenance of interior state park roads and parking areas under the jurisdiction of the Authority.

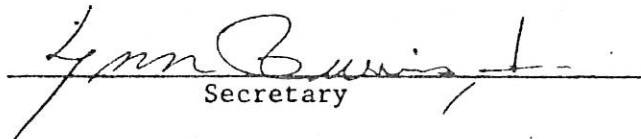
ADOPTED IN OFFICIAL SESSION this 10th day of September, 1971.

Kansas Joint Council on Recreation

By


Chairman

ATTEST:


Secretary

THE STATE  OF KANSAS

THE KANSAS STATE PARK AND RESOURCES AUTHORITY

801 HARRISON

Phone 296-2281

TOPEKA, KANSAS 66612

February 21, 1972

Mr. Verlyn Leiker
Budget Analyst
State House
Topeka, Kansas 66612


Dear Verlyn:

At your request I would comment to you, and I would hope you will appraise the respective committees of both the Senate and the House, that I do not believe the maintenance of state park roads under the jurisdiction of the State Park and Resources Authority will be as much as reported by the Highway Commission staff. I am not certain as to the type of maintenance they would anticipate, but I think basically the issue of maintenance is simply one of providing a safe road surface.

In the development of state park roads, we attempt, and the Commission has concurred, to structure road improvements within about half of our park system in any given year. Thus we endeavor to come back to each park within a three-year period wherein deterioration of roads has been upgraded along with the new construction and new surfacing. In other words, in any given year, only a portion of those roads in a third, or possibly half, of our park system has any signs of deterioration, and in some instances there has been some serious repair work needed. I would, therefore, estimate the type of maintenance on road surfacing contemplated by the State Park Authority would reasonably fall within a \$30,000 to \$40,000 figure. We would not anticipate the Highway Commission to mow the rights-of-way nor maintain trash pickup, snow removal, and other similar activities. If there appears to be a question as to the maintenance functions implied in the bill, I would suggest the records of the action by the respective Legislative committees should reflect the responsibilities of the Park and Resources Authority and the State Highway Commission to make clear both agencies' responsibilities in line with this type of maintenance. We certainly intend to continue to mow road rights-of-way, maintain trash pickup, and other standard park maintenance along the roads and parking areas consistent with park management.

If you have further questions on this matter, please advise.

Yours truly,


Lynn Burris, Jr.
Director

cc: Senator Bob W. Storey
Representative Arden Dierdorff

The Honorable Arden Dierdorff, Chairman
Committee on Roads and Highways
House of Representatives
Third Floor, Statehouse

Dear Representative Dierdorff:

SUBJECT: Fiscal Note for House Bill No. 2129 by
Committee on Roads and Highways

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2129 is respectfully submitted to your committee.

This act provides for the installation of safety devices at certain railroad grade crossings designated by the State Corporation Commission. The Corporation Commission, at the request of the governing body of any city, county or township, would make the proper investigations concerning dangerous crossings in cooperation with the State Highway Commission.

The Corporation Commission estimates that the following additional personnel and other operating expenditures would be necessary to carry out the provisions of the act:

<u>Personnel and Supporting Expenses</u>	
Civil Engineer	\$ 9,090
FICA	491
GHI	150
Travel and Subsistence	1,000
Capital Outlay	800
Stationery	100
Total	<u>\$11,631</u>

This estimate does not include any cost of additional office space for the new position. At an average requirement of 125 square feet per position, up to 125 square feet of office space may be required.

Under the provisions of the act the Corporation Commission shall have authority to require the payment of a portion of the cost of the installation of safety devices by the railroad(s) involved, and provides that the cost to the railroad(s) shall not be less than 25 percent nor more than 50 percent of the total installation costs. The balance of such costs would become an obligation of the state payable from the State Highway Fund. The act further provides that not more than \$300,000 of such funds may be obligated in any one fiscal year to pay such costs. None of these moneys could be used to pay for any such costs which may be paid from funds available to the governing body of the city, county or township, where devices are installed, under any federal or federal-aid highway act.

Any additional expenditures resulting from the passage of subject bill were not included in the recommendations contained in the 1973 Governor's Budget Report.



James W. Bibb
Budget Director

8-11-72
9-72
House Bill 2129 poses several major questions both with respect to the concept of the bill and with respect to the vague and highly generalized language of the proposal.

1. First of all, the concept of the bill radically would change and apparently would pre-empt the rights of counties and cities to negotiate directly with the railroads for installation, maintenance and cost allocation of such railroad grade crossing improvements. The bill does not repeal any of the existing laws and would therefore clearly be in conflict with such existing statutes. Undoubtedly the railroads would rely heavily on the provisions of H.B. 2129 to settle all such matters.
2. The bill would require the State Corporation Commission, "in cooperation with the State Highway Commission" to designate dangerous railroad grade crossings on city, county or township roads. The bill further provides that the Corporation Commission shall order the installation of appropriate safety devices to be installed and maintained by the railroad or railroads and to set a date for completion thereof. The bill remains silent on some roads and streets under the State Highway Commission apparently. It is not clear what is intended here.
3. There are no guidelines established for the Corporation Commission to follow either in connection with the determination of a "dangerous crossing" -- nor in the allocation of costs as between the jurisdictions involved. Further, "safety devices" never are defined in the bill.
4. The bill vaguely refers to "generally recognized national standards" and at this point we are advised that there are none.
5. The bill apparently calls for the railroads to make the installation of such "safety devices". Who determines how these costs will be evaluated or controlled? The railroad conceivably could spend \$20,000 for an installation, bill somebody-- whoever it is the railroads are to bill or to pay -- some \$40,000 and actually have paid nothing for the "installation" regardless of the percentage of cost allocation which might be determined.
6. The State Highway Commission also apparently surrenders all control over the funds H.B. 2129 would require the Commission to budget for grade crossings.
7. There exists some general confusion also on how much money the State Highway Commission presently sets aside in its budget for grade crossing improvements on other than federal highways. Highway officials indicated that some \$250,000 of federal matching money - not fuel tax revenue - has been reserved in the Commission's budget for counties and/or cities to use to pay for grade crossing improvements. This item apparently needs further clarification.
8. In addition, the State Highway Commission is the agency actually required by the federal government to make an inventory of railroad grade crossings and then to establish priorities for improvement of those crossings as funds become available. It would seem unnecessary for the State Corporation Commission also to have jurisdiction in such matters which historically have been the responsibility of the State Highway Commission on state maintained roads and streets. The State Highway staff did state that they did not wish to become the referee in cost allocation matters. This statement should not be interpreted to mean however, that the State Highway Commission does not wish to continue to control expenditures of its funds for such grade crossing improvements. In this same connection, there are no guidelines on how the Highway Commission would "cooperate" with the Corporation Commission and there is no appeal procedure from Corporation Commission rulings.

10. Although the bill provides for a maximum of 50% cost responsibility for the railroads, the language does not direct to whom such payments are to be made or the accountability for determining such costs.
11. The bill also provides that the railroads shall pay not less than 25%. This is in direct conflict with the 10% or "no percent" the railroads pay on federal highway grade crossing improvements in certain instances.
12. Language is not clear in H.B. 2129 as to who is to assume the maintenance costs for such "safety devices."
13. Apparently a maximum of \$300,000 is established for expenditure from State Highway funds (not federal matching funds as now utilized), in a fiscal year. Even if the railroads were assessed the entire 50% of such costs in all instances, only \$600,000 could be spent in a fiscal year for ALL grade crossing improvements. The question logically arises as to "who will get the bulk of the available funds? It would seem again that the larger cities would be the ones who could benefit the most in terms of obtaining the funds regardless of whether grade crossings in these areas were the most "dangerous." Further, does the proposal anticipate a total expenditure of \$600,000 for state, city, county and township roads? The present Highway Commission budget only applies to federal matching money for those jurisdictions with respect to state highway system roads and/or streets. The bill would, seem to include ALL grade crossing expenditures in the maximum limitation of \$600,000.
14. One readily can assume that the proposed \$300,000 merely would be a "foot in the door" and that another year, if H.B. 2129 should be favorably considered, all of the cities (big and small), counties and state roads and streets would be requesting grade crossing funds -- and the state highway fund would be vulnerable to further "raids" for other than highway construction and maintenance.
15. The bill does make some reference to "costs which may be paid from funds available to the governing body of the city, county or township, wherein such safety devices are installed . . ." yet there is no provision in the bill for such payments to be made by these governing bodies. So, even if the need were critical--even if such jurisdictions had the funds from federal matching money--most of these jurisdictions apparently would be unable to effect any grade crossing improvements under the provisions of H.B. 2129.
16. There is pending before the Congress a bill entitled, The Surface Transportation Act of 1971 (H.R. 11207). This proposal is supported by the railroads, motor carriers and water carriers alike. Embodied in this proposal is a provision which would earmark 5 per cent of the total of all Federal Funds apportioned to a state for highway purposes to be used for rail-highway grade-crossing safety purposes. Such monies would be used for projects whether or not such projects are located on a Federal Aid System.

17. Undoubtedly, if this federal legislation passes, the federal government will establish guidelines and procedures for priority handling of such grade crossing expenditures. It would seem premature for the Legislature to introduce an entirely new, vague and perhaps even unworkable concept at this time if the federal legislation is to be adopted. It would seem entirely logical that the State Highway Commission will continue to be accountable to the federal government for such expenditures and programs rather than some other state agency which would be directed by H.B. 2129 to establish some additional jurisdiction over the matter.
18. There well may be other questions which could be raised with respect to this proposal. These would seem to be the major ones outlined here. The effective date of the act is from and after its publication in the statute book. Even if the federal legislation is not considered favorably until the next session of the Congress, it still would not delay any program to any great extent over the time that would seem to be necessary to implement such a revision in the concept of railroad grade crossing improvements as set out in H.B. 2129. In the case of some cities and counties present statutes will might resolve their grade crossing problems more expeditiously.
19. Careful review of the proposal brands it as a beginning "mass transit" raid on the highway funds of this state. The rural areas already have been subjected to considerable erosion of available funds for highway construction and maintenance under present distribution formulas. It would seem that the rural areas again would be "standing in line" for a ling time before the money or the attention would be directed toward any grade crossing problems in the smaller communities of the state.
20. The federal legislation now before the Congress would indicate that time might be well invested in waiting for the results of that legislation before further consideration is given to the sweeping changes proposed in H.B. 2129. In its present form, H.B. 2129 would seem unworkable and unwise.

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