

Approved 3-18-86 Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at
Chairperson

9:00 a.m./~~p.m.~~ on March 5, 1986 in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

Arden Ensley, Revisor of Statutes
Ben Barrett, Legislative Research Department
Hank Avila, Legislative Research Department
Louise Cunningham, Secretary

Conferees appearing before the committee:

Sen. J. Norvell
Sen. R. Frey
Leroy Lyon, Executive Director of the Great Bend Economic Development Board
Jon R. Daveline, President/CEO - Greater Hutchinson Chamber of Commerce
Don Laird, Executive VP, Garden City Chamber of Commerce
Charles Belt, Wichita Chamber of Commerce, Wichita
Don Woolwine, Pratt Industrial Development, Inc., Pratt
John Harding, Dodge City
Jerry Lindberg, Liberal Chamber of Commerce
Bob Collins, Hays Chamber of Commerce
Dr. Eddie Estes, Dodge City
Bill Green, Kansas Corporation Commission
Mr. John Simpson, Department of Transportation

HEARING ON S.B. 693 - Feasibility study for turnpike projects or freeways.

Sen. Norvell explained the bill and the importance of it for the southwestern part of the state. A limited number of people had been brought in to testify in favor of the bill but they were representatives of large groups and organizations, cities and counties.

Sen. Frey said in the short period of time since this bill was introduced they had had an enormous amount of support from people who want to see this type of legislation passed. The people who will appear here today are representative of large segments of the community.

Sen. Hayden said he was also very supportive of this bill.

Leroy Lyon, Executive Director of the Great Bend Economic Development Board said he was here in support of the bill. Agriculture is the number one industry in Kansas and it is imperative to have transportation to facilitate the shipment of western Kansas grains to markets. A copy of his statement is attached. (Att. 1).

Jon R. Daveline, President/CEO - Greater Hutchinson Chamber of Commerce, said Hutchinson grew in population since 1950 by 20% while other cities in that part of the state which are served by a four-lane highway grew by 60 to 100%. Hutchinson and Reno County elected officials along with the private sector, are dedicated to securing the feasibility study for a four-lane highway. A copy of his statement is attached. (Att. 2).

Don Laird, Executive Vice President, Garden City Chamber of Commerce, said Garden City has grown dramatically in the past five years and much of this is due to the production of five beef processing plants in southwest Kansas. This industry needs an excellent transportation system to enable its growth to continue. A copy of his statement is attached. (Att. 3).

Charles Belt, Wichita Chamber of Commerce, said they strongly support the recommendations of S.B. 693. Wichita would benefit greatly by this.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:00 a.m./~~p.m.~~ on March 5, 19 86

Don Woolwine, Pratt Industrial Development, Inc., said he was Chairman of a grass roots meeting held in Pratt which included all the cities and counties in that area. They hoped to generate the same interest such as was generated in southeastern Kansas. He said they would deliver the grass roots support for this measure.

John Harding, Dodge City, spoke of the beef packing industry and said it has great potential but they did need good roads. He also spoke of tourism and said many travelers would like to go to Dodge City but hesitated because of the roads and he felt the community suffered because of the lack of a good highway system.

Jerry Lindberg, Liberal, Chamber of Commerce, said HW 54 is already a major road for truck transportation going south and Liberal is a turn-around point. He expressed their support for S.B. 693.

Bob Collins, Hays, Chamber of Commerce, said without a good highway system the Hays area would never be able to prosper as it should. They must be able to move any products produced at the lowest possible price.

Dr. Eddie Estes, Dodge City, said he represents the manufacturers in that area and they are very concerned about the transportation system. They have been losing manufacturing jobs in that area, mostly because of the downturn in the economy. They have to diversify, but without adequate transportation it will be very difficult to bring manufacturers into that area. He said they were very proud of their cattle industry but the two-lane highways are not big enough for the big rigs that carry the cattle and makes it very dangerous for travelers on these roads.

Sen. Walker said he supported the bill and realized how important good highways were to a community. He felt the success of Johnson County was due to the good school system and also to a good highway system. He said it takes money to build a good highway system and if the gasohol subsidy had been terminated the money could have gone a long way toward better highways.

A motion was made by Sen. Norvell and was seconded by Sen. Frey to recommend S.B. 693 favorably for passage. Motion carried.

ACTION ON S.B. 554 - Concerning transportation of hazardous material.

Arden Ensley had prepared balloon amendments (Att. 4) to S.B. 554 and explained the bill to the committee. He said "surface" had been put into the bill to exclude pipelines. The other amendments had been discussed at a previous meeting and the description of "hazardous waste" was the federal definition. "Release" was also the federal definition.

Bill Green, KCC, was asked if KCC would get involved with a penalty when trucks not carrying a placard were dumping at the Furley dump site in Wichita. One citizen had been watching the dump site and saw this repeatedly. Mr. Green said the highway patrol or local police could issue a citation. They should be notified and the driver could be fined. Mr. Green said KCC had approved the amendments to this bill.

A motion was made by Sen. Thiessen and was seconded by Sen. Hayden to adopt the amendments in Attachment 4. Motion carried.

A motion was made by Sen. Thiessen and was seconded by Sen. Vidricksen to recommend S.B. 554 as amended favorably for passage. Motion carried.

ACTION ON S.B. 377 - Port authorities

The committee discussed the bill and the section on page 3, lines 96 thru 100 which had been of concern to the committee. It was brought out if this section were stricken the bill would be of little help to the Port Authority.

CONTINUATION SHEET

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room 254-E, Statehouse, at 9:00 a.m./~~p.m.~~ on March 5, 1986.

Mr. John Simpson, Department of Transportation, said Mr. Green had stated that, if necessary, they could live with it without the lines of 96 thru 100.

A motion was made by Sen. Hoferer to insert the words "certified by the I.C.C." after the word "been" on line 96. Motion was seconded by Sen. Martin. Motion carried.

A motion was made by Sen. Martin to recommend S.B. 377 as amended, favorably for passage. Motion was seconded by Sen. Vidricksen. Motion carried.

Meeting was adjourned at 10:00 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3-5-86 Place 254-E Time 9:00

GUEST LIST

NAME	ADDRESS	ORGANIZATION
CHARLES BELT	WICHITA	CHAMBER OF COMMERCE
Dan Ramlow	Topoka	Ks. Contractors Assn.
Mr. Tom R. Davelin	Hutchinson	Chamber of Commerce
Cliff Hunsy	Great Bend	" "
Rolande Cole	Deep	Chamber of Commerce
Donald M. Baird	Garden City	Garden City Chamber
Larry Lynn	Great Bend	Great Bend Econ. Dev. Board
Jim Morris	Deep Ks.	Wich. Co. Econ. Develop.
Larry Zain	Great Bend	First Natl Bank & Trust
Jerry Hendley	Liberal	Chamber of Commerce
Kelley Eros	Marion	Marion HS. Sen. Class
Michelle Thole	Marion	"
Karen Grandt	Marion	"
Janna Matz	Marion	"
John W. Smith	Topoka	Dept of Revenue



BOX 400 • 1307 WILLIAMS • GREAT BEND, KANSAS 67530 • (316) 792-2401

POSITION STATEMENT

Chairman Morris and Members of the Senate Transportation Committee:

I am Leroy Lyon, Executive Director of the Great Bend Economic Development Board. Under the direction of my Board of Directors, I am here today in support of Senate Bill 693 which would provide funding for a feasibility study for a new four-lane highway between I-70 Highway near Hays to a connection with I-235 near Wichita.

It is our understanding that a similar feasibility study is proposed under Senate Bill 492 for a four-lane highway between the Kansas Turnpike near Wichita and I-144 Highway near Joplin, Missouri. We likewise support that legislation.

Successful economic development in Kansas cannot be seperated from the issue of adequate highway transportation to all corners of the state. Without a good system of freeways and toll roads to facilitate the movement of raw and finished goods, the retention of existing manufacturing facilities with all important payrolls is a most difficult task. The task of attracting new companies to invest capital and create new manufacturing jobs in Kansas is likewise impossible in rural areas of the state where there is insufficient four-lane highway access for transportation of materials.

Agriculture remains the number one industry in Kansas and it is our opinion that a four-lane highway to facilitate the shipment of western Kansas small grains to the Port of Catoosa near Tulsa,

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POSITION STATEMENT

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Oklahoma is imperative. It appears to us that the financial feasibility of the proposed project rests in large measure on this factor.

It is interesting to note that the first recommendation made in the economic development study by the University of Kansas pertained to agricultural. That recommendation involved three tasks all of which would result in the diversification of Kansas agriculture into new products and the application of science and technology to the value added processing of Kansas commodities within Kansas. It is our opinion that the ability to adequately address the report's tasks, correlates in a direct sense to the state's ability to provide an efficient highway system. We do not believe that the tasks of processing and market development will occur in the western areas of Kansas without adequate four-lane highway access.

It appears to us that the State of Kansas should examine the method the State of Oklahoma has used to assist in funding of their turnpike system. Allocation of user fee surpluses on the existing turnpike could be one method to help fund the expansion of toll roads in other parts of the state. We would hope that a feasibility study would examine this possibility.

Because we are committed to the future of Kansas as we pursue our goals and objectives of improving the economy of our area, the Great Bend Economic Development Board urges your immediate approval of SB 693.

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TESTIMONEY - SB 693
March 5, 1986

TO: Senator Bill Morris, Chairman of Senate Transportation and
Committee Members

FROM: Jon R. Daveline, President/CEO - Greater Hutchinson Chamber
of Commerce

Good Morning:

The Greater Hutchinson Chamber of Commerce Four Lane Highway Task Force supports SB 693. A four lane highway feasibility study from Hays, Kansas through Great Bend, Hutchinson and onto Wichita would enhance the economic development potential of this area of the state. We see SB 693 as a companion bill to SB 492, the proposed feasibility study for a four lane highway through southeast Kansas connecting into Wichita.

In our opinion, this entire area of the state from southeast Kansas, through Hutchinson, and into Great Bend and Hays has been severely deprived of economic growth by not being on a four lane highway system. As far back as 1969, the Kansas Legislature has been discussing the need for this "Northwest Passage Way". Subsequently, KSA 68-2301 was adopted by the legislature setting out the state system of express highways and freeways. The northwest to southeast express highway was part of this highway system to be developed. Unfortunately, the provision to bond for the construction of this project, never materialized.

In the case of Hutchinson, we are convinced our community has not grown at the same rate as cities who have been fortunate enough to be on an interstate or four lane highway system. Since 1950, Hutchinson's population has grown by 20% while other cities in northcentral and northeast Kansas, who are served by a four lane, have grown by 60 to 100%. A similar comparison of the civilian work force (employment)

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from 1960 through 1983 illustrates that Reno County grew by 40% while other counties, served by a four lane, grew by as much as 120%.

One can conclude that a four lane highway system significantly contributes to the economic growth and expansion of a community. For these reasons, Hutchinson and Reno County elected officials, along with the private sector, are so committed to the need for a four lane highway, that a year ago we invested local funds to undertake a feasibility study for a 28.5 mile stretch of four lane along K-96 between Wichita and Hutchinson.

We urge your committee to support SB 693, along with SB 492, which would set into motion the feasibility study for a northwest to southeast four lane highway construction project.

Thank you for your time.

GARDEN CITY AREA CHAMBER OF COMMERCE

MEMORANDUM TO: Senate Committee on Transportation and Utilities
FROM: Donald M. Laird, Executive Vice President
REGARDING: SB693
DATE: March 5, 1986

Mr. Chairman and members of the Committee:

My name is Donald Laird and I am the Executive Vice President of the Garden City Area Chamber of Commerce. Our Chamber represents over 500 business firms in and around Garden City.

Finney County has enjoyed a healthy and robust economy for the past few years. Our economy is tied closely to agriculture, and specifically the beef industry. It's hard not to drive to, through, or around Garden City and not realize that this statement is true.

Our industries have brought people to our area and money to Kansas. This year, for the first time, Kansas has earned the honor of being the number one beef producing state in the country. The vast majority of that production is done in the five beef processing plants of Southwest Kansas.

Growth for Garden City has been dramatic in the past five years as many of you have heard. But, did you know that Finney County has increased in population by close to 20% in both the decades of the 60's and the 70's? We're on a good growth pattern and need this to continue.

This is all due to our prime industry being able to grow and prosper in Southwestern Kansas. Our industries and our population need an excellent transportation system to enable this growth to continue. That is why I urge you to approve SB693.

Money spent on a feasibility study for a turnpike from Wichita

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to the Colorado border would be well spent. The Garden City Area Chamber of Commerce, in its long range planning document formulated in 1985, recommended a feasibility study of a freeway through our area.

We did a total evaluation of our community, its strengths and weaknesses, and from this study, the chamber developed a marketing plan that will hopefully continue our success in growth for decades to come.

Transportation was one of the two main areas of opportunity. If we want our existing industries to grow and prosper, we need to help them get to their markets. As the Redwood study points out, the growth is best when it comes from existing industry. We totally concur, for we know that .01% of new jobs in America only come from plant relocations. We need to help our industry--agriculture--market its goods safely and efficiently. Beef is probably the major part of the Kansas economy that is still doing well.

I ask that you approve this important piece of legislature that will benefit the state of Kansas. Thank you.

SENATE BILL No. 554

By Senators Daniels, Doyen, Francisco, Hayden, Norvell,
Thiessen, Vidricksen and Walker

2-4

0018 AN ACT concerning the transportation of hazardous materials;
0019 amending K.S.A. 48-928 and 66-1,129 and repealing the exist-
0020 ing sections; also repealing K.S.A. 1985 Supp. 8-1746.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 New Section 1. Sections 1 through 3 shall be known and may
0023 be cited as the ~~motor carrier~~ transportation of hazardous materi-
0024 als act.

0025 New Sec. 2. Due to the central geographical location of the
0026 state of Kansas and since most predictions indicate that the
0027 amount of hazardous material in transport shall substantially
0028 increase in the future, it is the intent of this act to provide for the
0029 public health and safety of the citizens and to protect the envi-
0030 ronment of the state of Kansas when any hazardous material is
0031 being transported within or through this state.

0032 New Sec. 3. (a) As used in this act:

0033 (1) "Commission" means the state corporation commission of
0034 the state of Kansas;

0035 ~~(2) "hazardous material" means any substance, material,
0036 waste or mixture designated as a hazardous material, required to
0037 be placarded under 49 code of federal regulation part 172.504, or
0038 hazardous waste or substance as defined in subsection (f) of
0039 K.S.A. 65-3430, and amendments thereto, or as designated pur-
0040 suant to the federal comprehensive environmental response
0041 compensation and liability act of 1980, federal public law 96-510
0042 as in effect July 1, 1986.~~

0043 (b) The commission, in consultation with the secretary of the
0044 department of health and environment, the secretary of the state
0045 department of transportation, the superintendent of the highway

surface

by rail or motor carrier

(2) "Hazardous material" means a substance or material which has been determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety and property when transported in commerce, and which has been so designated by 49 CFR S172.101;

(3) "hazardous substance" means a material, and its mixtures or solutions, that is identified by the letter "E" in Column 1 of the Table to 49 CFR S 172.101;

(4) "hazardous waste" shall have the meaning ascribed in subsection (f) of K.S.A. 65-3430 and amendments thereto;

(5) "release" means any spilling, leaking, pumping, pouring, emitting, discharging, injecting, escaping, leaching, dumping or disposing into the environment.

HTT.

(4)

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(4)

0046 patrol, the state fire marshal, secretary of the state board of
0047 agriculture and the adjutant general, shall adopt rules and regu-
0048 lations that are consistent with continuation of the federal motor
0049 carrier safety assistance program and other federal requirements
0050 concerning the transportation of hazardous materials.

0051 Sec. 4. K.S.A. 48-928 is hereby amended to read as follows:

0052 48-928. In addition to other duties imposed under this act, the
0053 division of emergency preparedness shall: (a) Determine the
0054 requirements of the state and the counties and cities thereof for
0055 food, clothing and other necessities in event of a disaster;

0056 (b) procure and distribute about the state, such supplies,
0057 medicines, materials and equipment which are deemed neces-
0058 sary for use during a disaster;

0059 (c) promulgate standards and requirements for local and in-
0060 terjurisdictional disaster emergency plans including adequate
0061 provisions for the rendering and receipt of mutual aid;

0062 (d) periodically examine or review and approve local and
0063 interjurisdictional disaster emergency plans which are in ac-
0064 cordance with the standards and requirements promulgated
0065 therefor;

0066 (e) establish and operate training or public information pro-
0067 grams relating to emergency preparedness, and assist counties
0068 and cities, the disaster agencies of such counties or cities and
0069 interjurisdictional disaster agencies, in the establishment and
0070 operation of such programs;

0071 (f) make surveys of industries, resources and facilities within
0072 the state, both public and private, as are necessary to carry out
0073 the purposes of this act;

0074 (g) plan and make arrangements for the availability and use
0075 of any private facilities, services and property for emergency
0076 preparedness activities and, if necessary and if in fact used,
0077 provide for payment for such use under terms and conditions
0078 agreed upon;

0079 (h) establish a register of persons with types of training and
0080 skills important in emergency preparedness activities;

0081 (i) establish a register of mobile and construction equipment
0082 and temporary housing available for use in a disaster;

(c) Motor carrier and railroad safety and hazardous materials regulations adopted pursuant to K.S.A. 66-1,129,66-1,122 and 66-1,223 as in effect as of May 1, 1986, shall remain in effect following enactment of this act until amended or revoked by the commission.

(d) Violation of sections 1 through 3 of this act is a class C misdemeanor.

0083 (j) prepare drafts of orders or proclamations for the governor
0084 as necessary or appropriate in coping with disasters;

0085 (k) serve, for all those agencies which regulate any matter
0086 affecting the transportation of hazardous materials:

0087 (1) As the coordinating and supervising state agency; and

0088 (2) to provide continuing liaison between such state agen-
0089 cies;

0090 (l) establish an informational system under which state
0091 agencies shall notify the division of emergency preparedness
0092 concerning *accidents involving the transportation of hazardous*
0093 *materials*;

0094 ~~(m) to give notification to the state corporation commission~~
0095 ~~of the state of Kansas of accidents involving the transportation~~
0096 ~~of hazardous materials;~~

0097 ~~(m)~~ (n) cooperate with the federal government and any pub-
0098 lic or private agency or entity in achieving any purpose of this act
0099 and in implementing programs for disaster prevention, prepara-
0100 tion response and recovery.

0101 Sec. 5. K.S.A. 66-1,129 is hereby amended to read as follows:
0102 66-1,129. (a) The commission shall adopt rules and regulations
0103 necessary to carry out the provisions of this act. The commission
0104 may at any time, for good cause, suspend, and, upon at least five
0105 days' notice to the grantee of any certificate and an opportunity
0106 to be heard, revoke or amend any certificate. Rules and regula-
0107 tions adopted by the commission shall include:

0108 (1) Every vehicle unit shall be maintained in a safe and
0109 sanitary condition at all times.

0110 (2) Every operator of a motor vehicle used as a public carrier
0111 shall be at least 18 years of age. Every operator of other carriers
0112 to which this act applies shall be at least 16 years of age. All such
0113 operators shall be competent to operate the motor vehicle under
0114 such operator's charge.

0115 (3) Hours of service for operators of all motor carriers to
0116 which this act applies shall be fixed by the commission.

0117 (4) Accidents arising from or in connection with the opera-
0118 tion of motor carriers shall be reported to the commission within
0119 the time, in the detail and in the manner as the commission

reportable

as defined in the state disaster emergency
plan

(m) to give notification to the state cor-
poration commission of the state of Kansas
of any accident involving the surface
transportation of a hazardous material
substance or waste, required to be placarded
under 49 code of federal regulations
SI72.504, that results in a release;

0120 requires.

0121 (5) Every motor carrier shall have attached to each unit or
0122 vehicle distinctive marking adopted by the commission.

0123 ~~(6) Motor carrier transportation requirements that are consis-~~
0124 ~~tent with continuation of the federal motor carrier safety assist-~~
0125 ~~ance program and other federal requirements concerning trans-~~
0126 ~~portation of hazardous materials.~~

0127 (b) No rules and regulations adopted by the commission
0128 pursuant to this section shall require the operator of any truck
0129 registered for a gross weight of not more than 12,000 pounds to
0130 submit to a physical examination, unless required by federal
0131 laws or regulations.

0132 Sec. 6. K.S.A. 48-928 and 66-1,129 and K.S.A. 1985 Supp.
0133 8-1746 are hereby repealed.

0134 Sec. 7. This act shall take effect and be in force from and
0135 after its publication in the statute book.