

M I N U T E S

SPECIAL COMMITTEE ON TRANSPORTATION AND UTILITIES

November 18, 1975

Room 514-S, State House

Members Present

Senator Bob Storey, Chairman
Representative Fred Harris, Vice-Chairman
Senator Paul Burke
Senator John Crofoot
Senator Ted 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
Art Griggs, Revisor of Statutes Office

Conferees

Colonel Allen Rush, Superintendent, Kansas Highway Patrol
Lt. William Shanley, Kansas Highway Patrol
Jack Quinlan, Legislative Counsel, Motor Car Dealers
Professor David Ryan, Metropolitan Transit Authority

Morning Session

The meeting was called to order by Chairman Storey at 9:00 a.m. First item on the agenda was Committee review and consideration of proposed boat operator legislation. (See Exhibit I, attached.)

Senator Burke made a motion, seconded by Representative Nesmith, that on page 1, in Section 2, line 8, the word and numeral "seven (7)" be inserted and that this be introduced as a Committee bill, favorable for passage. The motion carried. Representatives Feleciano, Weaver, Miller and Matlack requested to be recorded as opposed.

Proposal No. 51 - Electric Utility
Territories

The Chairman referred to letters from Charles Ross and C. F. Edwards, Exhibits II and III, in which each said the other was being stubborn. Senator Storey stated that H.B. 2047 is presently in the Energy and Natural Resources Committee of the House.

Representative Dierdorff made a motion, seconded by Representative McCrum, that H.B. 2047, in its original form, be recommended for passage, and that the two summary reports concerning it be attached. The motion carried. Senator Saar asked to be recorded as voting no.

Proposal No. 49 - Coal
Slurry Pipeline

Senator Crofoot made a motion, seconded by Representative Cooper, that the bill be amended to state that before a coal slurry line can be operated it will have to be regulated and certificated by the U.S. Interstate Commerce Commission. The motion carried. Senator Crofoot made a motion, seconded by Representative Cooper, that the bill be recommended for passage, as amended.

Representative Weaver made a substitute motion, seconded by Representative Miller, that the bill be amended to provide that before eminent domain can be exercised there has to be usage offered in the State of Kansas. The motion failed on a vote of five - yes, and six - no.

Representative Miller made a substitute motion that no action be taken. (There was no second to the motion.)

The original motion, that the bill as amended be recommended favorable for passage, carried seven to five.

Senator Saar and Representative Weaver requested permission to submit remarks explaining their opposition. Permission was granted. These reports are to be furnished to the staff and attached to the Committee report.

Motor Vehicle Inspection

Colonel Rush and Lt. Shanley explained Exhibit IV (two attachments), relative to motor vehicle inspection. Problems relative to the law are explained in the reports. They recommended changes one and two on page two- Exhibit IV (1). Mr. Quinlan corroborated their remarks and urged the Committee to take corrective action.

Senator Crofoot made a motion, seconded by Representative McCrum, that the proposed bill, Exhibit V (2), be amended by using the suggestions of Colonel Rush, with Art Griggs of the Revisor's office preparing the correct wording. The motion carried.

Representative Harris made a motion, seconded by Representative Miller, that the proposed bill, Exhibit IV (2), as amended, be recommended favorably for passage. The motion carried.

Proposal No. 50 - Mass Transportation Legislation

Mr. Ryan explained Exhibits V and VI, explanation of proposed legislation for Metropolitan Transit Authority. The proposed bills were presented to the Committee at the meeting on October 31, 1975.

The meeting was recessed until 1:30 p.m.

Afternoon Session

Chairman Storey reconvened the meeting at 1:30 p.m. The Committee discussed the proposals at length and made the following recommendations relative to proposed MTA legislation:

School Busses (4 and 5) - Representative Cooper made a motion, seconded by Representative Dierdorff, that they be recommended favorably for passage. The motion carried.

Special Fuel Tax Law (2) - Representative Feleciano made a motion, seconded by Senator Crofoot, that it be recommended favorably for passage. The motion carried.

Granting of Franchises (3) - Representative Miller made a motion, seconded by Senator Saar, that the same language be used on all existing users on the highways in the State of Kansas. The motion lost.

Representative Feleciano made a motion, seconded by Representative Miller, that no action be taken. The vote was five-five, with the Chairman voting no.

Senator Crofoot made a motion, seconded by Representative Dierdorff, that the bill be reported out without recommendation. The motion carried.

Subsidy of Bus Fares for State Employees (1). Representative Dierdorff made a motion, seconded by Representative McCrum, that no action be taken on this recommendation. The motion carried.

Following the decision, the Committee began discussing the reports relative to Proposal Nos. 49, 50 and 51. Staff explained the reports and stated that the transcript from the Court Reporter in Wichita has not been received for the October 30-31 meetings, relative to the testimony on the coal slurry pipeline. Senator Storey requested that the report show that the meeting was transcribed and that both those minutes and the transcript of the Nebraska hearing will be on file with the Legislative Research Department.

Senator Storey requested staff to include recommendations regarding boat legislation and motor vehicle inspection in the Committee report on Proposal No. 51.

Representative McCrum requested that MARC's Resolution be attached to the minutes on mass transportation. (Exhibit VII).

Representative McCrum made a motion, seconded by Representative Harris, that the Committee reports be approved as amended. The motion carried.

Chairman Storey announced that Secretary Jack Turner, Kansas Department of Transportation, would like to present to this Committee a complete synopsis of plans relative to highways in Kansas. They are going to set out a priority list from which they will not deviate. The meeting will be held December 16, 1975, 7th Floor, State Office Building, 8:30 a.m. It will be a regular meeting of this interim Committee, and members and staff are requested to be present.

Senator Storey thanked the members and staff for their cooperation during the interim. The meeting was adjourned at 2:30 p.m.

Prepared by John Schott

Approved by Committee on:

12/16/75

(Date)

11-18-75

PROPOSED _____ BILL NO. _____

By Special Committee on Transportation and Utilities

AN ACT relating to motorboats; requiring a motorboat operator's certificate for operators of certain motorboats; providing for the issuance of such certificates; authorizing the secretary of transportation to establish an educational program for motorboat operators; declaring certain acts to be a crime.

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

Section 1. As used in this act, unless the context clearly requires otherwise, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) "Motorboat" means any watercraft propelled in whole or in part by machinery, including watercraft temporarily equipped with detachable motors.

(b) "State lake" means any reservoir or other water impoundment in this state which is operated by or under the control of any agency of the state of Kansas.

(c) "Secretary" means the secretary of the department of transportation.

Sec. 2. From and after the effective date of this act, it shall be unlawful for any person to operate a motorboat powered by a motor over twenty-four (24) horsepower on any state lake without possessing a valid motorboat operator's certificate issued by the secretary pursuant to the provisions of this act. The operator's certificate required by this section is not required of any non-resident who operates a motorboat for less than _____ () consecutive days in any calendar year. The secretary shall establish and conduct a comprehensive boat safety and education program which program shall be comprised of at least four (4) hours of instruction. In connection with such

program the secretary shall issue motorboat operator's certificates as required by this section. The secretary shall cooperate with boatmen, governmental subdivisions, other state agencies, and the federal government in the operation of such program. The secretary shall issue a motorboat operator's certificate to any person who successfully qualifies for a certificate under the boat safety education program.

Any person convicted of violating the provisions of this section shall be deemed guilty of a class C misdemeanor.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.



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11-10-75

KANSAS ELECTRIC COOPERATIVES, INC.

5709 WEST 21ST STREET • TOPEKA • AC 913 272 8740

MAILING ADDRESS P.O. BOX 4267 • GAGE CENTER STATION • TOPEKA, KANSAS 66604

CHARLES ROSS
General Manager

November 14, 1975

Senator Bob W. Storey, Chairman & Members
Interim Committee on Transportation & Utilities
State Capitol Building
Topeka, Kansas 66612

Mr. Chairman and Members of the Committee:

The following information is presented as an official report to the Transportation and Utilities Interim Study Committee by the rural electric cooperatives of Kansas. This report relates to the several meetings that have taken place between representatives of investor-owned electric companies, municipal systems and rural electric cooperatives over the past several weeks regarding single certification of service territories for all retail electric suppliers in Kansas.

On July 17, 1975 Senator Storey and Representatives Harris and Weaver met with representatives of investor-owned electric companies, municipal systems and rural electric cooperatives on the fifth floor of the State Capitol Building. Chairman Storey advised those in attendance that it was the desire of the Interim Legislative Committee for electric utilities to meet together in an attempt to reach a mutually agreeable position on territorial service legislation. Chairman Storey further stated that House Bill 2047, as amended, was not to be studied by the Interim Committee during the summer. He did state however, that if agreement among the electric utilities was not reached, House Bill 2047, as amended, would be considered and action taken on the bill in the 1976 session of the Kansas Legislature.

At that meeting on July 17, 1975 speaking for the rural electrics, I advised all in attendance that the RECs would cooperate fully in any meetings with investor-owned companies and municipal systems in attempting to resolve legislation that would be fair and equitable for the division of service territories throughout the state. Further I personally telephoned Mr. Charles W. Edwards, Executive Vice President of Central Telephone & Utilities (Western Power Division) to establish a potential date and place for an initial meeting.

On August 13, 1975 corporate officials of each of the six investor-owned companies, three representatives of the rural electrics and three representatives of municipal systems met together in Topeka. The investor-owned companies (particularly KPL) listed nine issues they wanted considered in

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the deliberations. The RECs listed one issue. Several of the issues listed by KPL were already included in the language of House Bill 2047, as amended. It was discovered, after some confusion and after it was called to the attention of the investor-owned company representatives, that the version of House Bill 2047 they had was not the latest and therefore several of their listed issues were not germane. After listening to a lecture from a representative of the investor-owned companies, we agreed that further meetings would be held and dates were set for three such meetings.

On September 3rd, 17th and 30th, meetings were held at various locations. Several issues were discussed and some were at least tentatively resolved. However, at each successive meeting, representatives of investor-owned companies would suggest new schemes for dividing service territories rather than agreeing to division on an equidistance basis between existing electric distribution lines.

I must note here that of the 32 known states that do now have delineated service territories for retail electric suppliers within their boundaries, the general basis for such delineation has been equidistance between existing electric distribution lines. This concept allows each electric supplier to retain the service areas each has respectively developed. House Bill 2047, as amended, encompasses this same concept because it is the most fair and equitable method possible. Under this concept, undeveloped territory is maintained in closest proximity to the present facilities of each respective retail power supplier.

At the conclusion of the September 30th meeting another tentative meeting was scheduled for October 22nd, provided the RECs would agree to consider an annexation proposal. RECs have always contended that the present statutes pertaining to the issuing and granting of utility franchises by cities do apply and there is no need to add annexation provisos to House Bill 2047, as amended. Under present franchising statutes cities have the power to grant or deny a franchise to an electric utility which may have a part of its in-service facilities annexed into a city. If a franchise is denied, the annexed utility must give up its facilities and rights to service in the annexed area to the electric utility which is already franchised to serve in that city.

NOTE: Although it would have been to our great benefit, Kansas RECs have never attempted to include language in House Bill 2047 which would mandate that an REC absolutely retain the right to continue service in an annexed area. Several state legislatures have adopted such a provision relating to service territory integrity. Pennsylvania and South Dakota are two states that adopted such legislation in 1975. It would have been to the RECs advantage to include such a provision in House Bill 2047, as amended, since most annexations include REC services. The investor-owned companies currently are franchised in most cities in Kansas and it is difficult for an REC to obtain a franchise to continue to serve in areas which do become annexed. Since RECs have made heavy investments to provide service in areas that become annexed, they would like to continue to serve. We understand why local units of government - the cities themselves - want to have the right to decide which electric utility or utilities are to provide electric service within their incorporated boundaries. This is the principle of present franchise statutes and we subscribe to this principle although it is an issue that we could logically have included in House Bill 2047 to the detriment of the IOUs.

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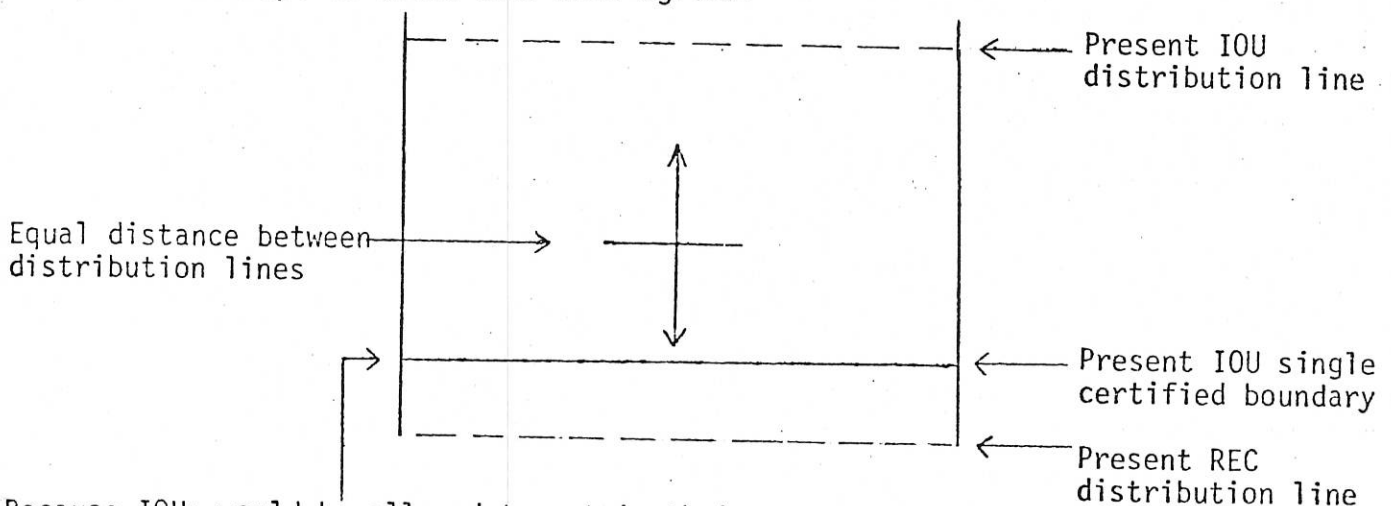
On October 8, 1975 I personally contacted and arranged a meeting with Mr. Bal Jeffrey, Chairman of the Board of KPL to discuss with him a possible annexation provision. Mr. Jeffrey had previously insisted that annexation had to be included in legislation. As a result of this meeting with Mr. Jeffrey another meeting between the three electric entities was scheduled for November 3, 1975. Mr. Jeffrey could not meet on the previously tentatively scheduled date of October 22, 1975.

On November 3, 1975 a final meeting took place in Kansas City, Missouri between representatives of investor-owned companies, municipal systems and rural electrics. At this meeting REC representatives informed the other participants we would agree to a time limit to be included for obtaining a franchise from a city which had annexed areas served by an REC. We pointed out that Mr. E. A. Mosher, Executive Director of the League of Municipalities, had proposed in writing that a time limit for obtaining a franchise after annexation might logically be set at up to two years.

Various periods of time from 30 days up to two years allowable for obtaining a franchise after annexation were discussed at the meeting. However, before agreement was reached, investor-owned representatives again injected a new proposal for dividing service territories. The new wrinkle they insisted on would be to measure from the outside edge of their present single certified territory boundaries equidistance to the closest existing distribution line of an REC. They insisted on this concept even though their nearest distribution line might be a considerable distance inside their single certified service territory boundary.

As REC representatives we said, "We agree that you can retain your present single certified territories as they relate to a division of territory between RECs even though your now existing distribution lines may be a considerable distance inside the boundary of your single certified territories. However, when an RECs nearest distribution line is closer to an IOUs present single certified territory boundary than an IOUs distribution line, the IOUs present single certified boundary should become the dividing line." The investor-owned representatives refused to agree to this fair concept. They insist on more.

Example of concept to which RECs have agreed:



Because IOUs would be allowed to retain their present single certified territories, we agree the dividing line between IOU and REC would be here.

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Additionally, the investor-owned representatives have not agreed to divide service territories equal distance between their present distribution lines and a municipal systems present distribution lines when a municipal system has a distribution line already located within an IOUs present single certified territory and is now serving customers. This is inspite of the fact that municipal systems under provisions of House Bill 2047, as amended will forfeit their present right to serve anyone they choose within a three mile radius of said municipal system.

As a result of this stalemate, the November 3rd meeting adjourned without agreement and with no further scheduled meetings.

However, on November 12, 1975 after discussing unresolved matters with rural electric leaders throughout the state, I attempted to contact Mr. Bal Jeffrey by telephone to arrange another possible meeting with him. If the RECs are to make any further compromises, the investor-owned companies must make some key concessions if agreement is to be reached. A meeting did not take place as Mr. Jeffrey was out of the state the entire week.

Mr. Chairman, and members of the committee, the rural electrics said we would cooperate in meeting with representatives of the investor-owned companies and municipal systems. We have kept that promise. Throughout these negotiations we negotiated in "good faith" in an attempt to get issues settled. We made concessions and compromised. We believe others must compromise too. In the process of these meetings the rural electrics have agreed to two fundamental issues that are not now included in House Bill 2047, as amended.

1. As it relates to rural electrics, we agree that in division of territory, RECs will not take any of the investor-owned companies present single certified service territories even though division of territory on an equidistance basis between existing distribution lines might actually cut through such present single certified territories.

2. We have agreed to place a time limit for obtaining a franchise from cities which annex REC services. We are willing to agree to a period of up to 180 days after such annexation or immediately following a franchise referendum conducted by a city for such purpose.

We are agreeable to inclusion of these two provisions in House Bill 2047, as amended.

The municipal electric utilities have likewise made a concession. The present House Bill 2047, as amended, entirely excludes municipal systems from jurisdiction of the Kansas Corporation Commission except for territory. As an addition, municipal representatives have stated they would agree to remain under complete jurisdiction of KCC outside the three mile radius of their corporate limits just as they are now by state statute.

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The rural electrics are willing to cooperate in further negotiations with the investor-owned companies. However, from our experiences of recent weeks we are uncertain as to whether they want to resolve this issue at all. Because of the circumstances, we must return this matter to the attention of the legislature.

Mr. Chairman and members of the committee on the basis of this report, the rural electrics respectfully request that the Interim Committee on Transportation and Utilities recommend that the present House Bill 2047, as amended, be recommended favorable for passage to the 1976 session of the Kansas Legislature. In the spirit of "good faith" we agree that the provisions agreed to by the RECs and municipal systems as outlined in this letter should be included as amendments to the present House Bill 2047, as amended. We also respectfully request that the committee consider deletion of Section 6B of House Bill 2047, as amended. In our discussions, investor-owned utilities tentatively agreed that the present language in Section 6B should be eliminated.

The public interest of the people of the state of Kansas will best be served when the matter of delineating service territories for all retail electric suppliers in the state is accomplished fairly and equitably.

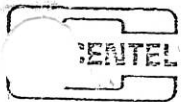
To each member of the committee, we sincerely thank you for your interest and cooperation on this issue, and ask for your favorable vote to recommend House Bill 2047, as amended, to the 1976 Kansas legislature favorable for passage.

Cordially,



Charles Ross
General Manager

CR:dh



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WESTERN POWER a division of CENTRAL TELEPHONE & UTILITIES CORPORATION

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November 13, 1975

Senator Bob W. Storey, Chairman
Special Committee on Transportation
& Utilities
State Capitol Building
Topeka, Kansas 66612

Dear Senator Storey:

You will recall that at the direction of your Committee a meeting was held on August 13 attended by the representatives of the Rural Electric Cooperatives, the Kansas Municipal Utilities, Inc. and the investor-owned electric Companies of Kansas to see whether there was a possibility of compromise concerning the matter of single certification of electric service territories in Kansas.

As a result of that meeting, I wrote you on August 19 reporting that the parties involved had agreed to further discussions at meetings scheduled for September 3, September 17 and September 30. The letter also listed ten points or areas which the discussions would cover.

The three meetings, attended by the Chief Executives of the investor-owned utilities, were held as scheduled with a fourth meeting set up for November 3. During the course of the meetings, it appeared that Items 1, 3, 5, 6, 7, 8, 9 and 10 in my letter of August 19, 1975, could be resolved if an acceptable compromise on Items 2 and 4 could be reached. At the end of the meeting on September 30, it seemed we were near agreement on the two principal points, (2) the definition of single certificate areas for the Cooperatives and (4) the matter of serving areas annexed to cities when such areas were served before annexation by a utility not having a franchise in the city to which the territory was annexed.

In the meetings of September 17 and 30, the investor-owned Companies had proposed that the territory actually served by the Cooperatives in what is now dual certificated area be certified to the Cooperatives as single certificated area. Unserved area in dual certificated territory (i.e., outside the new singly certificated Cooperatives' area and outside the single certificate area of the Companies), be assigned as a single certificated area to the company or the cooperative which provided service when service was required. This would give the Cooperatives single certificated areas, but areas in which neither cooperatives nor companies

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now have lines (outside of the single certificate areas) could be served by the company or the cooperative having lines nearest to the new point requiring service. We felt this arrangement would do two things:

(1) It would give the Cooperatives the single certificate area they claim to need for financing purposes and (2) it would allow electric service to be extended in unserved areas on the basis of which electric supplier could provide the service most economically.

Prior to the meeting on November 3, we felt the Cooperative systems were willing to approach the matter from this point of view and we met on November 3 fully expecting to be able to work out a compromise along these lines.

The position of the Cooperatives, however, had changed and they were not willing to discuss the single certificate matter on any basis except the "half the distance between lines" concept as set out in the draft bill. It further developed that, as interpreted by the Cooperative representatives, it would be possible for the Cooperatives and/or the Municipal systems to take over parts of the territory now certified to the investor-owned utilities as single certificate areas. In previous meetings, the Cooperative representatives' position had been that the "half the distance between lines" concept would not disturb existing single certificated areas.

In the matter of which utility should serve areas annexed to a city, we felt we had reached agreement that the utility holding the franchise in the city would serve the annexed area if the utility serving the annexed area before annexation did not have a franchise and was not able to get a franchise within 120 days after annexation. If this were the case, the utility which did not have the franchise would have the option, in the newly annexed area, of dismantling its system and removing it or selling the facilities to the utility holding the franchise.

After a couple of hours of discussion, it became apparent that the Cooperative representatives would not modify their position on the single certificate matter and would insist on the language presently in the draft bill. This position was not acceptable to the investor-owned utility representatives and it was concluded that no further progress could be made in the negotiations.

Representatives of the Companies and the Cooperatives agreed that each group would write a report of the meetings so the Committee would have the feelings of each group for consideration.

Senator Storey

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This report represents the views of the investor-owned utilities represented at the four meetings.

Yours very truly,



Vice President
CENTRAL TELEPHONE & UTILITIES CORPORATION

CFEdwards:bq

cc: Mr. Balfour S. Jeffrey
Mr. Ralph P. Fiebach
Mr. Robert K. Zimmerman
Mr. Richard C. Allen
Mr. John G. Stewart

① 11-18-75 AM (P)

MOTOR VEHICLE INSPECTION LAW

Proposed Changes for Consideration

Under the existing law, the only way members of the Patrol can inspect vehicles is by conducting a spot check as described in the statutes. It is believed a lot is lost by depriving the officer of the option to stop a vehicle which is obviously defective. The bill would be immensely improved if it could be amended to enable the officer to carry out the inspection of a defective motor vehicle as it is observed while on patrol.

It is, therefore, suggested that 8-1750 be amended as set forth below:

- (a) Uniformed police officers may, 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, 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 officer 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 inspection and approval be obtained within 30 days.
- (c) In the event any such vehicle is, in the reasonable judgment of the officer, in such condition that further operation would be hazardous, the officer 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 inspection and approval within 30 days or the vehicle shall not be operated on the highways of this state.

In addition, Sec. 8-1758 should be amended to include the following unlawful act:

No owner or driver shall refuse to submit a vehicle to any inspection and test that is authorized or required by the provisions of this chapter.

The wording of the recommendations are from The Uniform Traffic Code, 1968, with no revisions to this section in 1972. The underlined words are changes or areas that need attention.

Two other changes are recommended in the existing law:

1. 8-1758, an unlawful act should be considered prohibiting the change of equipment after inspection and prior to sale at retail, if such change would make the vehicle rejected if again inspected.
2. In 8-1754, a certificate of approval is valid for 90 days, but the number of times it may be sold at retail on one certificate of approval is not limited. Cases are being encountered where two or more sales are made on the one inspection within 90 day validity of the inspection certificate. Condition of the vehicle subsequent to the initial inspection could be altered immeasurably, reducing the protection afforded the consumer.

*to be added
to the
original
text*

SPOT INSPECTIONS REPORTED AS OF 11-10-75

	DIVISION							Total
	I	II	III	IV	V	VI	IX	
Vehicles Inspected	849	300	328	473	446	366	727	3489
Vehicles Approved	359	139	170	143	166	129	484	1590
Defects Warned	214	90	145	218	210	125	138	1140
Rejects Issued	276	71	13	112	70	112	105	759
NTA's Issued	67	19	16	14	34	23	25	198
NTA per Insp.	.08	.06	.04	.03	.08	.06	.03	.06
<u>Defects on Rejects</u>								
Lights	213	44	12	78	52	86	58	543
Wipers	31	3	3	15	8	11	2	73
Exhaust	114	21	10	51	27	32	36	291
Brakes	57	23	6	37	28	51	16	218
Steer/Susp	55	2		7	4	6	0	74
Tires/Wheels	100	24	7	47	39	51	60	328
Horn	31	11	6	14	16	13	18	109
Glass	26	11	7	28	3	5	11	91
Mirror	17	0	2	9	3	8	5	44
Seat Belts	1	0		0	0	1	0	2
Total Defects	645	139	53	286	180	264	206	1773
Defects per Rej. Veh.	2.34	1.96	4.07	2.55	2.57	2.35	1.96	2.33
% Vehicles Defective	58.3	53.6	48.1	69.8	63.8	64.7	33.4	54.4
% Approved	42.7	46.3	51.8	30.2	37.2	35.2	66.6	45.6
% Warned	25.5	30.0	44.2	46.1	47.1	34.1	18.9	32.7
% Rejected	32.8	23.7	3.9	23.8	15.7	30.6	14.4	21.8

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.

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.

Exhibit V
11-15-75

STATE OF KANSAS EMPLOYEE MASS TRANSPORTATION PROPOSAL
FOR TOPEKA, KANSAS

REPORT OF THE
TOPEKA METROPOLITAN TRANSIT AUTHORITY

November 1975

Preface

Substantial community benefits can be realized from an aggressive program encouraging a more efficient and effective use of areawide transportation facilities, particularly during peak-hour travel periods. To be able to move increased numbers of persons along existing roadway facilities, by means of greater reliance upon transit usage, will help: (1) minimize needs for widening existing roadways and adding additional roadways to meet increasing vehicle movement needs; (2) minimize costly all-day parking needs to store increasing numbers of vehicles; (3) and minimize various fiscal and environmental problems which have been associated with vehicles. This program proposes positive measures for realizing a more balanced urban area transportation system and seeks to make more efficient uses of necessary capital investments in transportation facilities.

During the past few decades, urban areas throughout the nation have shown trends of increased reliance upon the automobile for all forms of travel, including commuting to-and-from work. While this has provided individuals with convenience, comfort and other benefits, it has also provided urban areas, particularly during peak hours, with problems of traffic congestion, demands for widened and new roadways and large and costly all-day parking facilities.

Many who commute to work during peak hours are traveling with one person in the car and have no need for the vehicle during the working day. If these persons can be encouraged to use transit many of the community's transportation and related problems can be reduced at the same time travel mobility and convenience for those persons who are required to use their vehicles would be preserved. Many persons have concluded that the time has come to slow, and even reverse, the trend of auto dominance for commuting to-and-from work, and to encourage more balanced urban transportation systems. This report recognizes these needs and recommends a program which will yield a more balanced urban transportation system for State of Kansas employees in Topeka.

RECOMMENDATIONS

I. Proposed New Governmental Employee Commutation Policies

Due to environmental and fiscal advantages inherent in the wiser coordination of government employee commutation policies in Topeka, all governments (city, county, state and federal) should encourage all employees who cannot walk or bike to work to take the bus. In support of this objective, the following transit policies are recommended:

A. Transit Financial Incentive

1. A \$12.00 monthly pass for A.M. and P.M. work trips would be purchased from the Topeka Metropolitan Transit Authority. The State of Kansas pays a \$5.00 subsidy for each pass bought. Passes are good for each work day, not week-ends or holidays. (See Appendix A)
2. Employee participation in the program should be voluntary.
3. The bus pass should take the form of a punchable ticket. (See Appendix B)
4. The employer should establish a convenient employee sales and distribution system. (See Appendix B)
5. Use of the bus pass should be limited to the employee.
6. To accommodate various shifts and schedules the bus pass should be valid on all scheduled Intracity Transit lines prior to 9 A.M. and after 4 P.M. Monday through Friday.

II. Implementation of Proposed Policy

A. Timing

The above policy should be implemented for a trial two-year period as soon as acceptable funding arrangements can be made.

B. Funding

Funds for the implementing of the program should be sought from city, county, state and federal sources.

C. Geographic Program Coverage

The geographic area affected by the program would be limited to Topeka, Kansas.

D. Promotional Program

A vigorous and imaginative promotional program should be proposed and used to help reach program objectives.

III. Role of the Private Sector

- A. Private sector employers should be encouraged to adopt policies which encourage employees to take the bus to work.

PROBLEMS AND OPPORTUNITIES

Since about 1946 in most urbanized areas auto commutation has rapidly increased. Public and private employers have tended to give almost single-minded attention to providing employee parking accommodations. Today in Topeka subsidized employee parking in various forms has become the rule. By encouraging more and more employees to drive to work, these policies have exacerbated fiscal and environmental problems. The time has come to slow and even reverse this trend on the grounds that cities cannot afford to allow urban transportation systems to become more imbalanced.

Among various strategies being considered to encourage more transit commutation is one designed for cities with large blocs of employees whose commutation policies can be coordinated.

Continued preoccupation with auto-oriented employee transportation policies cannot help but exacerbate area environmental problems. Air will tend to get dirtier, noise levels will rise, and congestion will intensify. Moreover, the attempt to provide low cost parking spaces for government employees could not help but sharply reduce the amount of taxable land.

The fiscal and environmental unattractiveness of building employee parking facilities coupled with employee and automobile growth rates underline the importance of identifying and implementing an attractive alternative at the very earliest opportunity. To fail to take corrective measures now may make irreversible the trend of auto dominance and mass transit decadence.

There are good reasons to believe that a new set of employee commutation policies could substantially increase the number of employees who make home-job-home trips by bus.

4. Modal and locational advantages should be maximized wherever possible.

Modal Characteristics: Unfortunately, the competitive aspects of the automobile and transit have been overemphasized. In fact, their respective roles are complementary. The great need is to identify new public policies which will enable the special characteristics of each mode to be used to best advantage. Bus trips are best able to serve rush hour home-job-home trips and are able to serve social, shopping, recreational and business trips. If these highest and best uses of bus and car could be maximized in various ways, the rush hour transportation problem would be substantially reduced. The reason for the superiority of buses for work trips lies in the fact that most work trips tend to be regularly scheduled, fixed route home-job-home trips which can most easily, economically and effectively be accommodated by transit.

Locational Characteristics: For reasons noted above, that portion of our urban anatomy which can be most effectively served by transit is the central area defined as the central business district (CBD). These circumstances are indeed promising in the sense that city, state, county and federal office policies have directed that offices be concentrated in the central business district where they can be most effectively served by transit. Coordinated government employee commutation policies could, therefore, have a salutary effect if property drawn and implemented.

BENEFITS OF PROPOSAL

1. Lower Overall Employee Commutation Costs to Participating Governments

See Appendix A.

See Appendix C.

2. Reduce the Need for Some New Auto-Related Facilities.

Each day about 3,600 person-trips are made on Intracity Transit. Under the program, this number would be substantially increased with a corresponding decrease in auto-dependence. The latter development would help slow and reduce the need for expensive new roads and parking facilities, etc.

3. Reduce Air Pollution.

Studies have shown that the largest single contributor to air pollution is the automobile. Because the programs can help reduce reliance upon the automobile, it will help reduce air pollution.

4. Provide Better Parking Facilities for Short-Term Parkers.

The implementation of the program herein described will cause an increase in the number of short-term spaces and a corresponding decrease in the number of all-day spaces. These policies would better serve the needs of shoppers and government office visitors.

5. Save Increasingly Scarce Fuel.

The combination of more cars and emission control equipment which consumes about 25% more fuel have contributed to the growing national fuel shortage. Encouraging greater use of transit will help solve this part of the growing energy crisis.

Conclusion

The proposal herein has provided a significant alternative to employees for the making of their work trips. As the State of Kansas provides a parking space for usage during the day, whether or not the employee uses that space. So would the opportunity be available daily for use of mass transit at a low cost. The employee who chooses to use Intracity Transit daily, there being an average of 22 working days per month, will find the cost of a single ride, from an out-of-pocket expense standpoint, to be 16¢.

As has been pointed out throughout the report, the benefits to the individual, local government and state government are too great to be ignored.

The program offers maximum benefit to all parties involved with minimum difficulty in its establishment and execution. The Topeka Metropolitan Transit Authority finds the concept exciting and workable. Intergovernmental cooperation, it is believed, will strengthen this important mode of transit while offering ongoing benefits to employer and employee.

PRINCIPLES

Principles which strongly influenced the thinking of the TMTA in determining how objectives should be achieved were:

1. Policies which influence rather than accommodate demand should be sought.

The more astute observers of the urban transportation problem agree that approaching the demand side (as distinct from the supply side) offers the only real hope of halting the endless race between traffic growth and capacity of the transportation system. Curiously, the possibility of influencing and channeling transportation demand to bring it more nearly into balance with supply, has been almost entirely overlooked. To merely satisfy "needs" in today's auto-dominated society is to pursue environmentally counterproductive and fiscally irresponsible policies.

2. A coordinated system of multi-modal incentives and disincentives should be incorporated in the program.

In the past, many noteworthy efforts to increase transit patronage have failed because they were one-dimensional, that is, they focused almost exclusively upon transit variables and did not simultaneously provide supportive parking policies. To encourage bus ridership and at the same time to continue making all-day parking inexpensive and convenient would be self-defeating. Conversely, to discourage driving to work and at the same time not make improvements to the mass transit system would also be self-defeating.

3. The price mechanism should be more fully used.

Our examination of the transportation problem in Topeka revealed a failure to take full advantage of leverage inherent in the price mechanism. For example, some employees are encouraged to drive to work by the provision of low cost employer-provided parking spaces. Such subsidies do not take into account the fact that rush hour driving is extremely expensive from a municipal-fiscal point of view because so many special facilities (roads, signals, etc.) have to be provided primarily to accommodate this peak load. Significantly, government employers do not encourage employee use of buses through similar subsidies. A price schedule based upon a sounder utilization of the price mechanism should not forbid driving to work, but it should say to the employee that the community would benefit more and hence charge less if he would not drive his car to work.

APPENDIX A

STATE OF KANSAS SUBSIDY

The State of Kansas employs roughly 7,000 persons in Topeka with the majority of those located in the Central Business District. The State of Kansas has subsidized these employees by the provision of parking at an artificially low price. It is proposed that the State of Kansas offer an alternative form of subsidy to support transit as a mode of transportation in the Kansas' future. Approximately one and one-half urban city blocks are surface parking for state vehicles and state employee privately owned vehicles. State employees also park in large numbers on unmetered residential streets to the west of the State Office Buildings. They are also provided free lots at several outlying locations for their automobile use. In order to offer an alternative, the TMPA proposes the State of Kansas enter into a contractual agreement with Intracity Transit to provide service to those employees desiring to use mass transit.

The current subsidy for surface parking was computed in the preliminary report to the Capitol Area Plaza Authority to be \$5.50 per employee. A figure of \$10.50 per month per surface space was used as an average cost minus the \$5.00 the employee paid to the State of Kansas leaving the \$5.50 subsidy. Structured parking subsidy was much higher-- computed at \$21.60 per month. Underground parking was subsidized at \$35.34 per month. This is based on a 30 year debt at 7% interest. A transit subsidy would relieve the State of Kansas from acquiring extra land and constructing parking (inflation is also driving these costs much higher).

The current rider fare is 30¢ for a one way trip. This fare is subsidized by equal amounts from a mill levy and local revenue sharing. The fare is therefore heavily subsidized by local government. A fare increase is not projected. Transfers are free in Topeka, while some cities charge for transfers.

There are no zone charges for longer trips.

If the State of Kansas would pay \$5.00 per month per employee riding the bus, they would pay less than they are subsidizing the automobile driver; Kansas would have to acquire less city land; Kansas would not be forced to provide parking (at a \$5.50 month subsidy) to their employees; the employee would pay \$2.00 per month more and receive a ride to and from work; the Legislature would conserve gasoline in the urban area of Topeka for possible use elsewhere in the State; and, the local transit Company could provide better service with the additional income.

The State of Kansas would pay \$5,000 per month per 1,000 employees riding Intracity Transit. This compares with the \$5,500 subsidy per month the Capitol Area Plaza Authority report reveals as State subsidy to the auto driver in the current situation. In the long run the State of Kansas could encourage fuel savings and expend fewer dollars in employee subsidy by cooperating with the Topeka Metropolitan Transit Authority. The employee would spend two dollars more per month to ride to and from work than he/she now spends just to park the automobile once they have arrived in the CBD and City land would be better utilized in buildings, residences, retail activity or open space than to place it under the burden of parking automobiles.

APPENDIX B

BUS PASS (TICKET) CONSIDERATIONS

DISTRIBUTION CONSIDERATIONS

Performance Specifications

Several performance specifications for the bus pass are desired. Specifically, the bus pass system should:

- A. Allow a simple billing and accounting system to be devised.
- B. Enable detailed evaluation of employee commutation behavior.
- C. Anticipate and prevent abuses arising from its use.
- D. Be easy and convenient to purchase from the employee's point of view and to sell and administer from the employer's point of view.

Ticket Specifications

General Specifications

- A. The Bus Pass should be printed on heavy watermark, noncounterfeit paper stock suitable for driver punching.
- B. The Bus Pass should be 2 3/4 by 3 1/2 for convenient wallet and purse storage.
- C. The tickets should be printed as loose cards and string-tied for distribution.
- D. Each Bus Pass should be consecutively numbered so that a strict accounting and distribution system could be maintained.

Front Side Contents

- A. General identification such as Intracity Transit Bus Pass, etc.
- B. Space for the employee's signature.
- C. Space for punches.


Rear Side Contents

- A. A warning for fraudulent use.
- B. A statement saying that identification must be presented to the driver upon request.

C. A clear statement that the Bus Pass is good only for prior to 9 A.M. and after 4 P.M. travel.

D. A statement of time life or dated value of the Bus Pass.

A Bus Pass similar to the one we envision is shown below:

A.M.	1	2	3	4	5	6	7	8	9	10	11	12	
P.M.	1	2	3	4	5	6	7	8	9	10	11	12	
 <p>MONTHLY PASS \$12.00 Subject to T.M.T.A. regulations on back.</p>											13	13	
											14	14	
											15	15	
											16	16	
											17	17	
signature _____													
31	30	29	28	27	26	25	24	23	22	21	20	19	18
31	30	29	28	27	26	25	24	23	22	21	20	19	18

Envisioned Distribution and Accounting Procedures

- A. A network of government distribution points would be set up. Administrative guidelines would be prepared to assure that distribution points would be easy to administer and convenient for users.
- B. Packets of numbered Bus Passes would be sent on consignment to designated sales points.
- C. Employees would purchase tickets at the authorized sales point by paying \$7.00 per monthly ticket and signing each ticket in the presence of the authorized sales person. The authorized sales agent would in turn enter the ticket number, customer's name, date of sale, etc., in a log.
- D. Periodically, perhaps monthly, the employer would add his portion of cost to all tickets sold and transmit same to the Topeka Metropolitan Transit Authority, (TMTA).
- E. The bus driver would punch the bus pass for each ride except the last at which time the employee would relinquish the ticket to the driver who would then turn it in to TMTA along with daily cash revenues.
- F. To make the purchase of the bus passes as easy as possible for the employee and employer, a payroll deduction system would be developed.

Evaluation

All tickets would be collected by the bus driver on the last use, sorted by Intracity Transit and stored for evaluation.

Because the employer, employee, departmental and section affiliation could be obtained from all collected bus passes (via the numbering system) a very precise evaluation of employee travel behavior can be done.

As a refinement to the evaluation system, it might be useful to prepare a coded system for identifying home and job addresses so that participation in the program could be related to job-home linkage considerations, etc. Still other information might be easily obtained for evaluation purposes (such as distance of home and workplace from the bus stop) by asking each employee who enters the program to fill out a simple questionnaire providing such appropriate supplemental information.

Appendix C

Excerpted Comments from a Preliminary report of the Capital Area Plaza Authority as concerns parking.

The Capitol Plaza is basically an office use in a downtown location. The majority of office workers on the Plaza do not need cars during working hours. If the standard of one space for each 1,000 sf of office space were applied to the Plaza, the 1995 parking requirements would be 2,100 spaces for office users. In addition to this, spaces would also be needed for visitors.

Parking -

1. Previous studies have linked parking demand to the increase in employees and building space growth and have identified needs of approximately 4,800 spaces by 1995, a net increase of 3,000 over present spaces. Later portions of this report discuss transit and other options which may reduce parking requirements below this amount.

A synthesis of environmental and economic factors, land available, indicates that the Plaza can accommodate a mix of approximately 300 surface parking, 1,000 underground parking and 1,500 structured parking spaces for a total of 2,800 spaces on the Plaza. Although the cost of providing underground parking may be determined to be prohibitive, underground spaces can be provided at a cost of about 6.5 million. Although neither surface nor garage parking will be self-sustaining under present fees, the underground parking will require by far the heaviest subsidy. These monthly per space subsidies are estimated to amount to \$4.50 for surface parking, \$21.60 for structured parking and \$35.34 for underground parking when a \$5/month fee is assumed.¹

The two options for parking provisions are noted on the following page. As Option 1 is pursued, simultaneous actions are to be taken which might reduce the demand for parking spaces. Such actions might include transit subsidies

¹Based on the premises of 30-year debt at 7% interest the subsidy for each type of parking was computed as follows: Surface - \$10.50 per month per space minus \$5.00 leaves \$4.50 subsidy; Structured parking - \$26.00 per month per space minus fee leaves \$21.60 subsidy; Underground parking - \$40.34 per month per space minus fee leaves \$35.34 subsidy. These fees and subsidies were computed from the parking analysis completed during the preparation of this Master Plan.

which are equitable with the estimated parking subsidies noted on the preceding page; parking fee schedules which encourage car-pools; and support for land development which will bring workers within walking or bicycling range. Depending upon the success of these or other strategies, the implementation of Options 1 and 2 may be delayed or omitted from funding schedules.

Option 1 - Providing 2,800 parking spaces on the Capitol Plaza primary site, plus State subsidy to transit users.

Option 2 - Providing 2,800 parking spaces on the Capitol Plaza primary site, plus acquisition and State subsidy for up to 2,000 additional spaces off the Plaza. Possible sites for off-Plaza parking include a parcel north of Eighth between Topeka and Harrison and a parcel east of Jackson south of Tenth Avenue.

Given the type of parking needs and the resources available, parking configurations must relate to available land resources, applicable regulatory measures and should consider options for reducing parking. These options may include car-pools, public transit and new land use patterns to encourage walking and/or bicycling.

Exhibit J
1-15-75

TOPEKA METROPOLITAN TRANSIT AUTHORITY

1976 Legislative Proposal

PROPOSED BILL

An Act Allowing

The Secretary Of Administration

To Contract With

Certain MTA's For

Payment Of Part Of

The Fares Incurred

By State Employees

Subject Area: Payment of part of the fares incurred by state employees in travel to and from work.

Proposal Summary: This proposal allows the secretary of administration to enter into a contract with certain metropolitan transit authorities for a plan to pay up to \$5.00 per month per employee, of the fares incurred by the state employee in riding to and from work on transit authority buses. (For the administrative details of such a plan see attachment).

Fiscal Aspects: The State of Kansas currently subsidizes state employees by providing parking at an artificially low price. Approximately one and one-half urban city blocks are surface parking for the state vehicles and state-employee privately owned vehicles. State employees also park in large numbers on unmetered residential streets to the west of the state office buildings and are provided free lots at several outlying locations.

The current subsidy for surface parking was computed in the preliminary report to the Capitol Area Plaza Authority to be \$5.50 per employee. A figure of \$10.50 per month per surface space was used as an average cost minus the \$5.00 the employee paid to the State of Kansas leaving the \$5.50 subsidy.

In order to offer an alternative, the TMTA proposes the State of Kansas enter into a contractual agreement with Intracity Transit to provide service to employees desiring to use mass transit. A monthly pass could be purchased from I.T. at \$12.00 for 40 rides. If the State of Kansas would pay \$5.00 per month per employee riding the bus, it would pay less than it is now subsidizing the automobile driver; Kansas would have to acquire less city land; Kansas would not be forced to provide parking (at a \$5.50 month subsidy) to their employees; the employee would pay \$2.00 per month more and receive a ride to and from work; the Legislature would conserve gasoline in the urban area

for possible use elsewhere in the State; and the transit company could provide better service with additional income.

Conclusion: By entering into such an agreement the State would save money, land, and energy. The employee would have a viable alternative to the automobile and the mass transit authority could operate a more efficient system.

For a suggested approach see attachment.

TOPEKA METROPOLITAN TRANSIT AUTHORITY

1976 Legislative Proposal

PROPOSED AMENDMENT TO
K.S.A. 79-3487, Disposition
of Moneys (Collected Under
K.S.A. 79-3474, Special Fuels
Tax Law).

Subject Area: Special Fuel Tax Law, Disposition of moneys; providing for the establishment of a special Metropolitan Transit Authority Account.

Proposal Summary: This proposal would accomplish a dual purpose. First, it would provide that the money paid by the Metropolitan Transit Authority established pursuant to K.S.A. 12-2801 et seq., would be put into a special account and annually apportioned and paid back to the transit authority. Secondly, the money paid back could then be used as a match for federal operating and capital assistance money.

Following a national trend, municipally owned transit systems in Kansas have experienced financial hardships. Tax revenue is used to offset operating deficits. It is inconsistent when tax revenue provided for operating the MTA's must instead be used to pay another tax, the special fuels tax.

The proposal outlined would, in effect provide the needed relief and at the same time provide a source with which to match federal money.

Fiscal Aspects During FY 1975, the MTA used 167,675 gallons of diesel fuel at the taxing rate of 8¢ per gallon, \$13,414 was paid in special fuels tax. This represents about 2% of the operating expenses for the fiscal year. If the money paid under this tax were refunded, much relief would be provided. Over \$11 million was collected in special fuels tax. Topeka MTA contributed approximately .08% of this amount. While the refund would help the MTA's greatly, it will be but a minimal reduction of the total revenue collected.

Existing Statute: K.S.A. 79-3487 provides for the disposition of the taxes collected under the special fuels tax law. For a suggested amendment see attachment.

TOPEKA METROPOLITAN TRANSIT AUTHORITY

1976 Legislative Proposal

PROPOSED AMENDMENT TO

K.S.A. 12-2001,

Granting of Franchises

Subject Area: Granting of Franchises; allowing cities to issue an exclusive franchise to certain metropolitan transit authorities.

Proposal Summary: This proposal allows cities in Kansas to issue exclusive franchises to metropolitan transit authorities established under statutory enactment. Pursuant to traditional public utility law, the holder of the franchise right is required to provide adequate service at reasonable rates. If the franchise holder is subject to raiding from private competitors who skim away the most lucrative business without the attendant public responsibility and leave the dregs for the one required to meet the public obligations, public transit will be detrimentally affected. In a like manner, if legal operating rights were extended to another transportation company, the public money supporting the metropolitan transit authority would not be utilized in the most prudent way. In order for the publicly financed transportation system to exist in a sound position, it must have the opportunity to serve both the lucrative transportation needs, the revenue of which would supplement public funds, as well as the less attractive service needs.

Fiscal Aspects During FY 75 the operating expenses of TMTA exceeded \$650,000. The citizens of Topeka, via the Transit System Mill Levy, paid \$166,867 toward the support of the bus system. As can easily be seen, mass transit, in order to even come close to breaking even, requires much revenue. If revenue sources were depleted by the presence of more than one transportation system, the public good would not be served. Not only would public funds be imprudently used but also the service that would be available to the public would not approach the needed quality.

Existing Statute: Pursuant to K.S.A. 12-2001, cities are not allowed to issue exclusive franchises. While the Topeka Metropolitan Transit Authority is established under its own legislative act, it should be made clear that K.S.A. 12-2001 would not prevent a city from issuing an exclusive franchise.

Conclusion: To allow public intracity transit systems established under legislative enactment to possess the exclusive right to operate a transportation system within a city is in the public interest. By operating under such a right, the transit system could better coordinate all phases of city transit needs, expend public moneys more wisely, and, in general, provide the public with a quality transportation system. For a suggested approach, see attachment.

TOPEKA METROPOLITAN TRANSIT AUTHORITY

1976 Legislative Proposal

PROPOSED AMENDMENT TO

K.S.A. 8-1461 and K.S.A.

8-2009.

Subject Area: Definition of school bus and state regulations pertaining thereto.

Proposal Summary: This proposal accomplishes two purposes. First, it exempts from the definition of a school bus intracity mass transit vehicles used to transport school children. Secondly, it provides that when such vehicles are used for such purposes they would be subject to federal regulations.

Fiscal Aspects: By exempting intra city mass transit vehicles from the State statutory definition of a school bus, such vehicles would not have to meet the stringent state regulations pertaining to school buses. State regulations require, for example, that when vehicles come within the definition of a school bus, they must be painted yellow and have flashing red lights. Such requirements could prevent the franchised public transportation system from realizing a significant revenue source. TMTA has the available equipment, the City of Topeka has the need for such a service, and thus the public welfare will be facilitated by such an enactment.

If such buses were regulated merely by federal standards, safety aspects would be insured and the urban mass transit vehicles could be used to transport school children.

Existing Statutes Pursuant to K.S.A. 8-1461, all buses transporting school children are defined as school buses. K.S.A. 8-2009 provides that the State shall regulate such vehicles.

Conclusion: For suggested approach see attachment.

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. _____

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.

4

BILL NO. _____

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.

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.

11-18-75 Exhibit XII
MARC

OFFICERS

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MID-AMERICA REGIONAL COUNCIL

MARC

20 West 9th St., Third Floor, Kansas City, Mo. 64105, Phone 816-474-4240

November 4, 1975

To the Kansas City Metropolitan Region's State Legislators:

The Mid-America Regional Council, which represents the Kansas City Metropolitan Area's elected officials and citizens, is considering a draft transit plan which outlines improvements to the region's transit system to the year 2000. Implementing the plan and providing practical answers to predicted transit needs will require adequate and permanent public financing so that long-term decisions can be made and capital and operating costs met.

The MARC Board has passed the attached resolution requesting the Missouri and Kansas Legislatures to join with the region's local governments to establish suitable financial assistance for public mass transportation. Your consideration of the resolution and your support of appropriate state transit legislation would be appreciated.

Sincerely,

Robert R. Davis

Robert R. Davis, *yc*
Chairman

RRD:JW:cc

Encl.

STATE TRANSIT LEGISLATION RESOLUTION

WHEREAS, public mass transportation is a vital element of the economic, social and environmental well-being of the community; and,

WHEREAS, public mass transportation is needed in both the urban and rural portions of a metropolitan area; and,

WHEREAS, fuel cost and availability and environmental protection may restrict the use of the automobile as the sole means of transportation for many families; and,

WHEREAS, the elected officials, transit officials and citizens of the bi-state Kansas City Metropolitan Region have worked through the Mid-America Regional Council to identify and discuss mass transportation needs and solutions; and,

WHEREAS, a Long-Range Transit Plan has been prepared which recommends an improved transit system which would provide a practical, cost-effective answer to the predictable transit needs for the Region in the foreseeable future; and,

WHEREAS, the implementation of the plan requires permanent public financial support so that long-term capital and operating improvement decisions can be made.

NOW, THEREFORE, BE IT RESOLVED, that the Mid-America Regional Council and its Total Transportation Policy Committee request the State Legislatures of Kansas and Missouri to work with the Kansas City Metropolitan Region to establish adequate and permanent financing for public mass transportation.

Passed by MARC Board 10/28/75