

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~am~~/p.m. on March 5, 1986 in room 519-S of the Capitol.

All members were present except:

Representative Norman Justice - Excused.

Committee staff present:

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

Conferees appearing before the committee:

Representative Richard Harper
Mr. Jake Underwood, Bourbon County, Kansas
Mr. Roy Stewart, Bourbon County Commissioner
Mr. Ed DeSoignie, Kansas Department of Transportation
Mr. Jim Kaup, League of Kansas Municipalities
Representative Ken Francisco

The meeting was called to order by Chairman Crowell, and the first order of business was a hearing on HB-2847 concerning providing for the reconstruction and maintenance of a certain portion of the roadway designated U. S. Highway 54 prior to 1953.

Representative Richard Harper, sponsor, briefed the Committee on HB-2847. (See Attachment 1) He told the Committee that in 1953 a section of old Highway 54 was turned over to Bourbon County after the new highway was completed. Representative Harper said since that time it has cost the county considerable tax money from the county highway fund.

Mr. Jake Underwood, Bourbon County, Kansas, gave favorable testimony concerning HB-2847. (See Attachment 2)

Mr. Underwood stated old Highway 54 is a highly traveled roadway and the County Road and Bridge Department does not have funds to restore this road. He added that without major repair and maintenance, severe and rapid deterioration of the base structure will follow.

Mr. Roy Stewart, Bourbon County Commissioner, testified in support of HB-2847.

Mr. Ed DeSoignie, Kansas Department of Transportation, testified in opposition to HB-2847. (See Attachments 3 and 4)

He said that KDOT is opposed to HB-2847 because it establishes highway project priorities by legislation and adds miles to the State Highway System. Mr. DeSoignie reported estimated costs for reconstruction of the approximately 13 miles of road is \$7.7 million which would be deferred from existing programmed construction projects.

The hearing on HB-2847 ended.

The next order of business was a hearing on HB-3087 concerning county connecting links and classification of the county road system.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~a.m.~~/p.m. on March 5, 1986.

Mr. Jim Kaup, League of Kansas Municipalities, testified in support of HB-3087. (See Attachment 5)

Mr. Kaup said as their Policy Statement indicates, city officials have considerable concerns about the equity of county-city finance relations. He went on to say there are counties which levy countywide taxes of 15 or more mills on property within as well as outside cities, without spending a nickel on roads and streets within cities.

Representative Ken Francisco, spoke in favor of HB-3087.

Chairman Crowell announced that a further hearing on HB-3087 would be rescheduled on March 6, 1986.

The next business taken up was Committee discussion and action on HB-3095 concerning license fees for mobile home salesmen and vehicle salesmen.

A motion was made by Representative Erne to change the effective date in line 278 to January 1, 1987, and add "or salesman" after the word "dealer". The motion was seconded by Representative Wilbert. Motion passed.

A motion was made by Representative Dillon to reduce the fee in line 82 to \$10. The motion was seconded by Representative Moomaw. Motion passed.

A motion was made by Representative Schmidt to recommend HB-3095 as amended favorable for passage. The motion was seconded by Representative Harper. Motion passed.

The next bill taken up for Committee discussion and action was HB-2998 concerning abandoned railroad right-of-way. Representative Marvin Smith distributed copies of proposed amendments to the bill, and gave a report of subcommittee findings. (See Attachment 6)

A motion was made by Representative Patrick to adopt the first amendment of those on the handout, adding a new subsection (d). The motion was seconded by Representative Adam. Motion passed.

Representative Smith explained an amendment to subsection (e) of the bill.

A motion was made by Representative Smith that the amendment be adopted. The motion was seconded by Representative Adam. Motion passed.

The next bill taken up for Committee discussion and action was HB-3059 providing that neither new or used car dealers would have to keep evidence of insurance in every car.

A motion was made by Representative Erne to recommend HB-3059 favorable for passage and it be placed on the consent calendar. The motion was seconded by Representative Ott.

Representative Spaniol made a substitute motion to add language to clarify the exemption which would apply only to those vehicles being held for resale. The substitute motion was seconded by Representative Smith. Substitute motion passed.

A motion was made by Representative Dillon to recommend HB-3059 as amended favorable for passage. The motion was seconded by Representative Erne. Motion passed.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation

room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on March 5, 1986

The next bill taken up for Committee discussion and action was HB-3031 deleting the requirement for county designations on vehicle license plate decals.

Representative Patrick made a motion to recommend HB-3031 favorable for passage and it be placed on the consent calendar. The motion was seconded by Representative Ott. Motion passed.

The next bill taken up for Committee discussion and action was HB-3030 which states tax is collected from the first distributor and does away with the principle business provision requirement to be eligible for the handling allowance.

A motion was made by Representative Patrick to recommend HB-3030 favorable for passage. The motion was seconded by Representative Spaniol. Motion passed.

The next bill taken up for Committee discussion and action was HB-3029 amending the Interstate Motor Fuels Use Act. A motion was made by Representative Patrick to reinsert the language on lines 36 and 37. The motion was seconded by Representative Erne. Motion passed.

A motion was made by Representative Dillon that HB-3029 be recommended favorable as amended for passage. The motion was seconded by Representative Wilbert. Motion passed.

The next bill taken up for Committee discussion and action was HB-3028 concerning the establishment of bank accounts for the direct transfer of fees.

A motion was made by Representative Wilbert that HB-3028 be recommended favorable for passage. The motion was seconded by Representative Adam.

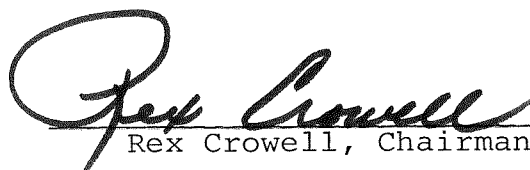
Representative Ott presented a substitute motion to amend HB-3028 to provide for creation of a county statewide reappraisal fund to be funded by a surcharge on motor vehicle registrations. (See Attachment 7) The substitute motion was seconded by Representative Harper.

Committee discussion ensued concerning the substitute motion. The substitute motion passed 10-9 on a division.

Representative Patrick made a motion to recommend HB-3028 favorable for passage as amended. The motion was seconded by Representative Harper. The motion passed 10-8 on a division.

Chairman Crowell and Representative Adam requested to be recorded as voting "no" on HB-3028.

The meeting was adjourned at 2:50 p.m.


Rex Crowell, Chairman

March 5, 1986

Mr. Chairman and Members of the House Transportation Committee

I appreciate the opportunity to appear before your committee on HB 2847. HB 2847 provides for the reconstruction and maintenance of certain roadway, as part of state highway system.

It refers to old Highway 54 prior to 1953 when it was turned over to Bourbon County after the new highway as completed. This left the Bourbon County Commissioners with the problem of maintaining a hard surface roadway which the counties are not really equipped to service and maintain.

This old highway is a main source of transportation, and it is a connecting link of 3 cities. This cities are Bronson, Uniontown, and, Redfield, and thus, is a main source of transportation into the city of Fort Scott, Kansas.

This highway serves 2 school districts, U-234 and U-235 as a major part of the bus route. It also serves the livestock auction at the west edge of Fort Scott, which is one of the largest auctions in the southeast part of Kansas. This highway also serves 3 grain elevators in the towns of Bronson, Uniontown and Fort Scott. I mention this because most of the truck and livestock movement would much rather travel this old highway and stay out of the heavy traffic on Highway 54 which is located one mile north.

Due to its' being a hard surface road, there has been a number of major housing developments being built along that roadway. There are 2 major housing additions, and also numerous single housing developments.

During the more than 30 years that the county has attempted to maintain and repair this highway that has been turned over to them, it has cost the county considerable tax money coming from the county highway fund, and it now has reached the point with the county not having the highway dollars in comparison to county roads to maintain, we are asking the Department of Transportation to help by rebuilding this road for at least a number of years of use.

I feel this would be a bargain for the Department of Transportation as for the amount of traffic that uses US 54, and also would be a safety factor involved by the heavy trucks, stock trailers, and school bus routing.

I would ask the committee for favorable action on this bill, and I would attempt to answer any questions the committee might have.

Thank you.

Representative Richard L. Harper,
11th District

*H. Transp. 3/5/86
Attach. 1*

March 5, 1986

Mr. Chairman and Members of the
House Transportation Committee

Gentlemen:

In RE: HB 2847
Re-paving of old Highway 54, Bourbon County

THIS ROAD:

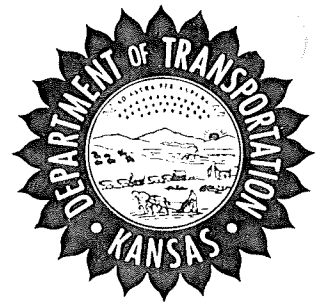
- a. is badly in need of extensive repair.
- b. is the main traveled road to Fort Scott for many who live in the Redfield-Marmaton area.
- c. is used daily during the school year by Uniontown U-235 and Fort Scott U-234 in transporting students to and from school. Each district averages 3 routes daily on a year to year basis. Kindergarten routes also travel the road daily.
- d. connects grain elevators at Bronson, Uniontown and Fort Scott and during the harvest season is traveled heavily by grain trucks.
- e. is traveled by numerous cattle trailers enroute to the Fort Scott Sale Co.
- f. has in the past five years seen considerable growth in residential housing, particularly in the 3 miles west of Fort Scott. Improvements will help this growth continue.
- g. in 1953, upon completion of New Highway 54, the road was turned to Bourbon County as was, with little or no major repair.
- h. during this 33 year interim, the road has been sealed one time from county funds, and for the most part, only urgent emergency patch-work has been accomplished.
- i. the County Road and Bridge Department does not have funds to restore this road to even average condition.
- j. the road has reached a focal point in its life. Without major repair and maintenance, severe and rapid deterioration of the base structure will follow.
- k. we beg your support for favorable action on HB 2847.

Board of County Commissioners
Bourbon County
Walter Campbell, Chairman
Roy Stewart
Ralph Reed

Members of the Committee
Repair of Old Highway 54
Jake Underwood
Bill Long
John Mowrey

H. Transp. 3/5/86
Attachment 2

KANSAS DEPARTMENT OF TRANSPORTATION



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

March 5, 1986

MEMORANDUM TO: The Honorable Rex Crowell, Chairman
House Committee on Transportation

FROM: Edward R. DeSoignie
Policy Coordinator

REGARDING: House Bill 2847

Thank you Mr. Chairman, members of the House Committee on Transportation for the opportunity to appear before you this afternoon in opposition to House Bill 2847.

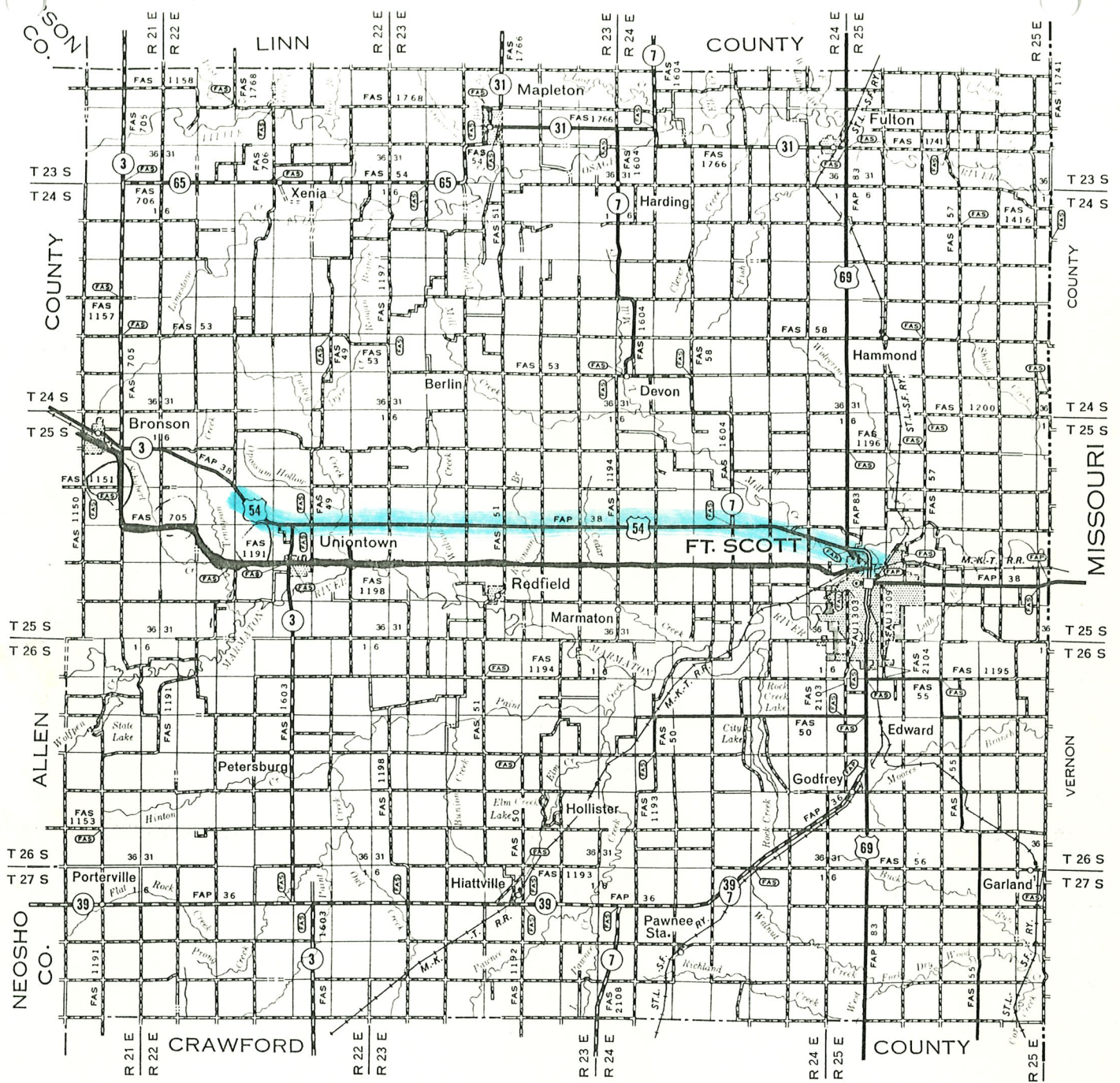
House Bill 2847 requires the Secretary of Transportation to incorporate as part of the State Highway System Old US-54, and to reconstruct and maintain the route between the cities of Uniontown and Fort Scott. This section of road was taken off of the State Highway System in 1953 as a result of construction of new alignment for US-54 just one mile north. The Bourbon County Board of Commissioners has responsibility for the road.

Estimated costs for reconstruction of the approximately 13 miles of road is \$7.7 million which would be deferred from existing programmed construction projects.

The Department is opposed to House Bill 2847 because it establishes highway project priorities by legislation and adds miles to the State Highway System. The Secretary of Transportation is charged with the responsibility of maintaining the State's highways to a level which will both ensure the safety of highway users and facilitate the movement of commerce. Consistent with the philosophy the Department has developed a statewide highway program which prioritizes individual projects by looking at statewide needs as a whole. I believe that the Legislature and the citizens of Kansas have seen the benefits of this methodology in the manner which projects have been selected. House Bill 2847 clashes with this approach by requiring one project to be advanced ahead of other more necessary projects.

The Department respectfully requests the House Committee on Transportation report House Bill 2847 unfavorable for passage. Thank you Mr. Chairman.

*H. Transp. 3/5/86
Attachment 3*



LEGEND

ROADS AND ROADWAY FEATURES

PRIMITIVE ROAD	.....
UNIMPROVED ROAD	.....
GRADED AND DRAINED ROAD	=====
SOIL SURFACED ROAD	.....
GRAVEL OR STONE ROAD - NOT GRADED OR DRAINED	.....
GRAVEL OR STONE ROAD - GRADED AND DRAINED	=====
GRAVEL OR STONE ROAD WITH STABILIZED SURFACE	=====
BITUMINOUS ROAD - LOW TYPE	=====
PAVED ROAD	=====
DIVIDED HIGHWAY	=====
HIGHWAY WITH FULL CONTROL OF ACCESS AND INTERCHANGE	=====

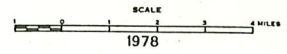
ROAD SYSTEM DESIGNATION

FEDERAL-AID INTERSTATE HIGHWAY SYSTEM	.....	FAS
FEDERAL-AID PRIMARY HIGHWAY SYSTEM	.....	FAP
FEDERAL-AID SECONDARY HIGHWAY SYSTEM	.....	FAS
INTERSTATE NUMBERED HIGHWAY	.....	.....
U.S. NUMBERED HIGHWAY	.....	.....
STATE HIGHWAY SYSTEM OR STATE NUMBERED HIGHWAY	.....	.....
END OF DESIGNATED SYSTEM OR MARKED ROUTE	.....	.....



**GENERAL HIGHWAY MAP
BOURBON COUNTY
KANSAS**

PREPARED BY THE
KANSAS DEPARTMENT OF TRANSPORTATION
PLANNING AND DEVELOPMENT DEPARTMENT
IN COOPERATION WITH THE
U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



FA SYSTEMS REVISED TO SEPTEMBER 1, 1981

*H. Transp. 3/5/86
Attachment 4*



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL / 112 WEST SEVENTH ST., TOPEKA, KANSAS 66603 / AREA 913-354-9565

TO: House Committee on Transportation
FROM: E.A. Mosher, Executive Director
DATE: March 5, 1986
SUBJECT: HB 3087--County Connecting Links

The League of Kansas Municipalities supports in principle the provisions of HB 3087. This position was taken by the Governing Body of the League. It is consistent with a provision of our convention-adopted Statement of Municipal Policy. This provision states:

(a) Major adjustments are necessary in county-city highway administration and financing relations. Cities are a part of the county in the same way as unincorporated areas; city property taxpayers should not be required to contribute toward the cost of roads on the county system which are not of true countywide importance, and roads, streets, and highways of equal public service and use should receive equal county financial participation, whether located within a city or a township. We support legislation requiring county assumption of the construction and maintenance of streets within cities which are logically a part of the county highway system, or that counties adequately participate in the financing thereof. (b) The present \$250 per mile county payment for city maintenance of county connecting links (K.S.A. 68-506e) should be repealed or updated to reflect current conditions. (c) About \$93.5 million annually is levied on property and motor vehicles for county road and bridge purposes, a substantial share of which comes from property and vehicles within cities. We support enactment of a state law requiring counties to annually pay back to each city therein an amount equal to one-half the amount of taxes levied by the county on property within each city for county or county-township road and bridge purposes, less payments in cash or equivalent in improvements received by the city, unless another amount or service program is mutually agreed upon by the governing bodies thereof.

As many of you may know, HB 2790, which has passed the House, would repeal the obsolete \$250 per mile statute noted above.

As our Policy Statement indicates, city officials have considerable concerns about the equity of county-city finance relations. We have counties which levy countywide taxes of 15 or more mills, on property within as well as outside cities, without spending a nickel on roads and streets within cities. It is particularly galling to city officials when county-unit taxes are levied within cities to maintain former township roads, yet the county does not maintain the county connecting links within cities.

President: Ed Ellert, Mayor, Overland Park • Vice President: John L. Carder, Mayor, Iola • Past President: Peggy Blackman, Mayor, Marion
Directors: Robert C. Brown, Mayor, Wichita • Robert Creighton, Mayor, Atwood • Irene B. French, Mayor, Merriam • Donald L. Hamilton, City Clerk/Administrator, Mankato • Carl D. Holmes, Mayor, Plains • Paula McCreight, Mayor, Ness City • Jay P. Newton, Jr., City Manager, Newton • John E. Reardon, Mayor, Kansas City • David E. Retter, City Attorney, Concordia • Arthur E. Treece, Commissioner, Coffeyville • Dean P. Wiley, City Manager, Garden City • Douglas S. Wright, Mayor, Topeka • Executive Director: E.A. Mosher

H. Transp 3/5/86
Attachment 5

House Committee on Transportation

March 5, 1986

Page Two

We appreciate the fact that cities of less than 5,000 population--the cities affected by HB 3087--may have special problems. But we also think it is a problem for all cities. We think roads of countywide importance deserve countywide financing, whether they are located in a big city or a little city, or in a big township or little township.

Adapte ^

Proposed Amendment to H.B. 2998

new section (d) A grantee or assignee of railroad right-of-way may, at any time, file a general release of all right, title and interest in the right-of-way of one or more particular rail lines or portions thereof with the register of deeds of the county or counties in which such property is located. If such action has been taken, the grantee or assignee shall be relieved of any further obligation under this section to file individual releases of any right-of-way included in such a general release.

Change existing section (d) to (e)

Change existing section (e) to (f)

Submitted by the Kansas Department of Transportation

H. Transp. 3/5/86
Attach. 6

PROPOSED AMENDMENTS TO House Bill No. 2998

"(e) Within 30 days after entering abandoned railroad right-of-way property upon the tax rolls pursuant to K.S.A. 79-401 et seq., and amendments thereto, the county clerk of each county in which such property is so entered shall forward to the most recent railroad company holder of such property for right-of-way purposes, a certified list of the names and addresses of all property owners so entered upon the tax rolls following abandonment.

Within 30 days after receipt of such certified list by the railroad company, it shall send a notice of abandonment by first class mail to each landowner at the address provided. The grantee or assignee of record of a recorded railroad right-of-way who abandons such right-of-way and provides the notice of such abandonment required by this subsection shall incur no civil or criminal liability for failure to notify any person who claims, or may claim, ownership of property servient to the abandoned right-of-way, nor shall such grantee or assignee incur any civil or criminal liability for notifying any person who has no legal claim to ownership of property servient to the abandoned right-of-way. The notice required by this subsection shall not create any legal right, be construed as a warranty or guarantee, nor shall such notice impair or cloud any lawful claim, right, title or interest of any person."

PROPOSED AMENDMENTS TO House Bill No. 3028

On page 2, in line 78, by striking "for"; by striking all in line 79; in line 80, by striking all before the period and inserting the following: "and such fee shall be credited to the county statewide reappraisal fund which is hereby created. The moneys credited to the county statewide reappraisal fund shall be expended only for the purpose of paying a portion of the costs incurred by any county in complying with the provisions of K.S.A. 1985 Supp. 79-1476, and amendments thereto. Such moneys shall be distributed to each county in an amount equal to the number of vehicles registered in such county, multiplied by \$1.50"

*H. Transp. 3/5/86
Attach. 7*