

M I N U T E S

SPECIAL COMMITTEE ON TRANSPORTATION AND UTILITIES

October 30 and 31, 1975  
Room 514-S - State House

Members Present

Senator Bob Storey, Chairman  
Representative Fred M. Harris, Vice-Chairman  
Senator Paul Burke  
Senator John Crofoot  
Senator T.D. Saar  
Representative Carlos Cooper  
Representative Arden Dierdorff  
Representative Paul Feleciano  
Representative Ardena Matlack  
Representative Robert McCrum  
Representative David Miller  
Representative Ole Nesmith  
Representative Fred Weaver

Staff Present

John Schott, Legislative Research Department

Conferees

October 30, 1975

Thomas Creigh, Jr., Hastings, Nebraska, Kansas-Nebraska  
Natural Gas  
E.J. Wasp, San Rafael, California, Energy Transportation  
Systems, Inc.  
Grover McKee, Wichita, Director, Economic Development  
W.C.A. "Brick" Hardy, Topeka, Pipe Fitters and Building Trades  
Jack Kelly, Boise, Idaho, Anderson and Kelly, ETSI  
Elmer Jackson, Hastings, Nebraska, Kansas-Nebraska Natural Gas  
William C. Farmer, Wichita, ETSI  
Glenn D. Cogswell, Topeka, Cities Service Gas Company

Conferees (cont'd.)

October 31, 1975

R.J. Robel, Manhattan, Energy Advisory Council  
John C. Davis, Acting State Geologist of State Survey  
Ron Hardy, Lawrence, Kansas Geological Survey  
Henry Schulteis, Topeka, Kansas Railroads  
Allen R. Boyce, St. Paul, Minnesota, Director of Cost Control,  
Burlington Railroad  
James R. Walker, St. Paul, Minnesota, Attorney for Burlington  
Railroad  
Robert Bateson, General Attorney for Santa Fe Railroad,  
Chicago, Illinois  
Jack McGlothlin, Assistant State Legislative Director,  
United Transportation Union  
Brian Whitehead, Railway and Airline Clerks  
Phil H. Lewis, Topeka, Union Pacific Railroad  
A.F. Bramble, Topeka, Services for Aging, Department of  
Social and Rehabilitation Services  
Michael D. Hood, Topeka, Topeka Metropolitan Transit Authority  
Robert Salmon, Topeka, Topeka Metropolitan Transit Authority

Morning Session

Vice-Chairman Harris called the meeting to order at  
9:00 a.m. on October 30, 1975.

Proposal No. 49 -  
Pipeline Transportation

(All of October 30 and the first half of October 31  
were dedicated to this proposal. A written verbatim transcript  
is available for review in the Legislative Research Department.)

October 31, 1975  
Afternoon Session

Proposal No. 50 - Coordination of  
Transportation Programs for  
Handicapped and Elderly

Mr. Bramble's remarks are attached as Attachment I.

Proposal No. 51 - Electric  
Utility Territory Meetings

Mr. Harold Shoaf, of the Kansas Electric Cooperatives, Inc., told the Committee that the parties involved would be meeting November 3, 1975.

Proposal No. 50 - Mass Transit

Mr. Michael Hood and Mr. Robert Salmon of the Topeka MTA, explained proposed legislation. (See Attachment II.)

The Committee felt that the first proposal, an act authorizing the Secretary of Administration to enter into certain contracts with the metropolitan transit authority in certain cities, was too vague and that additional information would have to be presented after conferring with the Department of Administration. It would be helpful to have input from the city and from the school boards.

Following their presentation, Senator Storey announced that all proposed legislation would be considered on November 18, as well as reports to the 1976 Legislature.

Senator Storey suggested the possibility of recommending that a standing committee of the '76 Legislature take testimony from the Forestry, Fish and Game Commission and the Coast Guard Auxiliary concerning operational permits for boats.

Attachment III, an act relating to the inspection of motor vehicles, was distributed for study prior to the November 18 meeting. Col. Rush was requested to appear before the Committee on this matter.

Staff was directed to forward copies of D.O.T. Rules and Regulations to the members of the Committee before the session.

The meeting was adjourned at 3:00 p.m.

Prepared by John Schott

Approved by Committee on:

12/16/75

Date

10/29/75

Exhibit I

SUMMARY OF TRANSPORTATION SERVICES  
RELATED TO OLDER AMERICANS

We express appreciation for this opportunity to describe transportation services in progress through programs administered by the Services for Aging Section of the Department of Social and Rehabilitation Services.

This description will provide information on services now provided, on related programs, and on developing plans for services in the rural areas of the State.

Under Title III of the Older Americans Act transportation for the elderly is one of the social services that can be funded. Area Agencies on Aging of which there are ten covering our state are to identify needs in their area and submit plans to serve those needs. Transportation is one of the greatest needs of the elderly. Many of the elderly do not drive, or cannot afford an automobile, and live in areas with no public transportation available. This poses a serious barrier to supplying their needs. They lack ability to get to needed health services, to stores for shopping, and to friends and other social activities. With the result that health desintegrates and isolation with its attendant problems becomes too common.

Because of this great need transportation services have been provided through funding under the Older Americans Act. At present, 90 vehicles, mostly mini-buses, have been provided in 65 communities throughout the state. At an estimated 10 passenger rides per day, five days per week, these provide 900 rides per day, 4,500 per week, and 225,000 per year. In addition, many of these vehicles provide trips to special places and for special occasions. Inasmuch as these vehicles are provided under the Older Americans Act their use is limited to the group 60 years of age and older. However, use is primarily by the 65+ age group. The under 60 years handicapped are not served under this program. However, it is commonly recognized that provision of such transportation services to an under 60 years, handicapped person would raise no objections. Such would pose a serious problem only if it constituted a significant or major use of the service.

Related to Older Americans Act programs are the vehicles currently provided agencies and organizations under Section 16(b) of Title III of the Urban Mass Transit Act of 1964. The purpose of this program is to provide service to meet the special needs of elderly and handicapped persons. Applicants can be states and local public bodies and agencies thereof, and private non-profit corporations and associations. Under this program applications were received for 70 vehicles from 19 communities. Agencies serving the handicapped are receiving 35 vehicles; those serving elderly are receiving 20. Inasmuch as this program is new, no data on usage is available or can be estimated.

At present most transportation services are provided in and around the urban centers of Kansas. Of AoA vehicles, 55 are related to urban centers (10,000 or more) while 35 are related to rural communities; of the vehicles available under 16(b) of the UMTA of 1964 sixty-four are related to urban centers while only six are related to rural communities.

In addition to these services the Kansas Community Action Agencies provide some transportation services for the elderly, especially in Southeast Kansas (SEK-CAP) and East Central Kansas (ECKAN).

A new and developing source for transportation services is Section 147 of the Federal Aid Highway Act of 1973 which provides resources to start up or strengthen existing rural highway transportation projects. Due to the great need of rural areas for transportation including needs of the elderly, the Services for Aging Section, in conjunction with the Kansas Department of Transportation defined and submitted a proposal in June of this year. Our proposal was forwarded to the district FHWA office, then to the regional FHWA office where it was ranked number one in the four state federal region VII. In September our proposal was tentatively approved for funding of \$500,000 by the federal DOT. Now the state proposal must be submitted to public hearings, scheduled for November and December, with final approval anticipated by January of 1976.

The proposal is entitled "Statewide Rural Public Transportation System for the State of Kansas." The program will be implemented and administered by the Kansas DOT under contract from Services for Aging Section of the Department of Social and Rehabilitation Services.

The proposal addresses the lack of adequate, effective transportation services for the elderly, the handicapped and other persons in the rural areas of Kansas. The basic intent of the program is to plan, develop, and implement a comprehensive rural state system utilizing various levels of transit service. Goals to achieve this intent include:

- (1) Developing statewide accessibility to transportation services.
- (2) Developing comprehensive planning that will alleviate duplication of service by private carrier and other public transportation systems.
- (3) Work as an advocate for transportation services to assure full utilization of resources.
- (4) To provide safe and efficient transportation for rural Kansas.
- (5) To emphasize transportation needs of the elderly and handicapped.
- (6) To provide for continuing, reliable service.

Existing transportation services will be identified and coordinated in this statewide effort. The anticipated result of this program will be a manageable, statewide system coordinating all services and implementing new and additional services where needed.

The foregoing summary indicates developing concern and appropriate programs to fulfill that concern. However, it is to be noted that all the above described programs are possible through federal programs and funds. Missing is any significant sharing through funding on the part of state government. Although future funding for aging programs under the Older Americans Act seems to be assured for a number of years, these programs cannot provide the basis for a complete and continuous service throughout the state. Nor can the demonstration programs, such as our proposal under Section 147, available under UMTA, continue such indefinitely. They can provide demonstrations

that it can be done and is feasible, but not indefinite funding to provide for continuing need. If the transportation needs of rural Kansas are to be provided, the involvement of state government and resources are necessary.

*App. by Comm.  
12-16-75*

*after session  
Bill II  
10-31-75  
M. L. ...*

BILL No. \_\_\_\_\_

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AN ACT authorizing the secretary of administration to enter into certain contracts with the metropolitan transit authority in certain cities.

Be it enacted by the Legislature of the State of Kansas:

Section 1. In any city in which there is located an office of any state agency, department, board or commission and in which there is located a metropolitan transit authority established pursuant to K.S.A. 12-2801 et seq. or K.S.A. 13-3101 et seq., the secretary of administration is hereby authorized and empowered to enter into a contract with such transit authority for a plan to pay up to \$5.00 per employee per month, of the fares incurred by State employees riding to and from their place of employment on vehicles of such transit authority, except that no such payments shall be made for travel beyond the corporate limits of the city in which such transit authority is located.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

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BILL NO. \_\_\_\_\_

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AN ACT relating to taxation upon the use of special fuels; amending K.S.A. 1975 Supp. 79-3487, and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1, K.S.A. 1975 Supp. 79-3487 is hereby amended to read as follows:

79-3487. All of the tax collected under the provisions of this act shall be paid into the state treasury daily by the director, and the state treasurer shall place two percent (2%) of all taxes so collected in the state general fund. The state treasurer shall then pay into the Metropolitan Transit Authority Fund an amount equal to that paid under the provisions of this act by the metropolitan transit authorities established pursuant to K.S.A. 12-2801 et seq. and K.S.A. 13-3101 et seq. The remainder of said tax so collected shall be credited as follows: On and after July 1, 1970, fifty-one percent (51%) thereof to the highway fund; fourteen percent (14%) thereof to the state freeway fund, created by K.S.A. 79-3425, as amended, to be expended in the manner provided by K.S.A. 1969 Supp. 68-2301; and thirty-five percent (35%) thereof to the special city and county highway fund, created by K.S.A. 79-3425, as amended, to be apportioned in the manner provided by K.S.A. 79-3425c, as amended.

Section 2. The state treasurer shall apportion and pay back annually to the metropolitan transit authorities established pursuant to K.S.A. 12-2801 et seq., and K.S.A. 13-3101 et seq., the funds from the Metropolitan Transit Authority Account.

BILL NO. \_\_\_\_\_

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AN ACT amending K.S.A. 12-2001 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Third. No person, firm or corporation shall ever be granted any exclusive franchise, right or privilege ~~whatever~~. whatever, except that nothing herein shall preclude a city from issuing an exclusive franchise to a metropolitan transit authority established pursuant to K.S.A. 12-2801 et seq. or pursuant to K.S.A. 13-3101 et seq.



BILL NO. \_\_\_\_\_

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AN ACT amending K.S.A. 8-1461 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Sec. 8-1461. "School bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to and from school, or to and from activities, as defined in K.S.A. 72-133, or every motor vehicle privately owned and operated for compensation for such transportation of ~~children.~~ children, except motor vehicles used in intracity mass transportation.

BILL NO. \_\_\_\_\_

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Sec. 8-2009. (a) The state highway commission by and with the advice of the commissioner of education shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school buses when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations: Provided, That all seats on school buses, shall be forward-facing and shall be securely fastened to that part or parts of the school bus which support them, and any rule or regulation of the state highway commission providing for any other seating arrangement shall be null and void.

Intracity mass transportation vehicles owned by a metropolitan transit authority established pursuant to K.S.A. 12-2801 et seq. or K.S.A. 13-3101 et seq., and operated under contract with any school district in this state shall be subject to regulations promulgated under federal law.

(b) Any officer or employee of any school district who violates any of said regulations or fails to include obligation to comply with said regulations or fails to include obligation to comply with said regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any said regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district.

PROPOSED \_\_\_\_\_ BILL NO. \_\_\_\_\_

By

AN ACT relating to the inspection of motor vehicles; authorizing the inspection of vehicles upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law; amending K. S. A. 8-1758 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Uniformed members of the highway patrol, at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, may require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

(b) In the event a vehicle is found to be in unsafe condition or any required part or equipment is not present or in proper repair and adjustment, the member of the highway patrol shall give a written notice to the driver and send a copy to the superintendent of the highway patrol. Said notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment as soon as practicable, specifying the particulars with reference thereto, and shall require that an official certificate of approval be obtained from an inspection station within thirty (30) days.

(c) In the event any such vehicle is, in the reasonable judgment of the member of the highway patrol, in such condition that further operation would be hazardous, such member of the highway patrol may require, in addition, that the vehicle not be operated under its own power or that it be driven to the nearest garage or other place of safety.

(d) Every owner or driver shall comply with the notice and

secure an official certificate of approval from an inspection station within thirty (30) days or the vehicle shall not be operated on the highways of this state.

Sec. 2. K. S. A. 8-1758 is hereby amended to read as follows: 8-1758. (a) It shall be unlawful for any person:

(1) To make, issue or knowingly use any imitation or counterfeit of an official certificate of approval;

(2) to display or cause or permit to be displayed a certificate of approval knowing the certificate to be fictitious, or issued for another vehicle, or issued without an inspection having been made;

(3) to issue or authorize the issuance of an official certificate of approval for any motor vehicle, unless the person issuing or authorizing the issuance of such certificate is the holder of a valid permit for an official inspection station;

(4) to invalidate or destroy a certificate of rejection until the motor vehicle has been reinspected and issued a certificate of approval;

(5) to operate a motor vehicle for which a certificate of rejection has been issued, if such certificate was issued more than thirty (30) days prior thereto; or

(6) to sell at retail within this state any motor vehicle unless a valid certificate of approval has been issued for such vehicle within ninety (90) days of the time of sale except as provided in K. S. A. 8-1754; and in addition to the penalties prescribed, any person violating the provisions of this subsection shall be liable to the purchaser in damages for all costs involved in obtaining a valid certificate of approval for such vehicle; or

(7) to change or to alter equipment on a vehicle for which a valid certificate of approval has been issued, prior to the sale of such vehicle at retail, if such change or alteration would cause the vehicle to receive a certificate of rejection if reinspected.

(b) It shall be unlawful for any inspection station to

absorb the inspection fee, except as provided in subsection (c), or to advertise or represent in any manner that such fee or any part thereof is directly or indirectly absorbed by the station; nor shall any inspection station charge a fee for inspection services rendered pursuant to this act in an amount other than the amount prescribed by this act.

(c) Any inspection station which also is a dealer licensed pursuant to K. S. A. 8-178 et seq. may absorb the inspection fee for any motor vehicle offered for sale by such dealer.

(d) Upon conviction, any person violating any provision of this act, or any rule or regulation adopted by the superintendent pursuant to this act, shall be guilty of a class A misdemeanor.

Sec. 3. K. S. A. 8-1758 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.