

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at  
Chairperson

1:30 ~~am~~/p.m. on February 10, 1986 in room 519-S of the Capitol.

All members were present except:

Representatives Knopp, Shore, Snowbarger and Ott - Excused.

Committee staff present:

Bruce Kinzie, Revisor of Statutes  
Hank Avila, Legislative Research  
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Secretary John B. Kemp, Kansas Department of Transportation

The meeting was called to order by Chairman Crowell, and it was announced the order of business for the day was a presentation by Secretary of Transportation, John B. Kemp.

Secretary Kemp reported on the Multi-Year Highway Improvement Program covering Fiscal Years 1986 through 1990. He stressed three important points, 1) the program emphasizes preserving and modernizing existing highways, bridges and culverts rather than new construction; 2) the emphasis on preservation of what we have is necessary because the growth in revenues is declining; and 3) the steps KDOT is taking to make operations more efficient and cost effective. (See Attachment 1)

Secretary Kemp stated the total five year program includes \$839.9 million in projects for an average of \$168 million per year.

He said that essentially, revenues consist of federal aid, motor fuel tax receipts, vehicle registration fees, and a transfer of the sales tax revenues on new and used vehicles. He added that tax receipts from gasoline and gasohol are declining as a result of government energy policy that includes exemptions for gasohol and mandates improvement to the miles per gallon averages of the vehicle fleet. Secretary Kemp noted that diesel fuel tax revenues have been climbing as the economy improves, and as more goods are shipped by diesel burning vehicles.

Secretary Kemp said KDOT is taking a number of actions to stretch their revenue base, those being 1) FIRST which stands for Financial Information and Reporting System for Transportation, and is a multi-year project to revise the Department's financial information system; 2) CADD/CAM which stands for Computer-Aided Design and Drafting and Computer-Aided Mapping, and is designed to increase efficiency in design and mapping by computerizing these processes; 3) Pavement Management which is a system that selects the surface treatment or action for each mile which will produce the greatest system performance at the lowest cost; and 4) I4R which stands for the Federal Interstate Restoration, Rehabilitation, Resurfacing and Reconstruction Program. Secretary Kemp stated \$40 million is received per year of these funds which is used to rehabilitate the Interstate system.

Representative Patrick asked the price of the CADD/CAM program, and if that cost is in the current fiscal year. Secretary Kemp replied the cost is nearly \$2 million and most of it is in this fiscal year.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S Statehouse, at 1:30 ~~am~~/p.m. on February 10, 19 86

Secretary Kemp then outlined issues of interest to KDOT concerning  
1) Abandoned railroad right-of-way, 2) Mandatory seat belt usage,  
3) Highway Cost Allocation, and 4) the Kansas Economic Development  
Highway Program. (See Attachment 2)

Secretary Kemp requested the Committee introduce legislation which  
will require a railroad company or any other person or entity holding  
title of record to abandoned railroad right-of-way other than the  
rightful owner, to file an acknowledgment of the reversion. (See  
Attachment 3)

A motion was made by Representative Justice to introduce this request  
as a Committee bill. The motion was seconded by Representative Adam.  
Motion passed.

The meeting was adjourned at 2:40 p.m.

  
Rex Crowell, Chairman



**FY 1986 - 1990**

**HIGHWAY**

**IMPROVEMENT**

**PROGRAM**

*H. Transp. 2/10/86  
Attach. 1*

FIVE YEAR  
HIGHWAY IMPROVEMENT  
PROGRAM

| 1986             | 1987 | 1988                    | 1989 | 1990 |
|------------------|------|-------------------------|------|------|
| Firm<br>Projects |      | Preliminary<br>Projects |      |      |

- 1. EMPHASIS ON PRESERVING  
& MODERNIZING**
- 2. DECLINE IN GROWTH OF REVENUES**
- 3. IMPROVEMENT IN KDOT OPERATIONS**

# **STATE PROGRAM - LOCAL PARTNERSHIPS**

**PRESERVATION**

**MODERNIZATION**

**SYSTEM EXPANSION**

# STATE PRESERVATION PROJECTS

## “Protect the Investment”

(IN \$ MILLIONS)

**Bridges & Culverts**

**Total  
\$23.3**

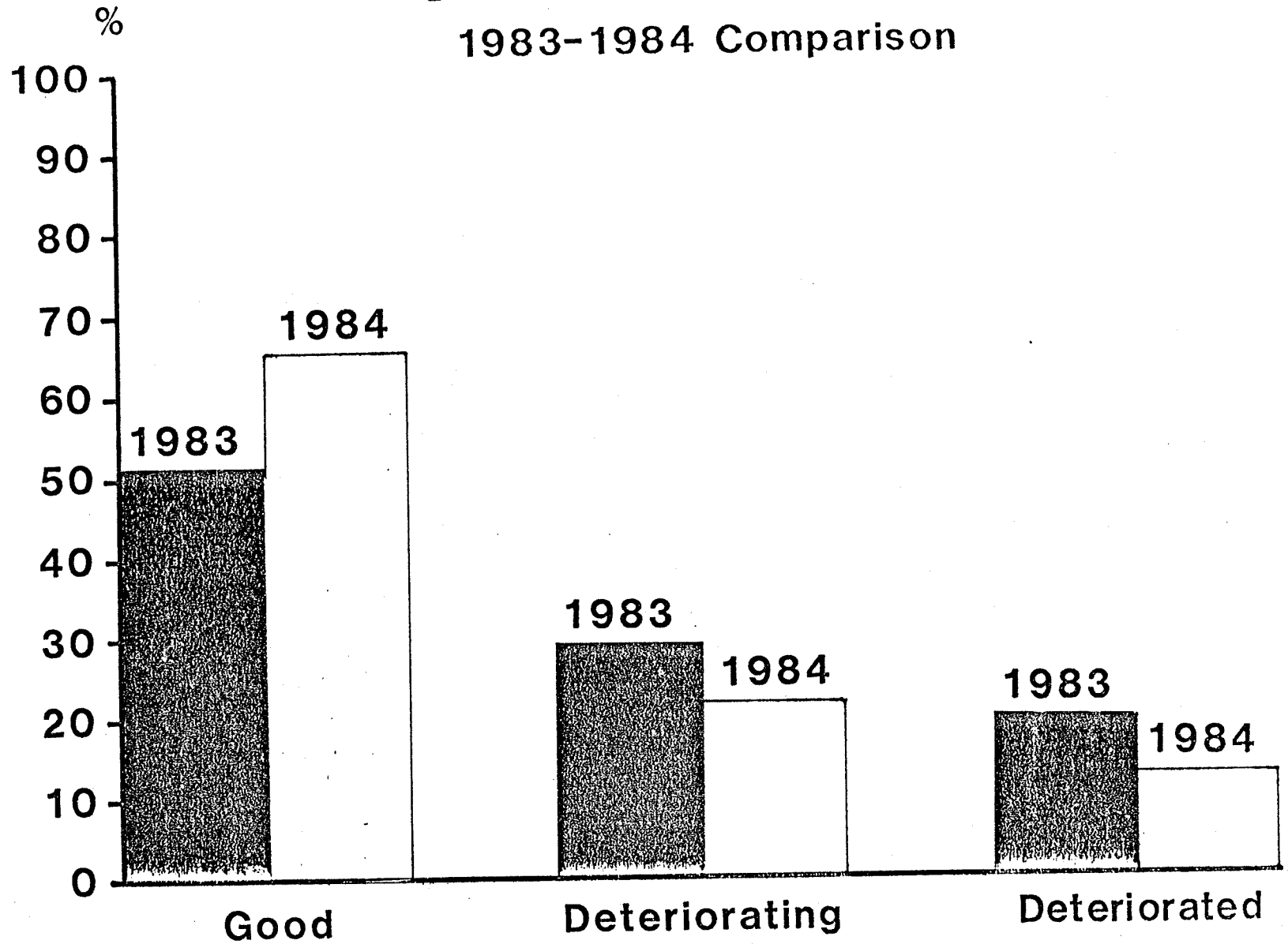
**Average  
\$4.6**



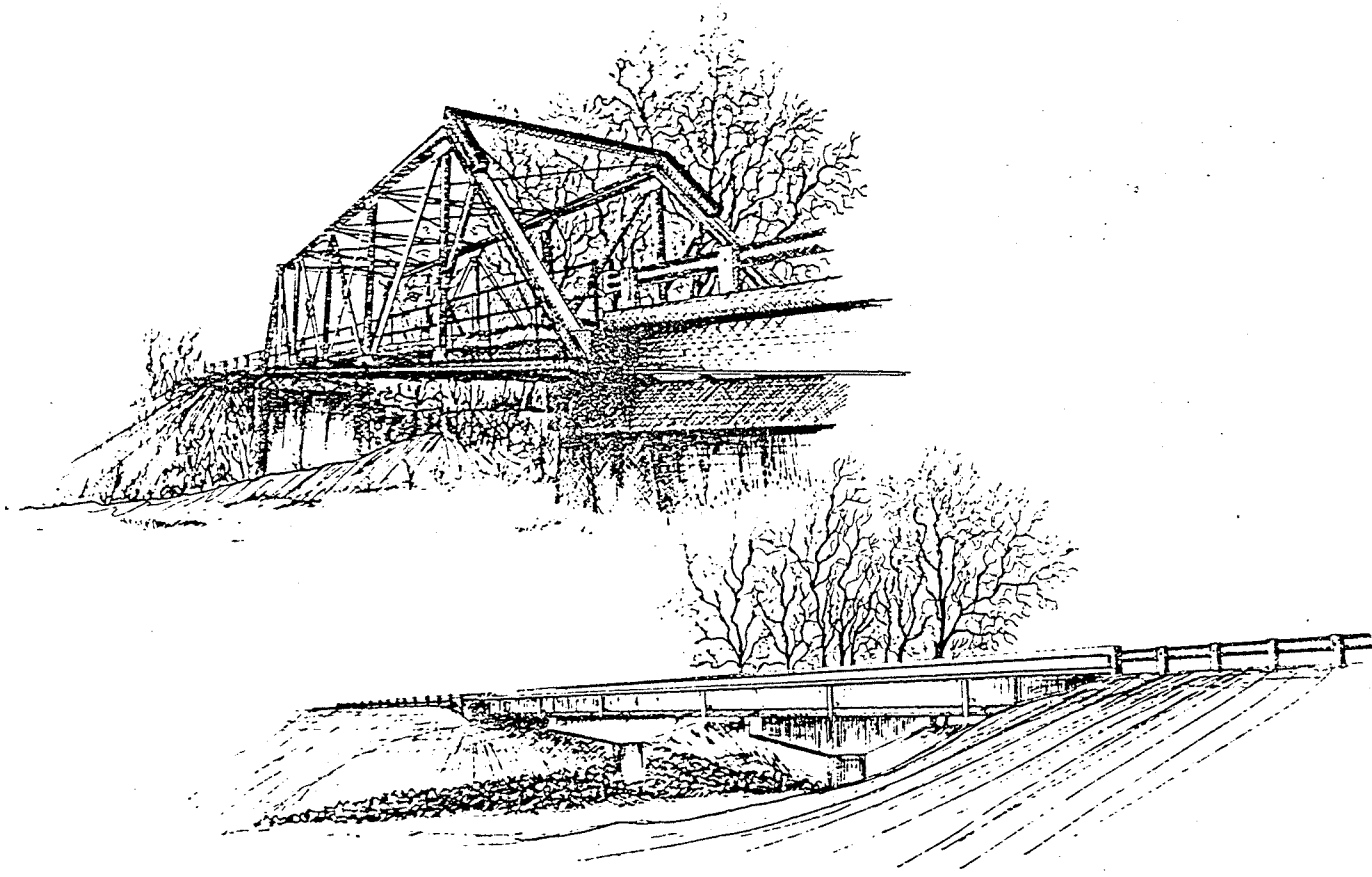
**STATE PRESERVATION PROJECTS**  
**"Protect the Investment"**  
**(IN \$ MILLIONS)**

|                    |                   |                  |
|--------------------|-------------------|------------------|
|                    | <b>Total</b>      | <b>Average</b>   |
|                    | <b>\$165.0</b>    | <b>\$33.0</b>    |
| <b>Resurfacing</b> | <b>4648 Miles</b> | <b>930 Miles</b> |

# Highway Surface Condition 1983-1984 Comparison



# DEVELOPMENT OF A HIGHWAY IMPROVEMENT PRIORITY SYSTEM FOR KANSAS



Prepared by  
Kansas Department of Transportation  
Division of Planning and Development  
Office of Analysis and Evaluation  
December 1984

**STATE SYSTEM EXPANSION/  
ADDITIONAL SYSTEM CAPACITY PROJECTS**  
(IN \$ MILLIONS)

|                              |               |
|------------------------------|---------------|
| <b>Interstate Completion</b> | <b>\$77.9</b> |
|------------------------------|---------------|

**STATE SYSTEM EXPANSION/  
ADDITIONAL SYSTEM CAPACITY PROJECTS  
(IN \$ MILLIONS)**

|                |               |
|----------------|---------------|
| <b>Freeway</b> | <b>\$76.4</b> |
|----------------|---------------|

# **STATE PROGRAM - LOCAL PARTNERSHIPS**

**PRESERVATION**

**MODERNIZATION**

**SYSTEM EXPANSION**

# STATE MODERNIZATION PROJECTS

(IN \$ MILLIONS)

|               |              |                |
|---------------|--------------|----------------|
| <b>Safety</b> | <b>Total</b> | <b>Average</b> |
|               | <b>\$0.5</b> | <b>\$0.1</b>   |

# STATE MODERNIZATION PROJECTS

(IN \$ MILLIONS)

|                |                    |                   |
|----------------|--------------------|-------------------|
|                | <b>Total</b>       | <b>Average</b>    |
|                | <b>\$385.5</b>     | <b>\$77.1</b>     |
| <b>Roadway</b> | <b>370.1 Miles</b> | <b>64.0 Miles</b> |



# STATE MODERNIZATION PROJECTS

(IN \$ MILLIONS)

|         | Total  | Average |
|---------|--------|---------|
| Bridges | \$85.5 | \$17.1  |

**LOCAL PRESERVATION PROJECTS**  
**“Protect the Investment”**  
**(IN \$ MILLIONS)**

|                           | <b>Total</b> | <b>Average</b> |
|---------------------------|--------------|----------------|
| <b>KLINK(Resurfacing)</b> | <b>\$8.0</b> | <b>\$1.6</b>   |

# **LOCAL MODERNIZATION PROJECTS**

**(IN \$ MILLIONS)**

**Highway Advisory Commission  
KLINK(Rehabilitation)**

**Total  
\$6.8**

**Average  
\$1.4**

**LOCAL SYSTEM EXPANSION/  
ADDITIONAL SYSTEM CAPACITY PROJECTS**  
(IN \$ MILLIONS)

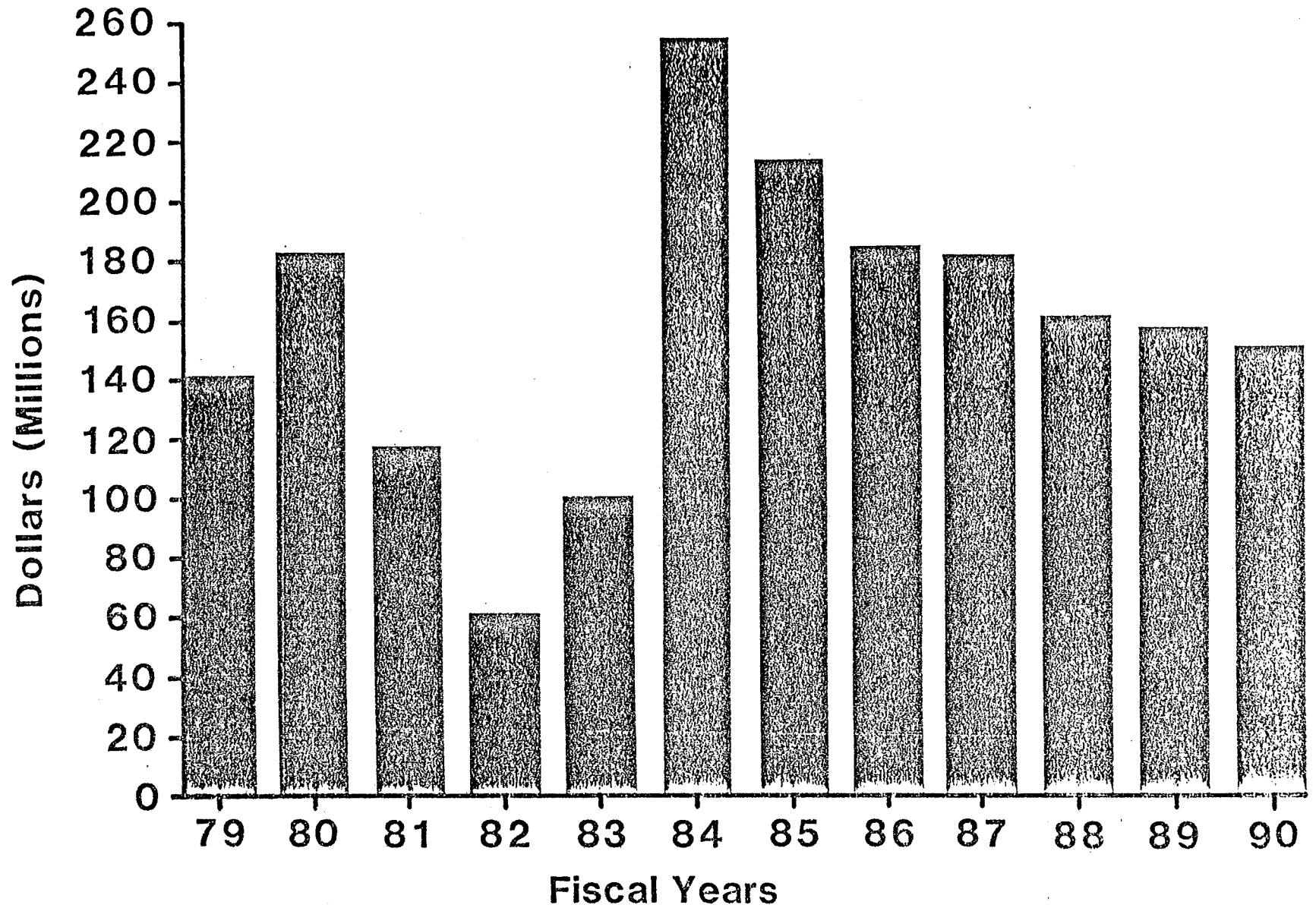
**Highway Advisory Commission  
Economic Development**

**\$11.0**

**PROGRAM SUMMARY**  
**1986-1990**  
**(IN \$ MILLIONS)**

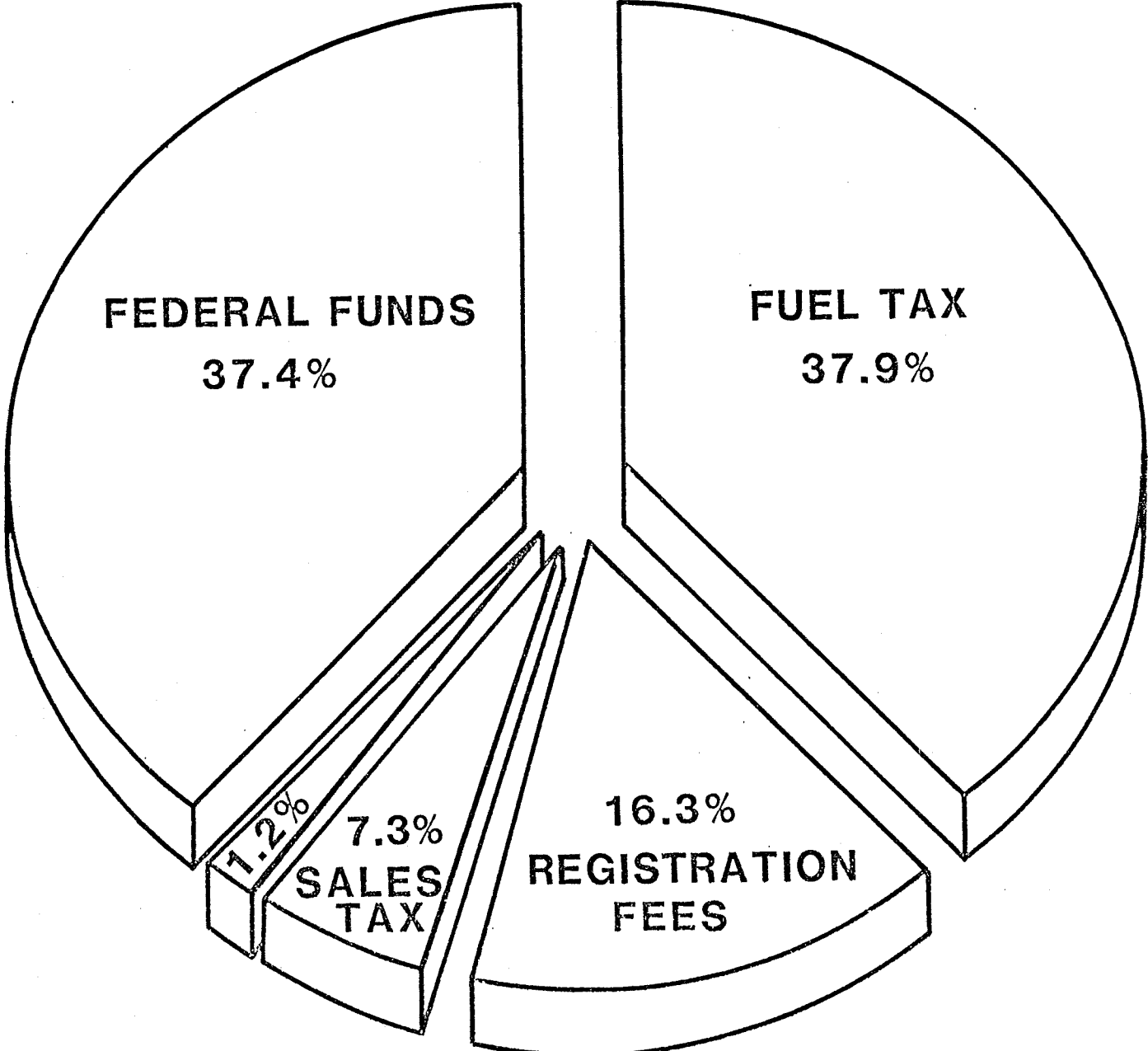
|                  | State<br>Program | Local<br>Partnership | Total | Average |
|------------------|------------------|----------------------|-------|---------|
| Preservation     | 188.3            | 8.0                  | 196.3 | 39.3    |
| Modernization    | 471.5            | 6.8                  | 478.3 | 95.6    |
| System Expansion | 154.3            | 11.0                 | 165.3 | 33.1    |
| Totals           | 814.1            | 25.8                 | 839.9 | 168.0   |

# Capital Improvement Contracts



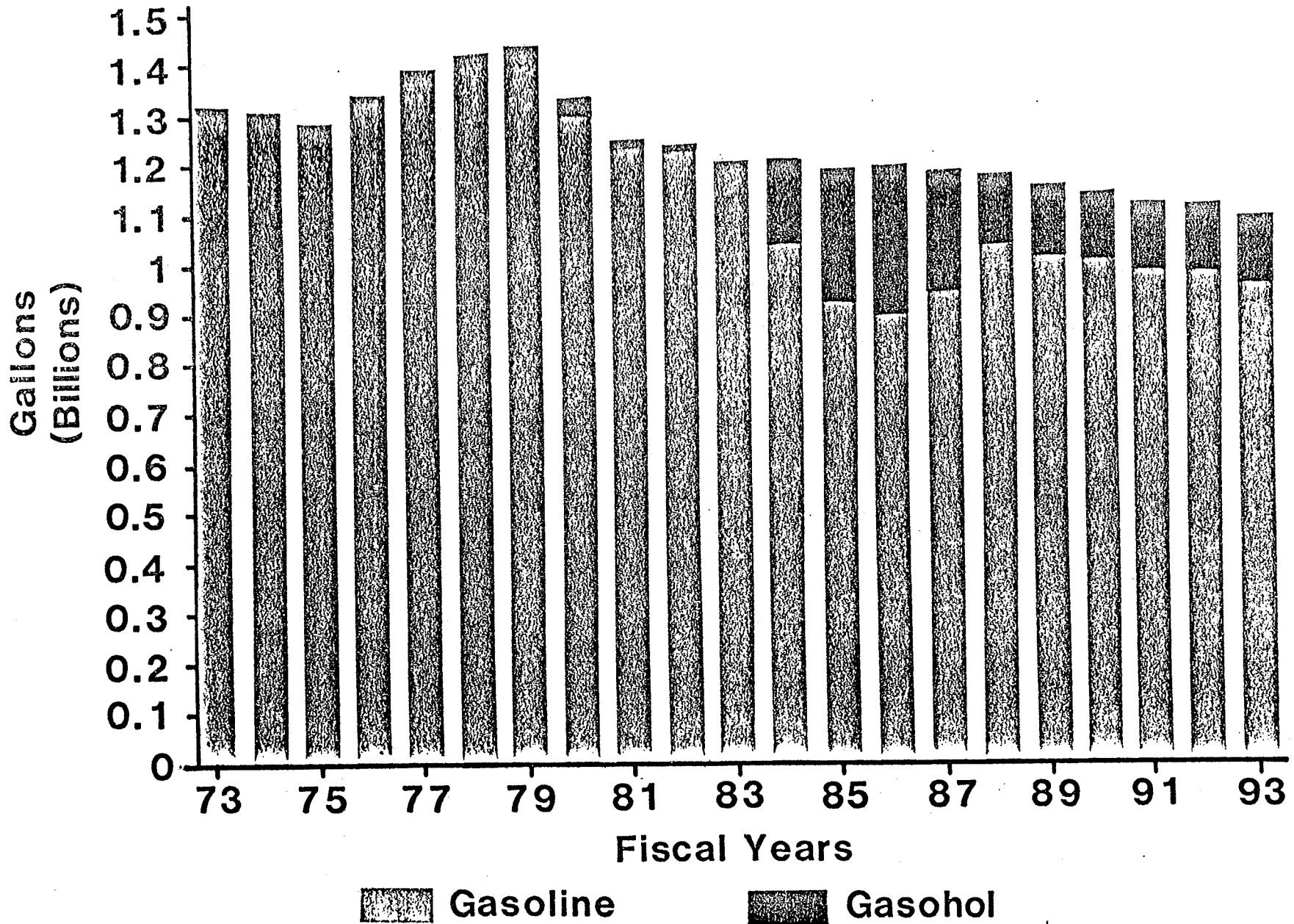
# REVENUE SOURCES

(FY 1986 - 1990)



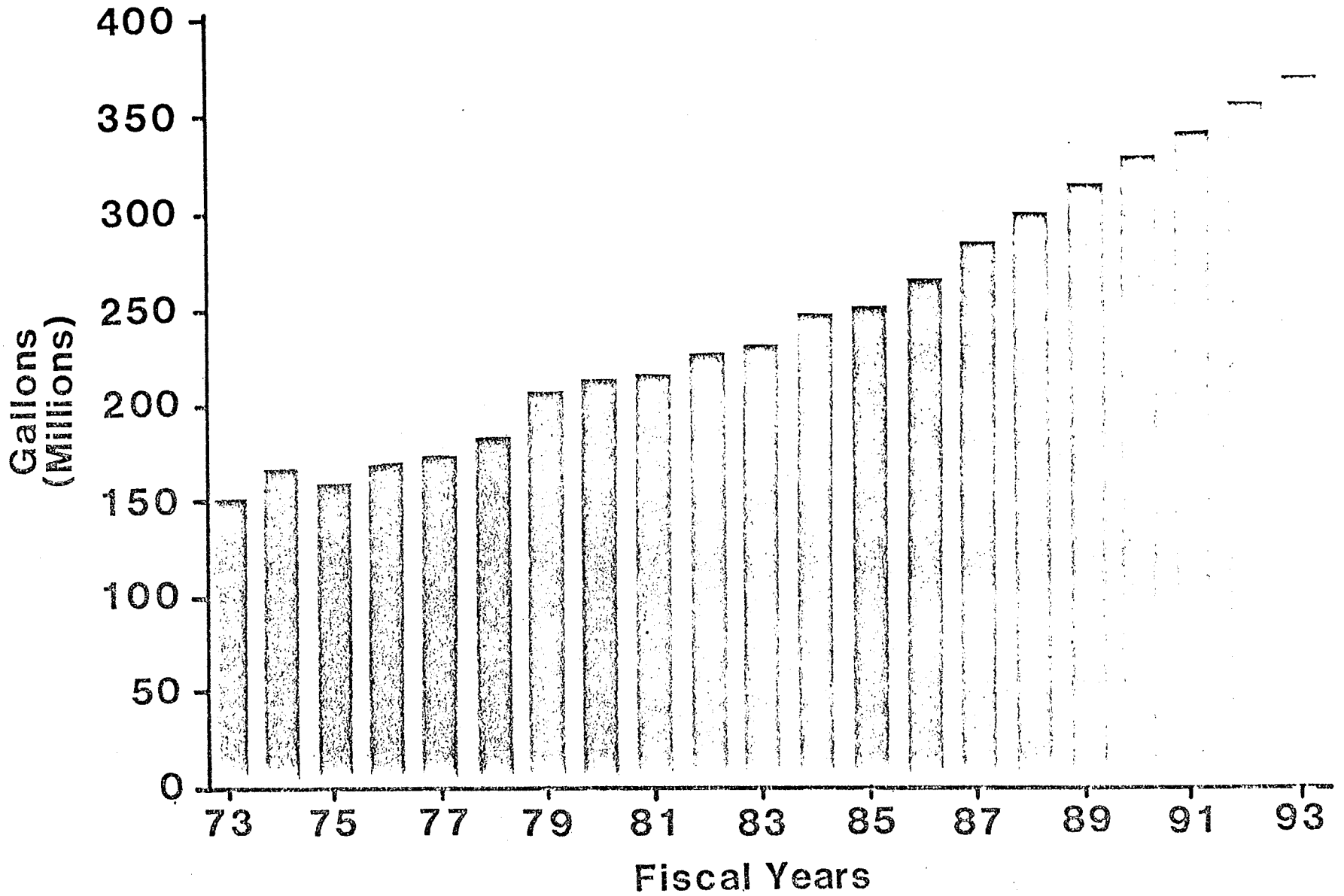
# Gasoline Consumption

## Gasoline and Gasohol Gallons-Trend



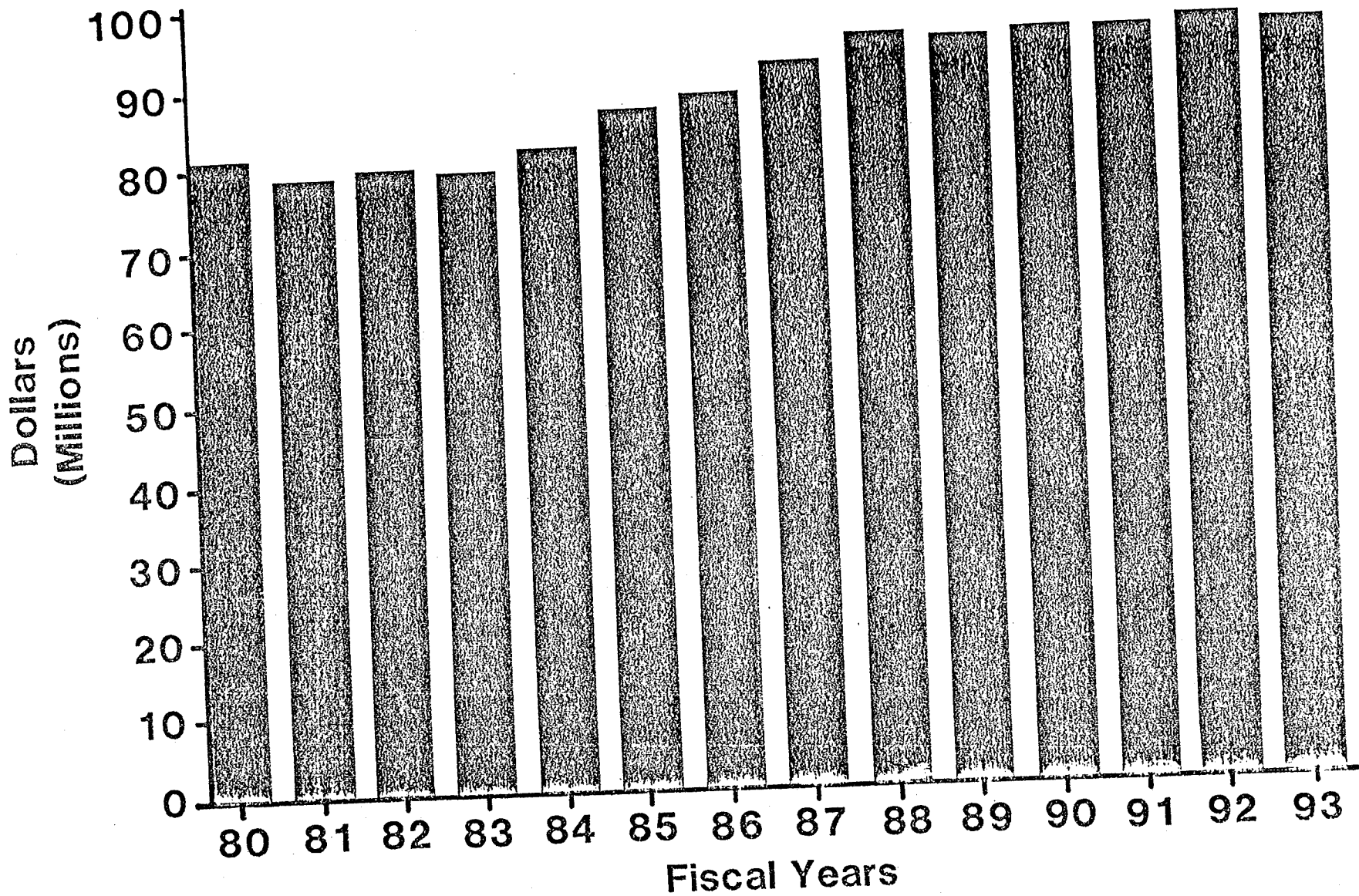


# Diesel Consumption

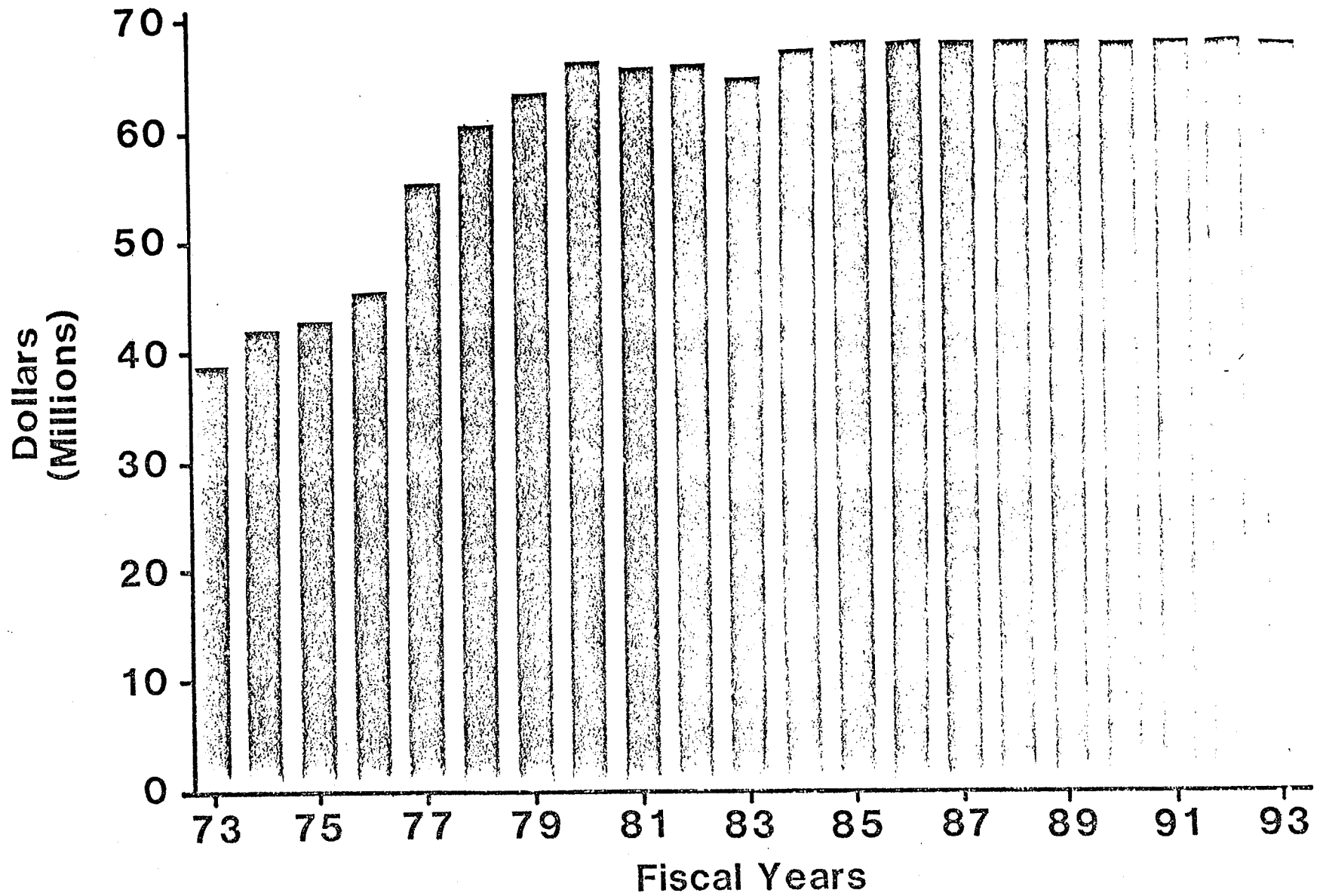


# Motor Fuel Tax Receipts

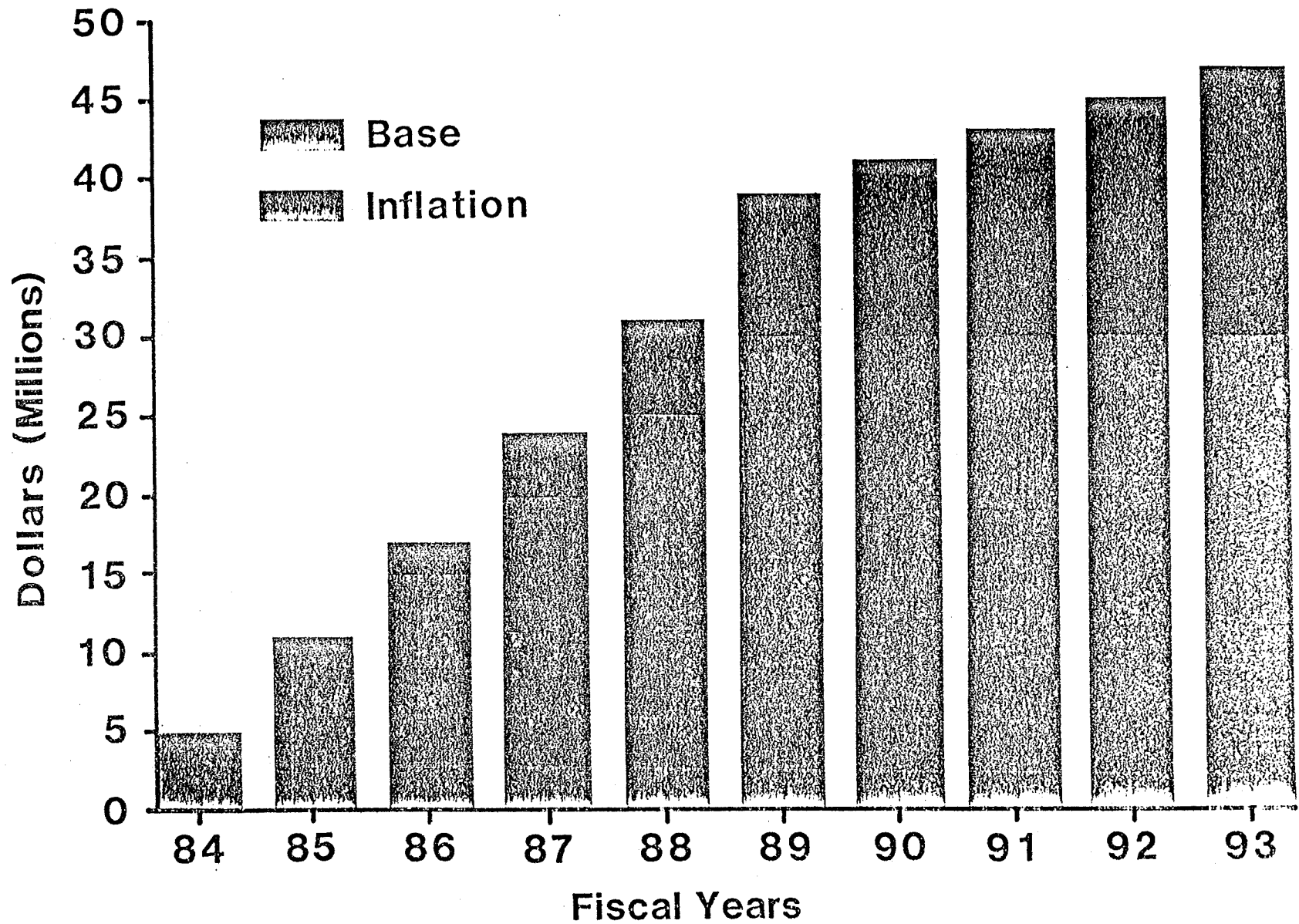
## State Highway Fund & State Freeway Fund



# Vehicle Registration Fees

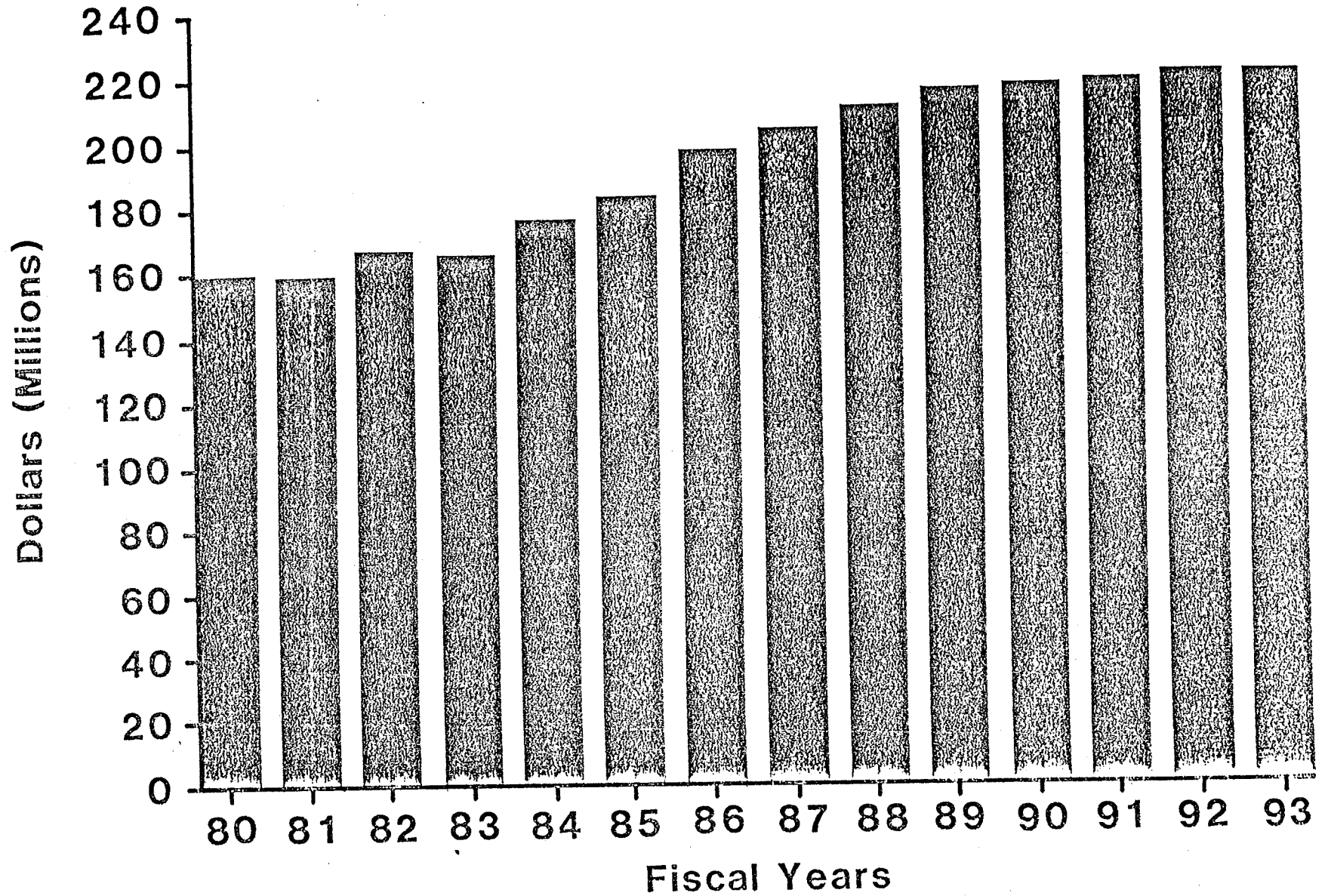


# Motor Vehicle Sales Tax

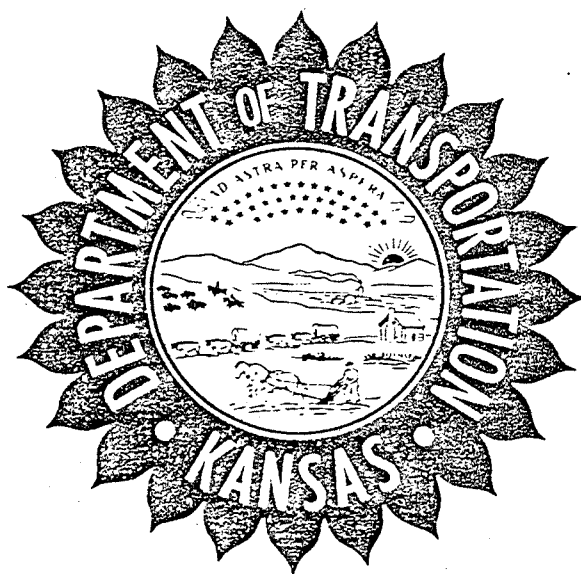


# Net State Receipts

## State Highway Fund & State Freeway Fund

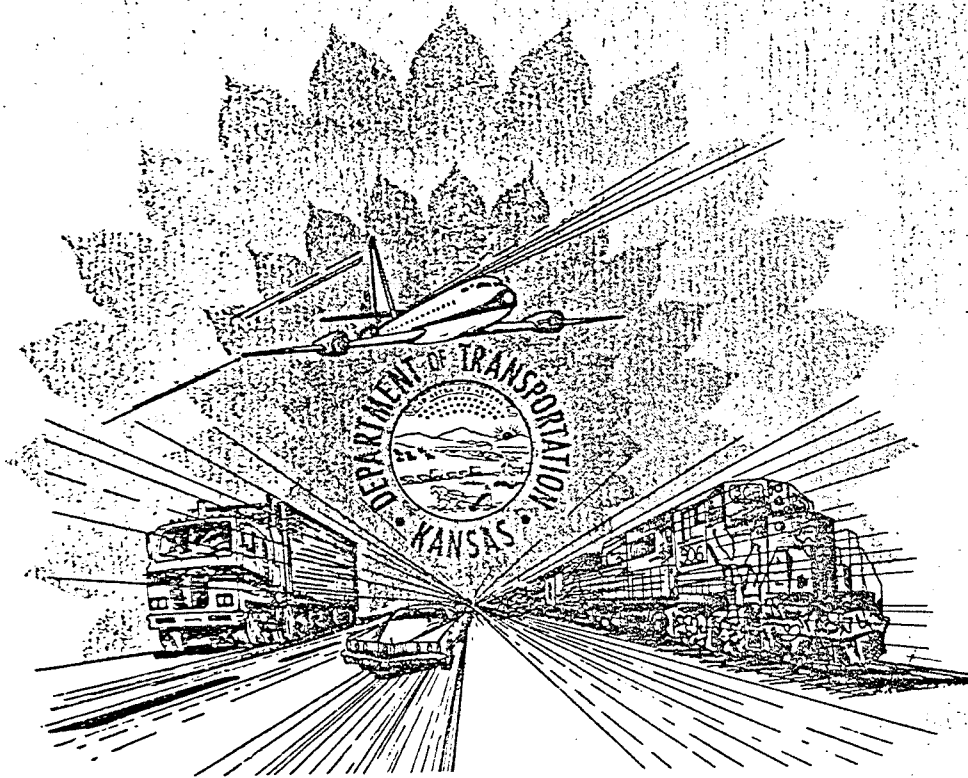


# REPORT TO THE ADVISORY STEERING COMMITTEE ON FIRST



OCTOBER 9, 1984

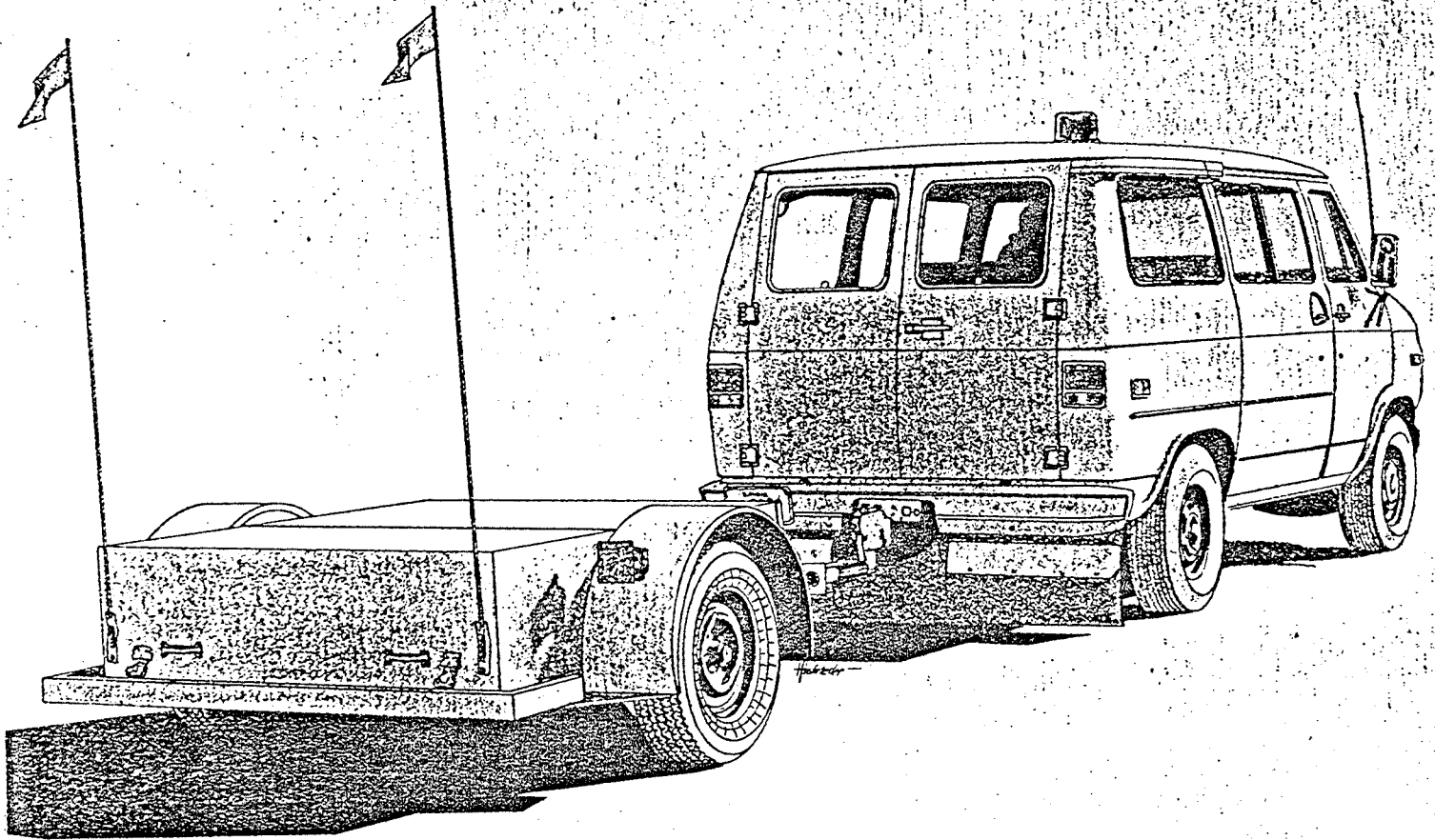
COMPUTER AIDED  
DESIGN DRAFTING AND MAPPING  
TECHNOLOGIES REPORT



APPENDIX  
CADD/CAM TASK FORCE

MAY 1984

KANSAS DEPARTMENT OF TRANSPORTATION  
PAVEMENT  
MANAGEMENT  
SYSTEM



FINAL REPORT  
PHASE II





# Appendix

# KANSAS INTERSTATE SYSTEM



**Status,  
Progress & Condition**

1984

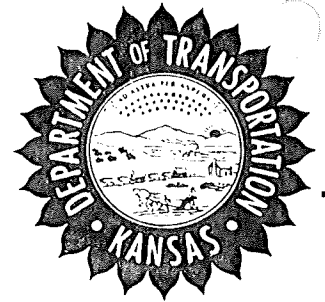
**1. EMPHASIS ON PRESERVING  
& MODERNIZING**

**2. DECLINE IN GROWTH OF REVENUES**

**3. IMPROVEMENT IN KDOT OPERATIONS**

# KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612—1568



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

MEMORANDUM TO: HOUSE COMMITTEE ON TRANSPORTATION

FROM: JOHN B. KEMP, P.E.  
SECRETARY OF TRANSPORTATION

REGARDING: LEGISLATIVE INITIATIVES

DATE: MONDAY, FEBRUARY 10, 1986

Mr. Chairman, members of the Committee, I would like to review with you now several issues which are of interest to the Department. These are: abandoned railroad right of way, mandatory seat belt, Highway Cost Allocation, and the Kansas Economic Development Highway Program.

1) Abandoned Railroad Right of Way

In his legislative message to the 1986 Kansas Legislature, Governor Carlin recommends legislation to require railroads to file legal notice of their abandonments of right of way at the request of property owners on whose property the easement exists. The need for such legislation has been created as a result of rail line abandonments as railroads strive to reduce their operating costs.

Kansas court decisions provide that ownership of abandoned railroad right of way reverts to adjoining landowners. However, it takes some affirmative action to establish that reversion has occurred and to clear the landowners' titles. Some railroads, specifically the bankrupt Rock Island, have tried to sell quitclaim deeds to the rightful owners and in some cases to parties other than the rightful owner. These problems have been widespread in those areas of the state with abandoned Rock Island railroad right of way. This has resulted in coercive pressures upon the landowners to make unnecessary expenditures, in confusion as to their legal rights as property owners, and in creation of ambiguities in the public records of title.

*H. Transp. 2/10/86  
Attach. 2*

I wish to emphasize that the problems with abandoned railroad right of way title do not involve most of the operating Kansas' railroads. In fact, the Kansas Railroad Association has been helpful and supportive of measures to correct these questionable practices.

Mr. Chairman, I request the House Committee on Transportation introduce legislation similar to the attached draft, which will require a railroad company, or any other person or entity holding title of record to abandoned railroad right of way other than the rightful owner, to file an acknowledgment of the reversion. The acknowledgment is filed at the request of the landowner holding title subject to the railroad easement. If the entity fails to comply, it would face fines and penalties including payment of the rightful landowner's attorney fees if he or she must go to court to enforce these rights.

This bill would apply not only to operating railroad companies, but also to trustees, holding companies, salvage companies and similar concerns.

## 2) Mandatory Seat Belt

In recognition of the ever-growing cost, in both human suffering and dollars, of motor vehicle fatalities and injuries, the Governor has recommended enactment of mandatory seat belt legislation by the 1986 Legislature. The overwhelming evidence points to the fact that wearing seat belts does save lives.

As Secretary of Transportation, I will be supportive of measures to enact mandatory seat belt legislation which meets Federal criteria. Those criteria are:

1. No waiver of use except for medical reasons.
2. Minimum twenty-five dollar penalty for failure to use a seat belt in vehicles equipped with such devices. Court costs can be included in the twenty-five dollar penalty.
3. Failure to wear seat belts admissible in mitigation of accident damages.
4. A program to educate the public on benefits of the law.
5. A reporting program which requires the state to submit an evaluation of the law's effectiveness.

State laws that meet these criteria are referred to as "conforming" laws.

### 3) Highway Cost Allocation

Legislative interest in cost allocation began during the 1979 legislative session when the House Ways and Means Committee proposed that the Secretary of Transportation prepare a report on highway deterioration caused by heavy vehicles in the six highway districts. The 1980 and 1981 interim transportation committees held hearings and discussion on highway cost allocation studies. At that time, I informed those committees that we would conduct a study but requested that we be given time to consider the results of the Federal Highway Cost Allocation Study, specifically the methodologies recommended for use by the states.

The study was conducted by a KDOT task force consisting of five persons from separate professional disciplines within the Department of Transportation.

Copies of the draft Cost Allocation Study - 1985 were circulated for comment to all members of the House and Senate Transportation Committees, the Kansas Motor Carriers Association, the Kansas Railroad Association, the Road Improvement Program (TRIP), the United Transportation Union, Kansas Highway Users Federation and the American Automobile Association of Kansas. We are presently reviewing the comments which we have received.

### 4) Kansas Economic Development Highway Program

As you all know Governor Carlin has recommended the establishment of a Kansas Economic Development Highway Program. If you will now direct your attention to the charts behind me, I will review with you the proposed program.

I have attached to this memorandum a brief summary of the Economic Development Highway Program for your review.

Thank you for your attention to these matters.

Att.

# KANSAS ECONOMIC DEVELOPMENT HIGHWAY PROGRAM

## Executive Summary

PURPOSE: The purpose of the Kansas Economic Development Highway Program is to assist local communities pursuing highway construction for the purpose of enhancing and supporting the economic development of those communities. Newer improved highway facilities contribute to more efficient use of resources in growth of economic and other activities in areas served, and are an important precondition for growth and development. The Kansas Freeway System was a statewide effort to build facilities to enhance statewide growth and development. This Kansas Economic Development Highway Program is a locally directed effort with state incentives.

The program is based upon providing interest free loans to local communities for the purpose of constructing highway facilities eligible to be placed on the state highway system that will enhance the economic development of those communities.

ELIGIBILITY: Any local governmental unit, combination of local governments, or quasi-governmental entity such as Port Authorities, may apply to the Kansas Department of Transportation for an Economic Development Highway Improvement Project. Projects must be improvements to a route on the state system, or qualify for addition to the state system once completed. Further, they must be for the express purpose of enhancing or supporting the economic development of the area. Routes to be added to the state system should substitute for existing facilities already on the system.

The local public authority is responsible for all phases of the project and will turn completed facility over to the Secretary of Transportation. Projects must meet current federal standards; The Secretary of Transportation shall insure that those standards are met before accepting a completed facility. The Secretary's responsibilities for all roads on the State Highway System will apply to these facilities upon final acceptance.

FUNDING: Loans shall be made for approved projects from the Economic Development Highway Loan Fund. The requesting local public authorities shall enter into agreements with the Secretary of Transportation to repay the loans in ten equal annual payments beginning on the third anniversary date of the initial disbursement for the project. Eligible expenditures include preliminary engineering, construction engineering, right-of-way acquisition, utility adjustments, and construction costs.

The Secretary of Transportation will make commitments to loans on a cash flow basis. Upon awarding the construction contract, the Secretary shall make payments to the local unit for expenditures of preliminary engineering, right-of-way, and utility adjustments that have occurred prior to that date. Future loan payments shall be made on the basis of contractor payments and construction engineering costs.

Loans from the fund shall be secured by Local Ad-valorem Tax Reduction Fund, City and County Revenue Sharing Fund, and Special City and County Highway Fund receipts to the local public authority.

PROJECT APPROVAL: The Secretary of Transportation will solicit project requests from local public authorities annually. These requests should include: general alignment and design concepts for the facility; the anticipated economic development benefits of the project; statement of concurrence of all public authorities involved in the proposed project; identification and legal authority of applicant; proposed project schedule; estimated project cost; and overall financing plan. The requesting authorities should hold public hearings on the alignment and design concepts prior to requesting projects from the Secretary.

The Secretary of Transportation and the Secretary of Economic Development shall annually review all project requests and recommend a program of projects to the Governor prior to January 1 each year. The recommended program should include a general description of each project, the anticipated economic benefits, the current status of the Fund and the anticipated balances of the Fund. Projects should be selected for the recommended program based on anticipated economic benefits, anticipated cash flow, and the viability of the loan. A minimum of ten percent of the annual funds available to be obligated for projects shall be reserved for cities under 10,000 population. These funds may be released for other projects if requests are not received from those communities.

The Secretary of Transportation shall enter into written loan and project agreements with the local requesting authorities upon approval of the program of projects for each year.

Abandoned railroad right of way; release, failure to file, remedy.

(a) For purposes of this section, a railroad right of way shall be considered abandoned when the tracks, ties, and other components necessary to operation of the rail line are removed from the right of way following the issuance of an abandonment order by the appropriate Federal or State authority; or if, within two years after the issuance of such an order, removal of said components is not completed and railroad operating authority is not restored or reissued by an appropriate court or other Federal or State authority; or if no rail line is placed on the right of way within ten years after the right of way is acquired. Provided, however, that a railroad right of way shall not be considered abandoned if the railroad company or any other entity continues to operate rail service over the right of way after abandonment authority has been issued.

(b) If the grantee or assignee of record of a recorded railroad right of way abandons such right of way, such grantee or assignee, within 180 days after requested by any owner of property servient to the right of way, shall file a release of all right, title and interest in the right of way with the register of deeds of the counties in which the property is located.

(c) If a grantee or assignee of record of a railroad right of way refuses or neglects to file a release when required by subsection (b), the owner of the property may bring an action in a court of competent jurisdiction to recover from the grantee or assignee of record damages in the amount of \$500, together with costs and reasonable attorney fees for preparing and prosecuting the action. The owner may recover such additional damages as the

H. Transp. 2/10/86  
Attach. 3



evidence warrants, and may obtain injunctive relief to quiet the title and eject any unauthorized parties from the property.

(d) Any conveyance by any railroad company of any actual or purported right, title or interest in right of way held by said railroad company for railroad uses and purposes to any party other than the owner of the servient estate shall be null and void, unless such conveyance is made with a manifestation of intent that the railroad company's successor shall maintain railroad operations on such right of way, and the railroad owns marketable title for such purpose.

(e) As used in this section, "railroad company" shall have the meaning of such term as defined in K.S.A. 66-180.