

Approved September 19, 1988
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~xxx~~ p.m. on February 23, 1988 in room 519-S of the Capitol.

All members were present except:
Representatives Laird and Snowbarger

Committee staff present:

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

Conferees appearing before the committee:

Representative Jeff Freeman
Representative Melvin Neufeld
St. Leroy Green, Wyandotte County Sheriff's Department
Mr. Tom Skinner, Kansas Department of Revenue
Mr. Harold Turntine, Kansas Department of Revenue
Representative Bill Wisdom
Representative Jim Russell
Lt. Bill Jacobs, Kansas Highway Patrol
Mr. Pat Hubbell, National Railroad Association

The meeting was called to order by Chairman Crowell, and the first order of business was to reconsider an action taken on February 22, 1988.

Representative Moomaw made a motion to reconsider action taken during the Transportation Committee meeting held on February 22, 1988, to introduce a bill dealing with the 10-passenger school buses. The motion was seconded by Representative Snowbarger. Motion passed. Representative Moomaw then requested that his original motion made on February 22, 1988, be withdrawn. The second, Representative Dillon, was in agreement and the motion was withdrawn.

The next order of business was a hearing on HB-2937 concerning the design of license plates.

Representative Jeff Freeman, primary sponsor of the bill, briefed the Committee on its contents. (See Attachment 1)

Representative Freeman discussed complaints he had received from constituents, regarding the design of the new license tags.

Representative Melvin Neufeld, testified in favor of HB-2937.

Sgt. Leroy Green, Wyandotte County Sheriff's Office, testified in support of HB-2937. He distributed copies of a letter from Ms. Mary P. Ladesic, Wyandotte County Treasurer, among Committee members. (See Attachment 2)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~xxx~~ p.m. on February 23, 1988

Sgt. Green passed copies of a letter from John L. Quinn, Sheriff, Wyandotte County, among Committee members. (See Attachment 3)

Sgt. Green stated the new tags are difficult to read, especially at night. He pointed out that with the previous designed tags, it is possible to tell the date of expiration by alphabetical order.

Mr. Tom Skinner, Director of Vehicles, Kansas Department of Revenue, testified in opposition to HB-2937. (See Attachment 4)

He said savings associated with the inventory control of SAM tags would be lost if the format is abandoned. The system reduces the number of license plate categories from 1,600 under the county designator format to just one for automobiles and light trucks.

Mr. Harold Turntine, Kansas Department of Revenue, spoke concerning HB-2937, and said to remanufacture the license plate would cost \$1.27 each.

Representative Bill Wisdom spoke in favor of HB-2937. (See Attachment 5) He reported that in 1986, the cost of producing each plate in Iowa was an estimated \$1.01. This included equipment, labor, aluminum and paint.

He said in 1986 Kansas was paying approximately \$.48 per plate for reflectorized sheeting. According to the Legislative Post Audit report, in 1987 the total cost per plate was \$1.27 per regular sized plate, he said.

Representative Wisdom recommended that license plates using the "beads-on" paint be manufactured again.

The hearing on HB-2937 ended.

The next order of business was a hearing on HB-2970 concerning prohibiting certain elevated vehicles.

Representative Jim Russell testified in support of HB-2970. (See Attachment 6)

He said the intent of HB-2970 is to establish maximum height restrictions on vehicles.

Lt. Bill Jacobs, Kansas Highway Patrol, testified in support of HB-2970 and said the elevated vehicles are dangerous, as they go out of control and tend to tip over more easily due to the location of the center of gravity.

The hearing on HB-2970 ended.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on February 23, 1988

The next order of business concerned HB-2745 relating to the speed of trains traveling through municipalities.

Mr. Pat Hubbell, National Railroad Association, provided the Committee with additional information associated with train speeds. (See Attachment 7)

Mr. Hubbell discussed recommended changes to HB-2745, as shown in a balloon which was distributed to Committee members. (See Attachment 8)

The meeting was adjourned at 2:35 p.m.



Rex Crowell, Chairman



Not all bad

^{1-3-88 Huntz}
Kansas' new license tags have premiered to an almost universal chorus of complaints as best we can tell.

Far be it for us to add to the misery of the creative souls who designed the new tags. And so, to keep this new 1988 in an upbeat, positive mode, we take this occasion to note four good things about the new Kansas license tags:

1. They're rectangular. They should fit existing holders on cars, thereby not requiring car owners to tear up their cars to install the new tags.

2. They have four holes in them. This should allow Kansans to screw them in without drilling holes in their cars.

3. You won't get to forget as many numbers as you now can forget, but from now on, you'll be able to forget more letters.

4. And, for Reno Countians only, the embossed word "Kansas" on the new tags has an art-decoish character that fits the Reno courthouse quite well.

We're almost tempted to say, have a nice day, but that probably wouldn't be the right thing to say.

Kansas vehicle-tag change will waste 170,000 plates

By John Petterson
Kansas Correspondent

TOBKA — When Kansas shifts to new automobile and truck license plates on Jan. 1, the state will be forced to scrap almost 170,000 surplus plates, the Legislative Post Audit Division reported Monday.

The useless plates, enough to supply the state's 105 counties for five months, cost \$2.8 million to produce, auditors told the Legislative Post Audit Committee.

While it would not be possible to avoid some excess license plates at the end of the (five-year) cycle, a five-month oversupply appears to be unreasonably large, the auditors said in their report.

In Kansas, license plates are issued by the Department of Revenue through county treasurers for five-year cycles. Decals are bought each year and attached to the plates.

Revenue Secretary Harley Duncan took issue with the conclusions reached in the report.

"These statements exaggerate the actual situation," Duncan said. "The figures presented are aggregate numbers only and it must be emphasized that the surplus plates are spread across more than 1,600 categories

of license plates."

He said that although a five-month oversupply is "larger than desirable," it is the result of an outdated, manual inventory system and the present license-tag structure rather than the department's negligence.

But auditors said the Revenue Department's errors in math created some of the surplus.

For example, in May 1982 the Revenue Department ordered 1,740 motorized bicycle plates and 7,420 truck plates for Doniphan County in far northeast Kansas.

"These two orders were obviously caused by arithmetical errors because Doniphan County's average motorized bicycle-tag usage is about six tags per year, and the average annual truck tag usage is about 500 tags," the audit report said.

Duncan confirmed that the large surplus in Doniphan County was the result of a mistake.

The projected surplus of Johnson County plates is placed at 17,185.

Duncan said that under the new license plate system, called SAM 123, surplus plates will be reduced significantly. The number of plate categories also will be reduced from 1,600 to 17.

Legislature dumb to alter license tags

The adoption of generic automobile license tags is one of the dumbest things the Legislature has done in recent years.

Using an arrangement of letters and numbers that is virtually identical to that used by a half dozen other states will hamper law enforcement efforts.

Police officers will eventually learn to distinguish Kansas tags from out-of-state tags at a distance, but many Kansas residents will not. Witnesses to crimes are likely to assume an out-of-state generic tag is a Kansas tag and provide police with the wrong tag information.

Generic tags are harder to refer to

over the radio because officers must use words instead of letters to insure that dispatchers hear the correct letters.

For example, "RNJ 123" under the generic system is "R-Robert, N-Nora, J-John 123." Under the current system it is "Reno, J-John 123," or for Reno County officers simply "J-John 123."

Within a few years police officers will be able to use a computer connected to an inexpensive black-and-white camera to automatically transmit tag information to a central computer system.

Generic tag numbers cannot be computerized as efficiently as the cur-

rent Kansas tag system. The current system can automatically store tag information by county and renewal date, thus reducing processing time.

KENNETH B. LUCAS
Hutchinson

DATE:

Wed. 12-29-87

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| <input type="checkbox"/> TOPEKA CAPITAL-JOURNAL | <input checked="" type="checkbox"/> GARDEN CITY TELEGRAM | <input type="checkbox"/> MANHATTAN MERCURY |
| <input type="checkbox"/> WICHITA EAGLE-BEACON | <input type="checkbox"/> HAYS DAILY NEWS | <input type="checkbox"/> PARSONS SUN |
| <input type="checkbox"/> KANSAS CITY STAR | <input type="checkbox"/> HUTCHINSON NEWS | <input type="checkbox"/> PITTSBURG MORNING SUN |
| <input type="checkbox"/> KANSAS CITY TIMES | <input type="checkbox"/> LAWRENCE JOURNAL WORLD | <input type="checkbox"/> SALINA JOURNAL |
| <input type="checkbox"/> EMPORIA GAZETTE | <input type="checkbox"/> LEAVENWORTH TIMES | |

Opinion

Farewell, HV and PT

Farewell, HV and PT. So long, KE and SN. Good-bye JO and SH.

As of Jan. 1 county abbreviations won't be used on Kansas license plates.

The Legislature has decided that Kansas should be like everyone else—bland.

Kansans will be just a jumble of letters and numbers. No county abbreviations, and no alphabetic connection between plate and car owner will exist.

Gone will be the game that Kansas drivers love to play—figuring out from what counties other cars come.

There is, of course, an up side, or so state officials say. Because it will not have to monkey with county abbreviations or try to match letters on license plates with the last name of car owners, the system will be more cost effi-

cient. Problems such as the one the Division of Post Audit uncovered should be easily avoided, because the state will just manufacture plates—it won't have to stock the 1,600 categories now in use.

Also, law enforcement officials say the new plates will be easier to read from a distance.

The arguments makes sense. But we're fond of the blue and white plates now being used. We like the county designations and find the letter useful locally in determining who's out and about.

But, mostly, we like the plates because they were distinctive. Cars could be identified as being from Kansas easily and at a distance.

Now, Kansans will be just like everyone else. Where's the fun in that?

Kansas City Kansan

The Daily Newspaper for Wyandotte County

William Epperheimer, President and Publisher
George M. Statham, Advertising Director
Joie Mellenbruch, Advertising Office Manager
Patricia Monteleone, Controller

Bill Whistler, Managing Editor
Keith Sanford, Circulation Manager
Bob Chaffin, Production Manager

Editorials: Our View

Editorial opinions represent a consensus of The Kansan's editorial board. Questions or comments should be directed to the managing editor, 371-4300, ext. 72. Other articles, columns, and cartoons on this page are opinions of the authors, who are staff writers and syndicated columnists. Readers are invited to write their opinions, in "Your Views."

New car tags need scrapping already

The state of Kansas should ditch the new vehicle license tags being issued just as soon as they have the opportunity.

First of all they are going to cause more work for already understaffed county treasurer offices across the state, and law enforcement officers don't like them.

Then there is aesthetic side. Frankly, the tags are ugly and hard to read, identify and understand, if there is anything to understand. Were they changed simply for change's sake?

The new "Kansas" lettering at the top of the plates are not at all attractive. What's wrong with the way "Kansas" looked on the old plate? License tags are, in a way, a public relations tool. It should be something to be proud of when you are driving into another state.

Kansas citizens have always liked to be able to look at a Kansas license plate and be able to tell immediately from where that vehicle came. On the old tag, you had a two-letter designation for all of the state's counties.

Law enforcement officers also liked the county designations for obvious identification reasons. County and city law officers across the state do not like the current numbering and lettering system. The new tag does have the small two letter county designation but it is up in the left hand corner and is not easily seen.

The new tags use what is known as a SAM 123 numbering and lettering system. That means each tag has three letters and numbers. The letters and numbers are meaningless.

All cars and trucks will now have the same type of tag. But employees at the county treasurer's offices are stuck with having to take the time to put on stickers bearing the names "truck," "trailer," or whatever. It's a waste of time for the employees who have to place those stickers.

The state has wasted enough money on its state license tags. Just recently it was pointed out by the Legislative Post Audit report that Kansas counties had a surplus of 169,000 license plates at the end of 1987 because of Department of Revenue mismanagement. That amounted to a five-month oversupply of plates which cost the state more than \$228,000.

It would be nice to see the old tags returned and these new "modernistic" plates quickly forgotten.

Editorials

In God We Trust

The tag chase

A few years ago, there was a flurry of activity about cracking down on out-of-county car registrations in Shawnee County. At the time there were stories of people with luxury cars or recreational vehicles licensed in counties — even in other states — where taxes would be cheaper than Shawnee County.

State law is clear: Vehicles must be registered in the county of the owner's primary residence. But finding violators is difficult. Simply checking the county designation on the car tag isn't enough, since new tags are not issued when people move to a new county. But the renewal sticker should have the correct county designation.

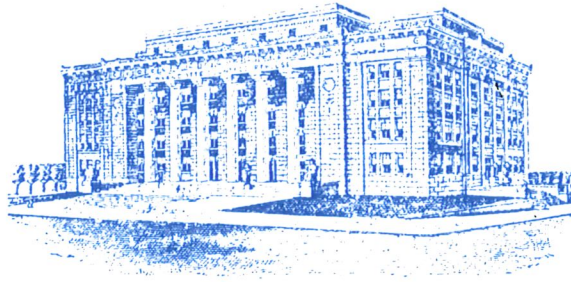
Despite the difficulty, the pursuit may be worth the trouble. In Wyandotte County, a joint enforcement effort between the county and Kansas City, Kan., has resulted in the recovery of an esti-

mated \$7 million in personal property taxes over the last three years. That is \$7 million that the law-abiding citizens did not have to pay.

In a recent editorial, the Kansas City Kansan labeled the program "an unqualified success."

Two sheriff's deputies and one city policeman make up the enforcement team. They check housing and apartment complexes. They also have used weekly vehicle checkpoints, which have yielded other benefits as well — like finding unlicensed or uninsured drivers.

People who dodge their local tax responsibility by registering vehicles outside the county only increase the tax load on their neighbors. Shawnee County might learn from Wyandotte County's success in locating these freeloaders and making them assume their lawful responsibilities.



573-2823

OFFICE OF
MARY P. LADESIC
COUNTY TREASURER
WYANDOTTE COUNTY COURT HOUSE
KANSAS CITY, KANSAS 66101



To: House Transportation Committee Members
From: Mary P. Ladesic, Wyandotte County Treasurer
Date: February 23, 1988
Re: House Bill No. 2797

On behalf of my county I want to express our support of House Bill No. 2937. I have been bombarded by fellow citizens complaining about the new license plates.

Foremost on their minds is the fact that the name of our state, "KANSAS" is very difficult to read. Since license plates aid in the promotion of our state we need to prominently display the word "KANSAS" so it can be read at a glance.

Another concern is that the county identification, i.e., WY, JO, is extremely difficult to read and should be embossed on the plate.

In the first six weeks of working with the new system, it has become apparent that inadvertent errors will occur when one license plate can be issued to a car, a truck, a trailer, or a mobile home. In the same vein, alteration by the general public becomes more of a problem every day. Devious people can easily tamper with decals causing loss of revenue and confusion in tracing vehicles.

While we realize much study and thought have gone into the redesigning of the plates, we feel very strongly that "KANSAS," the name of our great state, must be prominently embossed in a bold manner for all to see.

Pride in our state deserves much better presentation. Thank you.

MPL:s

Att. 2



SHERIFF'S OFFICE

WYANDOTTE COUNTY
710 N. 7TH STREET
KANSAS CITY, KANSAS 66101
PHONE: 573-2861

JOHN L. QUINN
SHERIFF

February 22, 1988

Kansas Legislature
Topeka, Kansas

RE: House Bill No. 2937
License plate design

Dear Legislator:

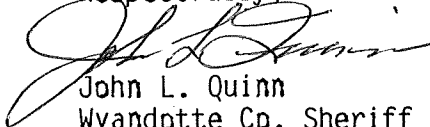
The Kansas Legislature is considering the proposal to return the Kansas license plates to their old style through House Bill No. 2937. I would like to strongly recommend that this bill be enacted. There are a number of reasons that I base my recommendation on.

The use of the county prefix quickly and easily identifies the general home residency of the vehicle. Law enforcement officers have no trouble reading and understanding the county prefix, whereas the current use of three letters offers no clue to the identity of the vehicles home county. Secondly, the use of a letter indicating the owners last name was extremely helpful in determining when a vehicle tag was set to expire.

In the time that the new license tags have been in use, our officers have found it very difficult to read license tags and to determine expiration dates. Unless most cars are stopped and a close range evaluation made, officers cannot read the new tags. Our agency along with the Kansas City Kansas Police Department operate a full time tag enforcement unit which probably checks as many tag violations as any county in the state. It is our personal experience that the new tags are not workable. It is difficult to read the county sticker and the expiration date.

I would ask that you give strong consideration to pending House Bill No. 2937. Thank you very much for your consideration.

Respectfully,


John L. Quinn
Wyandotte Co. Sheriff

Att. 3



KANSAS DEPARTMENT OF REVENUE

Office of the Secretary

Robert B. Docking State Office Building

Topeka, Kansas 66612-1588

MEMORANDUM

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

FROM: Thomas W. Skinner
Director of Vehicles *TWS*

RE: House Bill 2937

DATE: February 23, 1988

1984 House Bill 3096 provided for the license plate format currently known as SAM 123. House Bill 2937 proposes to revert back to the county designator plate format. Prior to adopting the SAM 123 format, Kansas was the only state which used a county prefix and alpha character to identify county and month of expiration. Over 40 states are presently utilizing some form of the alpha/numeric numbering system for vehicle license plates.

The primary function of a license plate is for display of information necessary for fast and accurate identification of a vehicle under traffic conditions. The SAM format is greatly supported and highly rated by law enforcement for its readability and ease in vehicle identification. The Kansas Highway Patrol confirms this support.

Benefits and savings associated with the inventory control of SAM would be lost if the format is abandoned. It reduces the number of license plate categories from 1,600 under the county designator format to just one for automobiles and light trucks. Carrying costs are reduced at the time of mass reissuance due to plate inventories destined to be scrapped. Under the old system projecting annual inventory needs was extremely difficult, as shown by last year's surplus of 160,000 plates.

The proposed implementation date of the bill is July 1, 1988. Implementation by that date would not be possible. Center Industries would not be able to manufacture the number of license plates necessary for mass reissuance by July 1, 1988. Approximately 2.8 million SAM license plates will be manufactured by July 1, 1988, at a cost of \$3.6 million. The State will have wasted this amount expended for these plates, and spend an additional \$3.6 million to manufacture 2.8 million new plates.

Finally, enactment of this bill could cause administrative problems for county treasurers to recall and reissue plates. There could be additional costs for the county treasurer's offices, as well as an inconvenience to the general public.

Thank you for the opportunity to respond to this bill.

General Information (913) 296-3909

Office of the Secretary (913) 296-3041 • Legal Services Bureau (913) 296-2381

Audit Services Bureau (913) 296-7719 • Planning & Research Services Bureau (913) 296-3081

Administrative Services Bureau (913) 296-2331 • Personnel Services Bureau (913) 296-3077

Attach 4

To: Representative Wisdom
From: Ron Green
Re: License Plates in Iowa
Date: 2/23/88

1. Type of Materials Used

Since November 1985, Iowa has used beads-on-paint.

2. Issuance Cycle

Iowa's plates are expected to last about seven years before being replaced.

3. Costs of License Plates

(a) In 1986, Iowa was paying 10 cents per plate for the beads-on-paint. The total cost of each plate (including equipment, labor, aluminum, and paint) was estimated to be \$1.01.

(b) In 1986, Kansas was paying about 48 cents per plate for reflective sheeting. I do not have the total cost per plate for Kansas in 1986, but in 1987 it was \$1.27 per regular-sized plate.

STATE OF KANSAS

JIM RUSSELL
REPRESENTATIVE, SEVENTH DISTRICT
704 SPRUCE
COFFEYVILLE, KANSAS 67337
(316) 251-1615



TOPEKA

HOUSE OF
REPRESENTATIVES

February 23, 1988

COMMITTEE ASSIGNMENTS
MEMBER: COMMERCIAL AND FINANCIAL INSTITUTIONS
ELECTIONS
TRANSPORTATION

TO: House Transportation Committee

SUBJECT: H.B. 2970

Thank you for the opportunity to appear before you today.

H.B. 2970 is identical to H.B. 2963 that was passed by the house and senate, but vetoed by the Governor in 1984. The reasons for veto were:

1. No conclusive statistics have been compiled as evidence, at either the Federal or state level, that bumper heights of vehicles of this weight contribute to accidents any more than any other type of vehicle;
2. The lack of uniform application as to weight in HB 2963 discriminates against individuals who have committed time, funds and labor in altering their vehicles; and
3. The absence of a grandfather clause would mean that thousands of vehicles would have to be altered before January 1, 1986, causing large expenditures of personal funds.

The intent of H.B. 2970 is to establish maximum height restrictions on vehicles. The goal of this committee is to resolve those veto enabling issues.


Attach. 6

1. CONCLUSIVE STATISTICS: As of this writing, conclusive statistics pinpointing bumper heights as a specific contributing factor to vehicle accidents are not available. There are statistics linking height and gravity with vehicular accidents. More will be said about this...The Federal government is now working on this issue.

2. UNIFORM APPLICATION: A copy of the 1986 Code of Virginia Alteration of Suspension System amendment (46.1-282.1 and 46.1-282.2) is enclosed, indicative of amendment opportunities for H.B. 2970 to assure uniform application of this legislation.

3. GRANDFATHER CLAUSE: Establishing a grandfather clause amendment for H.B. 2970 is purely at the discretion of this committee.

I stand for questions.


Jim Russell

CODE OF VIRGINIA

§ 46.1-282.1. **Alteration of suspension system.** — A. No person shall operate upon a public highway any motor vehicle registered in this Commonwealth as a passenger motor vehicle if it has been modified by alteration of its altitude from the ground to the extent that its bumpers, measured to any point on the lower edge of the main horizontal bumper bar, exclusive of any bumper guards, are not within the range of fourteen inches to twenty-two inches above the ground. No vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation. No part of the original suspension system shall be disconnected to defeat the safe operation of the suspension system. However, nothing contained in this section shall prevent the installation of heavy duty equipment, including shock absorbers and overload springs. Nothing contained in this section shall prohibit the operation on a public highway of a motor vehicle with normal wear to the suspension system if such normal wear does not adversely affect the control of the vehicle.

B. No person shall operate upon a public highway any motor vehicle registered in this Commonwealth as a truck if it has been modified by alteration of its altitude from the ground to the extent that its bumpers, measured to any point on the lower edge of the main horizontal bumper bar, exclusive of any bumper guards, do not fall within the limits specified herein for its gross vehicle weight rating category. The front bumper height of trucks whose gross vehicle weight ratings are 4,500 pounds or less shall be no less than 14" and no more than 28", and their rear bumper height shall be no less than 14" and no more than 28". The front bumper height of trucks whose gross vehicle weight ratings are 4,501 pounds to 7,500 pounds shall be no less than 14" and no more than 29", and their rear bumper height shall be no less than 14" and no more than 30". The front bumper height of trucks whose gross vehicle weight ratings are 7,501 pounds to 10,000 pounds shall be no less than 14" and no more than 30" and their rear bumper height shall be no less than 14" and no more than 31". The provisions of this subsection shall not apply to trucks with a gross vehicle weight rating in excess of 10,000 pounds. For the purpose of this section, the term "truck" shall include pickup and panel trucks and "gross vehicle weight ratings" shall mean manufacturer's gross vehicle weight ratings established for that vehicle.

C. In the absence of bumpers, and in cases where bumper heights have been lowered or modified, height measurements under subsection A or B shall be made to the bottom of the frame rail.

D. This section shall not apply to specially designed or modified motor vehicles when operated off the public highways in races and similar events. Such motor vehicles may be lawfully towed on the highways of this Commonwealth.

E. Any person who violates any provision of this section shall be guilty of a traffic infraction and shall, upon conviction thereof, be punished in accordance with § 46.1-16.01. (1973, c. 498; 1978, c. 605; 1980, c. 342; 1986, c. 570.)

The 1986 amendment, effective Jan. 1, 1987, rewrote this section.

§ 46.1-282.2. **Modification of front-end suspension by use of lift blocks.** — No motor vehicle whose front-end suspension has been modified by the use of lift blocks shall be operated upon any highway in this Commonwealth. (1985, c. 11.)

Maximum authorized speed for freight train is 70 MPH provided:

- (1) Train does not contain empty car(s).
- (2) Train does not exceed 5,500 tons.
- (3) Train does not exceed 8,500 feet.
- (4) Train does not average more than 80 tons per car.
- (5) Locomotive can control speed to 70 MPH without use of air brakes.

SECOND SUBDIVISION

<u>STATIONS</u>	<u>MILE POST</u>		<u>ATSF SPEED RESTRICTIONS</u>	<u>CITY ORDINANCES</u>
Holliday	13.4		60	
Craig	19.5		60	
Olathe	27.8		50	40
Gardner	34.6		55	40
Edgerton	39.8	North Track	65	
		South Track	55	
Wellsville	45.5		65	50
Ottawa	57.1		65	20/30
MoPac Crossing	59.9		30	
Pomona	67.5		30/45	
Quenemo	71.8		50	
Melvern	79.6	North Track	45	
		South Track	65	
Ridgeton	87.6		55	
Lebo	93.8		55	
Neosho Rapids	101.6		55	6
Wiggam	107.1		55	
N.R. Jct.	111.3		30	
Emporia	112.1		30	30

Attach. 7

Maximum Authorized Speed - Various Cars

(A)	Trains handling continuous welded or jointed rail, excluding twin loads of 78-ft. rail *except 25 MPH on curves of 6 degrees or more.	MPH 40*
(B)	Trains handling tank cars numbered: ACFX 17451 thru 17495 and NATX 10841 thru 10865	45
(C)	Trains handling gondolas numbered: CR 598500 thru 598999 PC 598500 thru 598999 SP 345000 thru 345699	45
(D)	Trains handling ATSF tank and work equipment cars numbered: ATSF 100301 thru 101099 & ATSF 198880 thru 199899 ATSF 189000 thru 189999 & ATSF 202750 thru 202999 ATSF 192770 thru 192875 & ATSF 209000 thru 209999	45
(E)	Trains handling the following tank cars numbered: DVLX 4001 thru 4190 UTLX 76517, 76539 UTLX 76556, 76558, 76568, 76595, 76649 UTLX 76656, 76696, 76733 UTLX 76736 thru 76738 UTLX 76742 thru 76751 (except 76746 and 76749) UTLX 78256 thru 78269 UTLX 78272, 78274, 78281 UTLX 78285 thru 78293 (except 78286) UTLX 78236 thru 78333 (except 78237) UTLX 78336 thru 78344 (except 78341 and 78342) UTLX 78347 thru 78350 (except 78349) UTLX 78353	40
(F)	Trains handling EMPTY "Schnable" type cars numbered: APWX 1004 GEX 40010, 80002, 80003 BBCX 1000 GPUX 100 CAPX 1001 HEPX 200 CEBX 100, 101 KWUX 10 CPOX 820 WECX 101, 102, 200-203, 301 CWEX 1016	40
	All cars listed must be handled on or near the rear end of trains not exceeding 100 cars in length, must NOT be handled in trains requiring pusher service and must NOT be humped or switched with motive power detached.	
(G)	Trains handling LOADED "Schnabel" type cars listed in (F) also CEBX 800 LOADED & EMPTY, must be governed by special instructions issued for each individual movement.	
(H)	Trains handling solid consist of military equipment	55
(I)	Trains handling EMPTY gondolas numbered: KCS 801011 thru 802930	45

HOUSE BILL No. 2745

By Committee on Transportation

Attach. 8

0017 AN ACT relating to train speeds; amending K.S.A. 12-1633,
0018 12-1634, 14-434 and 15-438 and repealing the existing sec-
0019 tions.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 12-1633 is hereby amended to read as fol-
0022 lows: 12-1633. The governing body of cities of the first and
0023 second class shall have the power to regulate the crossings of
0024 railway and street-railway tracks and provide precautions and
0025 ~~prescribe rules~~ regulating the same; ~~and~~ to regulate the running
0026 of street railways or cars and railway engines and cars ~~in the city.~~
0027 ~~and to prescribe rules~~ relating thereto and to govern the speed
0028 thereof; and to make other and further provisions, rules and
0029 regulations to prevent accidents at crossings and on tracks of
0030 railways, and to prevent fires from engines, and to require all
0031 railway companies to erect viaducts over or tunnels under their
0032 tracks at the crossings of streets.

[adopt ordinances

[and to adopt ordinances

[to regulate the running of railway engines and cars,
except speed, and to adopt ordinances relating thereto;

0033 *From and after the effective date of this act, no rule, regula-*
0034 *tion or ordinance adopted by the governing body of any city of*
0035 *the first class or second class regulating the* ~~running of railway~~
0036 ~~engines and cars or governing the~~ speed ~~thereof~~ shall be of any
0037 force or effect, and the same shall be and is hereby declared null
0038 and void.

[part of any

[of railway engines and cars

0039 The governing body shall have power to require any railroad
0040 company or companies owning or operating any railroad or
0041 street-railway track or tracks upon or across any public street or
0042 streets of the city to erect, construct, reconstruct, complete and
0043 keep in repair any viaduct or viaducts upon or over or tunnels
0044 under such street or streets and over or under any such track or
0045 tracks, including the approaches of such viaduct, viaducts or

The governing body of any city of the first class or second class, pursuant to K.S.A. 66-165, may initiate a complaint to the state corporation commission and seek an order regulating the speed of railway engines and cars. In accordance with the provisions of K.S.A. 66-165, its rules of procedure and other applicable law, the state corporation commission shall investigate the complaint, may conduct a hearing and, consistent with applicable law and rules and regulations of the federal railroad administration, issue an order.

5 tunnels as may be deemed and declared by the governing body
0047 to be necessary for the convenience, safety or protection of the
0048 public. Whenever any such viaduct shall be deemed and de-
0049 clared by ordinance to be necessary for the convenience, safety
0050 or protection of the public, the governing body shall provide for
0051 appraising, assessing and determining the damage, if any, which
0052 may be caused to any property by reason of the construction of
0053 such viaduct and its approaches. The proceedings for such pur-
0054 pose shall be the same as provided by law for the purpose of
0055 ascertaining and determining damages to property owners by
0056 reason of the change in grade of any street, except that such
0057 damage shall be paid by such railway company or companies.
0058 The amount of damage thus ascertained and awarded shall, upon
0059 notice by the city, be promptly paid by the railway company or
0060 companies interested and if any such company shall fail to pay
0061 the same within ~~ten~~ 10 days from receipt of notice of the amount
0062 thereof, then the amount so awarded shall become a lien in the
0063 proportion to the amount each railway company shall pay —, if
0064 more than one company is concerned —, upon the right-of-way
0065 and all property of such railway company and the collection
0066 thereof may be enforced by the city in an action against such
0067 railway company or companies ~~so~~ failing to pay. The width,
0068 height and strength of any such viaduct or tunnel and the
0069 approaches thereto, the material to be used ~~therefor~~, and the
0070 manner of construction ~~thereof~~, shall be as required by the
0071 governing body.

0072 When two or more railroad companies own or operate separate
0073 lines of track to be crossed by any such viaduct, either upon,
0074 above or below the grade, or where any street-railway company
0075 intersects and crosses the track or tracks of any railroad company,
0076 the proportion thereof and of the approaches thereto to be
0077 constructed by each, and the proportion of cost to be borne by
0078 each, shall be determined by the governing body. It shall be the
0079 duty of any railroad company or companies or street-railway
0080 company, upon being required, as herein provided, to erect,
1 construct, reconstruct or repair any viaduct or tunnel, to proceed,
2 within the time and in the manner required by the governing

3 body, to erect, construct, reconstruct or repair the same, and it
 0084 shall be a misdemeanor for any railroad company or companies
 0085 or street-railway company to fail, neglect or refuse to perform
 0086 such duty, and upon conviction, any such company or companies
 0087 or the superintendent or other officer having charge of such
 0088 railway company or street railway in the district or division
 0089 where such viaduct or tunnel is to be erected or repaired, shall
 0090 be fined ~~one hundred dollars~~ \$100, or imprisoned in the county
 0091 jail not less than ~~thirty~~ 30 days, and each day such companies or
 0092 officers shall fail, neglect or refuse to perform such duty shall be
 0093 deemed and held a separate offense; and in addition to the
 0094 penalty herein provided any such company or companies shall
 0095 be compelled by mandamus or other appropriate proceedings to
 0096 erect, construct, reconstruct, or repair any viaduct or tunnel as
 0097 may be required by ordinance as herein provided.

0098 The governing body shall also have power, whenever any
 0099 railroad company or companies or street-railway companies shall
 0100 fail, neglect or refuse to erect, construct or reconstruct or repair
 0101 any viaduct, viaducts or tunnel, after having been required so to
 0102 do as herein provided, to proceed with the erection, construc-
 0103 tion, reconstruction or repair of the same by contract or in such
 0104 other manner as may be provided by ordinance and assess the
 0105 cost thereof against the property of such railroad company or
 0106 companies or street-railway company, and such cost shall be a
 0107 valid and subsisting lien against such property, and also shall be
 0108 a legal indebtedness of such company or companies in favor of
 0109 such city, and may be enforced and collected by suit in any court
 0110 having jurisdiction.

0111 Sec. 2. K.S.A. 12-1634 is hereby amended to read as follows:
 0112 12-1634. The governing body of all cities of the first and second
 0113 class in a county having a population of over 90,000 shall have
 0114 the power to regulate the crossings of railway and street-railway
 0115 tracks and provide precautions and ~~prescribe rules~~ regulating the
 0116 same; ~~and~~ to regulate the running of street railways or cars and
 0117 railway engines and cars ~~[in the city]~~ and ~~[to prescribe rules]~~
 relating thereto and to govern the speed thereof, and to make
 0119 other and further provisions, rules and regulations to prevent

~~prescribe rules~~ [adopt ordinances

~~and~~ [and to adopt ordinances

~~to regulate the running of street railways or cars and railway engines and cars, and to govern the speed thereof, and to make other and further provisions, rules and regulations to prevent~~ [to regulate the running of railway engines and cars, except speed, and to adopt ordinances relating thereto;

0120 fires from engines, and to require all railway companies to erect
0121 viaducts over or tunnels under their tracks at the crossings of
0122 streets.

0123 From and after the effective date of this act, no rule, regula-
0124 tion or ordinance adopted by the governing body of any city of
0125 the first class or second class in a county having a population of
0126 over 90,000 regulating the ~~running of railway engines and cars~~
0127 ~~or governing the~~ speed ~~thereof~~ shall be of any force or effect,
0128 and the same shall be and is hereby declared null and void. The
0129 governing body shall have power to require any railroad com-
0130 pany or companies owning or operating any railroad or street-
0131 railway track or tracks upon or across any public street or streets
0132 of the city to erect, construct, reconstruct, complete and keep in
0133 repair any viaduct or viaducts upon or over or tunnels under such
0134 street or streets and over or under such tracks, including the
0135 approaches of such viaduct, viaducts or tunnels as may be
0136 deemed and declared by ordinance to be necessary for the
0137 convenience, safety or protection of the public.

0138 Whenever any such viaduct shall be deemed and declared by
0139 ordinance to be necessary for the convenience, safety or protec-
0140 tion of the public, the governing body shall provide for apprais-
0141 ing, assessing and determining the damage, if any, which may be
0142 caused to any property by reason of the construction of such
0143 viaduct and its approaches. The proceedings for such purpose
0144 shall be the same as provided by law for the purpose of ascer-
0145 taining and determining damages to property owners by reason
0146 of the change in grade of any street, except that such damage
0147 shall be paid by such railway company or companies. The
0148 amount of damage thus ascertained and awarded shall, upon
0149 notice by the city, be promptly paid by the railway company or
0150 companies interested, and if any such company shall fail to pay
0151 the same within ten 10 days from receipt of notice of the amount
0152 thereof, then the amount so awarded shall become a lien in the
0153 proportion to the amount each railway company shall pay, if
0154 more than one company is concerned, upon the right-of-way and
0155 all property of such railway company, and the collection thereof
0156 may be enforced by the city in an action against such railway

[part of any

[of railway engines and cars

The governing body of any city of the first or second class in a county having a population of over 90,000, pursuant to K.S.A. 66-165, may initiate a complaint to the state corporation commission and seek an order regulating the speed of railway engines and cars. In accordance with the provisions of K.S.A. 66-165, its rules of procedure and other applicable law, the state corporation commission shall investigate the complaint, may conduct a hearing and, consistent with applicable law and rules and regulations of the federal railroad administration, issue its order.

0157 company or companies so failing to pay. The width, height and
0158 strength of any such viaduct or tunnel and the approaches
0159 thereto, the material to be used therefor, shall be as required by
0160 the governing body.

0161 When two or more railroad companies own or operate separate
0162 lines of track to be crossed by any such viaduct, either upon,
0163 above or below the grade, or where any street-railway company
0164 intersects and crosses the track or tracks of any railroad company,
0165 the proportion thereof and of the approaches thereto to be
0166 constructed by each, and the proportion of cost to be borne by
0167 each, shall be determined by the governing body. It shall be the
0168 duty of any railroad company or companies or street-railway
0169 company, upon being required, as herein provided, to erect,
0170 construct, reconstruct or repair any viaduct or tunnel, to proceed,
0171 within the time and in the manner required by the governing
0172 body to erect, construct or reconstruct or repair the same, and it
0173 shall be a misdemeanor for any railroad company or companies
0174 or street-railway company to fail, neglect or refuse to perform
0175 such duty, and upon conviction, any such company or companies
0176 or the superintendent or other officer having charge of such
0177 railway company or street railway in the district or division
0178 where such viaduct or tunnel is to be erected or repaired shall be
0179 fined one hundred dollars, and each day such companies or
0180 officers shall fail, neglect or refuse to perform such duty shall be
0181 deemed and held a separate offense; and in addition to the
0182 penalty herein provided, any such company or companies shall
0183 be compelled by mandamus or other appropriate proceedings to
0184 erect, construct, reconstruct or repair any viaduct or tunnel as
0185 may be required by ordinance as herein provided.

0186 The governing body shall also have power, whenever any
0187 railroad company or companies or street-railway companies shall
0188 fail, neglect or refuse to erect, construct or reconstruct or repair
0189 any viaduct, viaducts or tunnel, after having been required so to
0190 do as herein provided, to proceed with the erection, construc-
0191 tion, reconstruction or repair of the same by contract, or in such
0192 other manner as may be provided by ordinance, and assess the
0193 cost thereof against the property of such railway company or

0194 companies or street-railway company, and such cost shall be a
 0195 valid and subsisting lien against such property, and also shall be
 0196 a legal indebtedness of such company or companies in favor of
 0197 such city, and may be enforced and collected by suit in any court
 0198 having jurisdiction. Or in lieu of enforcing the collection of the
 0199 costs of ~~said such~~ improvement by a suit at law, the city may
 0200 issue internal improvement bonds of the city as provided by law
 0201 to pay for ~~said such~~ work, and special assessments shall be levied
 0202 against the property of such railroad company or companies or
 0203 street railway as above provided to pay ~~said such~~ bonds and
 0204 interest.

0205 Sec. 3. K.S.A. 14-434 is hereby amended to read as follows:
 0206 14-434. The council shall have power to regulate levees, depots,
 0207 depot grounds, and places of storing freight and goods, and to
 0208 provide for the passage of railways through the streets and public
 0209 grounds of the city; also to regulate the crossings of railway
 0210 tracks and to provide precautions and ~~prescribe rules~~ regulating
 0211 the same, and to regulate the running of railway engines, cars
 0212 and tracks within the limits of said city, and to prescribe rules
 0213 relating thereto, and to govern the speed thereof, and to make
 0214 any other and further provisions, rules and restrictions to prevent
 0215 accidents at crossings, and on the tracks of railways, and to
 0216 prevent fires from engines.

[adopt ordinances

[to regulate the running of railway engines and cars, except speed, and to adopt ordinances relating thereto;

[part of any

0217 *From and after the effective date of this act, no rule, regula-*
 0218 *tion or ordinance adopted by the council regulating the* ~~running~~
 0219 *of railway engines and cars or governing the* speed ~~thereof~~ shall
 0220 *be of any force or effect, and the same shall be and is hereby*
 0221 *declared null and void.*

[of railway engines and cars

The council, pursuant to K.S.A. 66-165, may intitate a complaint to the state corporation commission and seek an order regulating the speed of railway engines and cars. In accordance with the provisions of K.S.A. 66-165, its rules of procedure and other applicable law, the state corporation commission shall investigate the complaint, may conduct a hearing and, consistent with applicable law and rules and regulations of the federal railroad administration, issue its order.

0222 Sec. 4. K.S.A. 15-438 is hereby amended to read as follows:
 0223 15-438. The council shall have power to regulate levees, depots,
 0224 depot grounds and places for storing freight and goods, and to
 0225 provide for the passage of railways through the streets and public
 0226 grounds of the city; also, to regulate the crossings of railway
 0227 tracks, and to provide precautions and ~~prescribe rules~~ regulating
 0228 the same, and to regulate the running of railway engines, cars
 0229 and tracks within the limits of said city, and to prescribe rules
 0230 relating thereto, and to govern the speed thereof, and to make

[adopt ordinances

[to regulate the running of railway engines and cars, except speed, and to adopt ordinances relating thereto;

0231 any other and further provisions, rules and restrictions to prevent
0232 accidents at crossings and on the tracks of railways, and to
0233 prevent fires from engines.

0234 *From and after the effective date of this act, no rule, regula-*
0235 *tion or ordinance adopted by the council regulating the running*
0236 *of railway engines and cars as governing the speed thereof shall*
0237 *be of any force or effect, and the same shall be and is hereby*
0238 *declared null and void.*

[part of any
[of railway engines and cars

0239 Sec. 5. K.S.A. 12-1633, 12-1634, 14-434 and 15-438 are
0240 hereby repealed.

0241 Sec. 6. This act shall take effect and be in force from and
0242 after its publication in the statute book.

The council, pursuant to K.S.A. 66-165, may initiate a complaint to the state corporation commission and seek an order regulating the speed of railway engines and cars. In accordance with the provisions of K.S.A. 66-165, its rules of procedure and other applicable law, the state corporation commission shall investigate the complaint, may conduct a hearing and, consistent with applicable law and rules and regulations of the federal railroad administration, issue its order.