

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

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

10:00 a.m./~~p.m.~~ on August 26, 1987 in room 519 of the Capitol.

All members were present ~~except~~.

Committee staff present:

Ben Barrett, Legislative Research Department
Hank Avila, Legislative Research Department
Robin Hunn, Legislative Research Department
Bruce Kinzie, Revisor of Statutes Office
Louise Cunningham, Committee Secretary
Conferees appearing before the committee:

H. Edward Flentje, Secretary, Department of Administration
Art Griggs, Department of Revenue

The Chairman distributed a list of projects by Senate districts from the Governor's Highway Task Force. A copy is attached. (Att. 1).

There had been some concern expressed at the previous meeting about sections 41, 44, 47, 48 and 49 of the Governor's bill and Secretary Flentje, Department of Administration, was present to answer questions from the Committee. He said these changes were felt necessary because of doing such a big construction project within state government. These would expedite the program. He said there would be reporting requirements that would be doubled or tripled to have checks and balances. In regards to section 41 concerning purchasing he was asked if there was any disagreement with Mr. Cobler and this section. Secretary Flentje said he could not speak for Mr. Cobler and there had been disagreements but these had been resolved without too much difficulty.

Regarding Sec. 44 pertaining to transfer or reassignment of employees he said this was to protect employees who did not want to move across county lines. The Department has no problem with this.

Regarding Sec. 47 and employee recruitment, he said the magnitude of the program would require very aggressive recruitment and this would limit a roadblock against recruiting. Moving expenditures are a very important consideration. The Department has no problem with this.

Regarding Sec. 48 and in-state moving expenses he said he would recommend this for general application next session. This has affected his own recruitment efforts.

Regarding Sec. 49 and compensation for advisory boards. He said he has no problem with this and would recommend it for general application. You can ask people to volunteer their services but sometimes you need expertise on problems. Art Griggs, Department of Revenue, said for non-legislative members there is just subsistence, no compensation now. It was suggested that there should be a cap so there would be some consistency between departments. It was recommended that Department of Administration give this Committee some cap that would be logical.

Sen. Francisco said before the Secretary of Transportation made any purchases he should first check for supplies with a clearing house to make sure the supplies were not on hand at some other institution.

Sen. Morris said the very least this Committee should do would be to recommend this bill for introduction and the Committee would continue to try to reach some agreement on funding and scope of the projects.

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A motion was made by Sen. Francisco to introduce the Governor's proposal and that it be recommended to the full Senate with no recommendation.

Sen. Francisco withdrew his motion.

A motion was made by Sen. Hoferer to introduce the Governor's proposal and the resolution in the Special Session. Motion was seconded by Sen. Thiessen. Motion carried.

Chairman Morris said he had developed a sense of the Committee and had a suggestion which he felt might get the Committee started. It would give direction of legislation intent. It is as follows:

"The Legislature intends that the Department of Transportation utilize the design specifications, decision criteria, and engineering approach employed by the Howard, Needles Engineering Firm, as reported in the study commissioned by the Kansas Legislature, on all projects designated "new construction" or "major modifications." The Kansas Legislature intends that the projects studied by the Howard, Needles firm will constitute the highest priority for the Department of Transportation.

Further, the Kansas Legislature intends that the Department of Transportation employ a quantitative decision-making model which will permit a valid comparison of the value to the state of alternative highway construction/reconstruction projects and the "debottle-neck" projects. Among the criteria for consideration are number and type of vehicles traveling over the respective projects, value to the state in the movement of people and products, and cost effectiveness of the project. Subjective factors will be held to a minimum in making the decisions.

The Legislature encourages the Department of Transportation to utilize professional engineering standards or unique site conditions as the basis for deviating from the above Legislative guidelines. However, such proposed deviations will be reported to the Legislative Joint Building Construction Committee prior to the commencement of construction of the affected project."

There were discussions about this proposal and some members did not like the section recommending the Legislative Joint Building Construction Committee to handle proposed deviations. This Committee is concerned more with buildings and are not geographically balanced. This could be a detriment to western Kansas.

A motion was made by Sen. Frey that the roads in the Howard-Needles report all be super-two's. Motion was seconded by Sen. Bond.

Discussion followed. Some thought there was no justification for four-lanes except in urban areas. The super-two's could handle all traffic we can handle for the next twenty years. Motion failed.

There was discussion as to whether paragraph 2 could override paragraph 1 in the legislative intent statement. Tom Sloan said this was possible.

A motion was made by Sen. Bond to omit paragraph 1, begin paragraph 2 with "The Kansas Legislature, etc", and delete the last sentence of paragraph 3. Motion was seconded by Sen. Vidricksen.

A conceptual substitute motion was made by Sen. Martin to delete paragraph 1 and to change the Joint Building Construction Committee to the Joint Transportation Committee. Also, the projects should be enumerated. Leave in paragraph 2. Motion was seconded by Sen. Thiessen. Motion failed.

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The Committee reverted to the original motion by Sen. Bond. The motion failed.

The Committee discussed what was meant by "quantitative decision-making model" in paragraph 2. Some felt this was too vague and it should be specified.

A motion was made by Sen. Frey that KDOT be directed by resolution on legislative intent on how to determine priorities and what type of roads to build. This should include the current criteria and not the new criteria.

A substitute motion was made by Sen. Doyen that this be included as a section of the statute. Motion was seconded by Sen. Hayden. Motion failed.

There was more discussion on the original motion by Sen. Frey and the motion would omit "value to the state" in paragraph 2. Motion was seconded by Sen. Martin. This motion for the resolution failed.

The Secretary was questioned by the Committee as to the factors which are considered when roads are considered. He said, along with other criteria, the use of per capita income is not a compelling factor of merit and can only be taken into account along with other things.

The Committee felt that by itemizing it would do away entirely with the formula.

Meeting was recessed until 1:00.

AFTERNOON MEETING

The meeting was reconvened by Chairman Morris at 1:00 p.m. Staff had revised the resolution and made changes suggested in the morning meeting. It now read as follows:

"The Kansas legislature intends that the Department of Transportation utilize enhanced "Super-Two" highways in employing the basic design specifications, decision criteria, and engineering approach used in the study commissioned by the 1986 legislature for all projects designed new construction/reconstruction. The Kansas legislature intends that the core program included in that study will constitute the highest priority for new construction/reconstruction projects for the Department of Transportation.

On all other potential projects, the Kansas legislature intends that the Department of Transportation employ the priority formula used by the Department in selecting projects. Subjective factors will be held to a minimum in decision-making.

The legislature encourages the Department of Transportation to only utilize professional engineering standards or unique site conditions as the basis for deviating from the above priority formula selection process."

A question was raised about the term "construction/reconstruction". The Chairman stressed that there were only 84 miles of new construction. The rest will be major modifications, resurfacing, debottlenecking.

A motion was made by Sen. Bond that the Committee adopt this language in a resolution. Motion was seconded by Sen. Frey.

A question was raised as to where "debottlenecking" would be included. Tom Sloan said it would be included under "all other potential projects" in the resolution. If there was no money left after the projects were built there would be no funding for "debottlenecks". The motion failed.

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Sen. Martin felt the Frey-Martin proposal of the previous meeting had merit and the Committee had discussion on their proposal. The Governor's proposal, if it included maintenance and major modification, connecting links, aid to elderly and handicapped would total approximately \$2.2 billion. Their proposal would be approximately \$1.7 billion.

A conceptual motion was made by Sen. Martin for his proposal which would enumerate the projects by statute. They are: U.S. 54 Wichita to Oklahoma - \$129 million; NW Passage to Hays (with new diagonal) \$322 million; K-96, Wichita to Joplin - \$226 million; K-96 - Wichita by-pass, \$95 million; Mullinville or Bucklin to Colorado - \$78 million; US 75 North to Nebraska - \$42 million; U.S. 69 Crestline N to Louisburg - \$70 million; 254 Kechi to El Dorado - \$61 million; debottlenecking - \$150 million. This would total \$1.173 billion and with the \$489 million for maintenance, major modification, increased connecting links and aid to elderly and handicapped would total \$1.662 billion which was approximately 1/2 billion less than the Governor's proposal.

There would be no bonding in this proposal. It would be funded by a 4¢ fuel tax increase with 1¢ going to local units. 2¢ would be effective on October 1, 1987 with 1¢ going to the state and 1¢ to local units. The other 2¢ for the state would go into effect on January 1, 1988; there would be a 1/2¢ sales tax with \$828 million for the state and \$72 million for the local ad valorem tax reduction and county, city revenue sharing funds; \$350 million from the vehicle registration fee increase. The fuel tax would raise \$363 million for the state. There would be no sunset on the sales tax.

There was discussion on this and some objections were raised because of the sales tax. Some members felt the program should be funded only by user fees. Others thought the rural people would be paying too large a portion because they put more miles on their vehicles.

Sen. Martin's motion was seconded by Sen. Frey.

A substitute motion was made by Sen. Francisco to recommend the Governor's plan be sent to the Senate with no recommendation and all phases be debated on the Senate floor. Motion was seconded by Sen. Hayden. Motion did not carry.

The Committee voted on the original motion by Sen. Martin. The motion carried with a vote of 6-5. Voting for the motion were Sen. Hoferer, Sen. Frey, Sen. Martin, Sen. Norvell, Sen. Thiessen and Sen. Morris. Voting against the motion were Sen. Bond, Sen. Doyen, Sen. Hayden, Sen. Francisco and Sen. Vidricksen.

A motion was made by Sen. Bond to delete Sec. 46 regarding moving of utilities from the bill. Motion was seconded by Sen. Frey.

The Committee discussed this section and some felt it was a windfall for utilities. They had sympathy for smaller utility companies that might have a problem with moving some of their utilities but they could not be treated differently from the large ones. After discussion Sen. Bond withdrew his motion.

Sen. Frey made a conceptual motion to delete lines 681, 682, 683 and 684 and give the Secretary the authority to advance funds rather than pay them and to set a reasonable rate of interest.

Motion was seconded by Sen. Bond. Motion carried.

The Committee turned its attention to the State Highway Advisory

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Commission and there was some discussion that the Commission could keep overriding projects and maybe nothing would get done. Some felt that rather than abolishing the Commission they could just exempt them from this project.

A motion was made by Sen. Frey to keep the State Highway Advisory Commission but to exempt them from this project. Motion was seconded by Sen. Norvell. Motion carried.

Sen. Doyen said some counties would not benefit at all under this bill and he made a motion to increase from \$5,000 to \$10,000 the quarterly payment to each county. Motion was seconded by Sen. Norvell. Motion carried.

Meeting was adjourned at 3:00 p.m.

GOVERNOR'S HIGHWAY TASK FORCE
PROJECTS BY TYPE BY SENATE DISTRICT
(in \$1,000)

Senate Dist.	Major Modifications & Imp.		New Construction Initiatives					1		2	
	Map Reference	Major Mod.	Map Ref.No.	Corridor	De-Bot. Full St.	De-Bot. St./Loc.	City Maint Conn.Link	SCCHF	Substan. Maint.	Total	
1		0	2,3	82,646	0	0	132	2,671	25,326	\$110,775	
2		0	30	0	0	20,406	160	2,843	2,158	\$25,567	
3		0		0	0	0	57	3,315	10,715	\$14,087	
4	44	9,805		0	0	0	137	1,968	0	\$11,910	
5		0		0	0	0	233	4,694	803	\$5,730	
6		0		0	0	0	171	3,460	803	\$4,435	
7	16	21,936		0	0	0	98	4,152	0	\$26,187	
8	16	36,565		0	0	0	0	3,619	0	\$40,184	
9	14,16	8,049	32,34-37,19,5	5,571	2,038	27,344	57	4,885	1,085	\$49,029	
10	14,16	7,691	33	0	0	9,797	82	4,375	1,086	\$23,032	
11	15	17,795	18,2	11,578	2,379	0	88	6,879	16,884	\$55,603	
12	1,2	10,133	5	35,279	0	0	53	3,666	27,030	\$76,161	
13		0	5,4	53,366	0	0	154	2,991	15,002	\$71,513	
14	21	6,242	4,12	46,328	0	0	213	3,229	14,930	\$70,943	
15		0	1,4,13	172,314	0	0	144	3,864	28,414	\$204,737	
16		0	15,1,4,14	254,439	683	0	93	3,615	18,774	\$277,604	
17	19,20	25,312	11,2	44,781	0	0	147	3,323	21,855	\$95,418	
18	38,39	27,731	27	0	17,690	0	80	4,281	1,040	\$50,822	
19		0	42,28,2	17,347	4,086	25,511	32	1,001	1,040	\$49,017	
20	39	13,458	41,26,2	5,762	6,124	34,689	57	2,674	2,082	\$64,846	
21	23,26,27	24,902	22,2,9	9,907	10,475	0	50	3,626	42,693	\$91,653	
22	11	34,630	38	0	0	6,122	88	2,899	4,211	\$47,949	
23	7,42	19,182	16,10	85,130	3,745	0	128	3,290	31,809	\$143,284	
24	30	34,298		0	0	0	11	3,636	20,405	\$58,351	
25		0	17,20,21,11	23,789	13,614	0	131	3,747	13,414	\$54,695	
26	33,34	9,788	6,4,7	59,430	0	0	57	2,607	3,644	\$75,526	
27		0		0	0	0	101	4,185	0	\$4,286	
28	35	14,914		0	0	0	119	4,987	0	\$20,020	
29		0	39,4	15,083	0	29,580	87	4,186	0	\$49,736	
30		0	14,4	78,684	0	0	57	2,102	1,823	\$82,666	
31		0	23-25,4	15,883	14,297	0	16	3,034	1,823	\$35,053	
32		0	13	54,840	0	0	229	3,413	18,336	\$76,818	
33	3,28,41	19,615	7,8,6	87,828	0	0	129	4,931	42,179	\$154,682	
34		0	11,6	44,048	0	0	105	2,652	4,833	\$51,638	
35	4,5	9,651	6	74,252	0	0	254	3,650	18,801	\$106,608	
36	25	5,769	10	69,870	0	0	84	3,445	40,587	\$119,755	
37	24,29	19,563		0	0	0	120	4,015	46,062	\$69,760	
38	9,10,13,36,37	41,365	31,40,7,8	87,841	0	17,860	278	4,300	36,246	\$187,890	
39	8,12,22	26,948	8	35,304	0	0	131	4,098	37,281	\$103,762	
40	6,17,18,31,32,40,43	38,133	29	0	1,365	0	115	3,691	67,826	\$111,130	
Totals		\$483,475		\$1,472,100	\$76,496	\$171,309	\$4,480	\$144,000	\$621,000	\$2,972,860	
Mean		\$12,087		\$36,803	\$1,912	\$4,283	\$112	\$3,600	\$15,525	\$74,321	
# Above		16		15	9	8	18	22	17	16	
# Below		24		25	31	32	22	18	23	24	

Notes:

1. Estimated increase over current program.

ATT. 1
T&U
8/26/87

2. Substantial Maintenance - Mileages are estimated and dollars are prorated on a per mile basis. It is important to note that dollars in this column represent the total project cost.