

Approved August 4, 1989

Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at  
Chairperson

1:30 ~~am~~/p.m. on February 14, 1989 in room 519-S of the Capitol.

All members were present except: Representatives Everhart and Justice

Committee staff present:

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

Conferees appearing before the committee:

Lt. William Jacobs, Kansas Highway Patrol  
Capt. F. Dean Forster, Topeka Police Department  
Ms. Nancy Bauder, Kansans for Highway Safety  
Representative Jessie Branson  
Mr. Cliff Heckathorn  
Ms. Carolyn Middendorf, Kansas State Nurses Association  
Mr. Bill Curtis, Kansas Association of School Boards  
Mr. Mike Champlin, Chautauqua County Board of Commissioners  
Mr. Daryl C. Richardson, Douglas County Citizens for Responsible  
Development  
Ms. Martha Parker, Overbrook, Kansas  
Mr. Leslie W. Blevins, Sr., Douglas County Citizens for  
Responsible Development  
Mr. Ivan Wyatt, Kansas Farmers Union

The meeting was called to order by Chairman Crowell and the first order of business was a hearing on HB-2196 concerning child passenger safety restraint.

Lt. William Jacobs, Kansas Highway Patrol, testified in support of HB-2196. (See Attachment 1)

Capt. F. Dean Forster, Topeka Police Department, testified in support of HB-2196. (See Attachment 2)

Ms. Nancy Bauder, Kansans for Highway Safety, spoke in favor of HB-2196. (See Attachment 3)

Representative Jessie Branson testified in support of HB-2196 and urged the committee to support the bill.

Mr. Cliff Heckathorn, Kansas Head Injury Association, testified in favor of HB-2196. (See Attachment 4)

Ms. Carolyn Middendorf, Kansas State Nurses Association, testified in support of HB-2196. (See Attachment 5)

Mr. Bill Curtis, Kansas Association of School Boards, testified in support of HB-2196. (See Attachment 6)

The hearing on HB-2196 was concluded.

The next business was a continued hearing on HB-2014, concerning the maintenance, building and financing of highways.

Mr. Mike Champlin, Chautauqua County Board of Commissioners, testified in support of HB-2014. (See Attachment 7)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S Statehouse, at 1:30 ~~xx~~ p.m. on February 14, 19 89

Committee discussion and questioning followed Mr. Champlin's remarks.


Mr. Daryl C. Richardson, Douglas County Citizens for Responsible Development, testified in opposition to HB-2014. (See Attachment 8)

Ms. Martha Parker, Overbrook, Kansas, testified in opposition to HB-2014. (See Attachment 9)

Mr. Leslie W. Blevins, Sr., Douglas County Citizens for Responsible Development, Lawrence, Kansas, testified in opposition to HB-2014. (See Attachment 10)

Mr. Ivan Wyatt, Kansas Farmers Union, testified in opposition to HB-2014. (See Attachment 11)

The meeting was adjourned at 3:25 p.m.

  
\_\_\_\_\_  
Rex Crowell, Chairman

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
Ray Arvin	TOPEKA	Edgar
FRANCES KASTNER	TOPEKA	Ks Food Dealers Assn
Mrs Mrs Mary Shackles	Coffeyville, KS	Citizens
Ear Blam	McPherson, KS	Ba. K. Bann. et
DON LINDSEY	OSAWATOMIE	UTU
Cliff Heckathorn	Topeka, Ks.	Ks. Head Injury Assn
Susan Butterfield	Manhattan, Ks	Safety Belt Education Office
Bill Curtis	Topeka	Ks. Assoc. of School Bds.
Birdel Welsh	LU	Kansans For Highway Safety
Delores Bengtson	Lawrence	
Michael Horat	Topeka	A.P
Martha L. Parker	Ovenhous K	Douglas Co.
Leslie W. Blevins Sr.	2513 Louisiana St. Lawrence, Kansas 66046	RETIRED.
Walter Amey	RT 2 Palsdwin, Ks. 66006	PVA.
DARYL C. RICHARDSON	Lawrence	DO. CO. Citizen For Responsibility Develop.
F. DEAN FORSTER	Topeka	Topeka Police
ED DESOIGNIE	TOPEKA	KS. CONTRACTORS ASSOC.
Sandy Simmons	Leavenworth	parent
Caela Simmons	Leavenworth	student ages 8
Bernice G. Jodel	Lawrence	Retired
Patricia Kells	"	"
Jean Wiley	"	"
Lt. BILL JACOBS	TOPEKA	KHP
Charles Bruner	Uniontown	Citizen
Christmann K. Perras	Coffeyville	Leadership Coffeyville
Ivan W. Wyatt	McPherson	Ko Farmers Union



SUMMARY OF TESTIMONY

Before the House Transportation Committee

House Bill 2196

Presented by the Kansas Highway Patrol

(Lieutenant William Jacobs)

February 14, 1989

Appeared in Support of House Bill 2196

Our agency supports House Bill 2196 since it is a safety measure to protect children who are transported in vehicles over the highways of this state.

The present law only applies to resident parents or legal guardians when transporting children under the age of 4 years in the front seat of their passenger car, (not a substitute vehicle or vehicle registered in another state), on Kansas highways.

House Bill 2196 would amend the child passenger safety act to include children up to age 14. Presently there is no means to take enforcement action when a child between the ages of 4 and 10 is being transported unrestrained in a vehicle. Children between 4 and 10 cannot be held responsible for wearing a safety belt, as required by the safety belt use act, under traffic or juvenile law.

The bill would make child restraints mandatory anywhere within a passenger car.

House Bill 2196 would also make the child passenger safety act applicable to all drivers on Kansas highways whether a resident or non-resident passing through the state.

The bill raises the fine for offenses from \$10 per occurrence to \$20. The threat of a larger fine would definitely be an added deterrent to those who are now negligent of the law.

As stated before, we support this bill as a safety measure for children; who most of the time have no choice of their own about riding in vehicles, but are placed there by others. We would ask your favorable support of this bill.

Att. /

## TOPEKA POLICE DEPARTMENT

The Topeka Police Department supports House Bill 2196 by the Committee on Transportation, amending K.S.A. 1988 Supp. 8-1344, 8-1345, 8-1347 and 8-2503 and repealing the existing sections.

Existing statutes, requiring only the parent or legal guardian, of a child under the age of 4 years old, to be responsible for properly using approved restraining devices are difficult to enforce from the standpoint of proving, beyond a reasonable doubt, that the drivers of the vehicle was the parent or legal guardian of the child and that the vehicle was not a "substitute" vehicle.

House Bill 2196 removes the uncertainty of who, if anyone, should receive a citation for violation(s) of K.S.A. 8-1344 and 8-2503. Under a current statute 8-2503, the issuance of a citation for a violation of the statute is not possible if the actual violator is under the age of 14 years. Under the age of 7 years, an arrest would be completely impossible. Enforcement of 8-2503, involving a child under the age of 14 years, would require a custodial arrest and no law enforcement officer wishes to cause a child, under the age of 14 years, to be arrested for an offense that should be the responsibility of the adult driver. Absent another type of traffic infraction, the arrest could not be made.

House Bill 2196 still provides the same safeguards as the present statutes but at the same time provides law enforcement officers with the opportunity to properly and adequately enforce the law; holding the proper person(s), that being the adult driver, responsible when a violation, by a child, in the adult driver's vehicle is detected.

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Testimony to be Delivered to  
THE HOUSE TRANSPORTATION COMMITTEE

by Nancy Bauder, Executive Director  
Kansans for Highway Safety

On behalf of Kansans for Highway Safety, I ask that you support HB 2196, which would strengthen the Kansas Child Passenger Safety Act.

Kansans for Highway Safety is made up of various organizations and individual volunteers who work in Kansas to prevent fatalities and serious injuries on Kansas streets and highways. Our course of action of promotion and educational efforts is to encourage citizens to use safety belts, and other safe driving practices, as well as protect our children with the use of safety belts.

In 1986, in Kansas, Department of Transportation statistics showed 122 fatalities under age 19. 118 of those persons were not belted. Of the age group four and under, there were 8 fatalities (5 not belted), and 818 injured (one-half not belted). Of the eight children who died in the rear seat of an automobile last year, none were belted. One fourth of all vehicle-related fatalities are children.

We are not getting the message across that children need to be buckled up in their vehicle. Last year, a University of Michigan study showed that safety belt usage is the lowest among children between the ages of five and fifteen. That is the lowest of all age groups. What kind of message are we giving our children? -that it is safe to sit in the rear seat unbelted? -that after a child becomes four years old it is now ok to not wear a safety belt? -that if you're not from Kansas you don't have to obey our child restraint laws?

Our children should not be exempt from one of the most life and injury-saving laws that this state has ever passed. Our precious child passengers need laws that will include all their age groups, include pick-up trucks and rear seats of automobiles. The fine should be increased to discourage non-compliance, and all drivers should be responsible for children in their vehicles, not just parents or guardians of Kansas citizens.

We greatly appreciate your past efforts in safeguarding our children with the passage of, and previous amendments to the Child Passenger Safety Act. Your concern for the future generation is evident.

Respectfully submitted,  
Nancy Bauder

## THE KANSAS CHILD RESTRAINT LAW

### RATIONALE

#### NATIONALLY:

In 1986, according to the National Highway Traffic Safety Administration -

1. Overall fatalities increased by 7%, and rear seat fatalities increased by 12%.
2. Five times the fatalities occurred when passengers were unbelted compared to belted passengers.
3. One-half of all passengers who died in the rear seat of a vehicle were under 19 years of age (768 children).
4. One-fourth of all passengers killed were under the age of 19 (5500). Of those fatalities, 4200 were unrestrained.

#### IN KANSAS:

In 1986, according to the Kansas Department of Transportation and the National Highway Traffic Safety Administration -

1. Ages 0 to 19: 122 fatalities, 118 were not buckled up. (In the rear seat, eight fatalities, none were buckled up.)
2. Ages 0 to 4: 8 fatalities, 5 of those were not restrained.
3. Ages 0 to 4: 818 injuries, one-half were unrestrained (402).

Of the 500 fatalities, 122 of those were ages 0 to 19 years old. Kansas children are not covered either by the Child Restraint Law or the Mandatory Seat Belt Law if they are between the ages of 4 and 14.

The laws need to include these age groups, and the child restraint law needs to include front and rear seat passengers, have a higher fine for non-compliance, include all children (rather than just Kansas citizens), and be travelling with any driver, not just the parent or guardian.

Respectfully submitted,  
Nancy Clark Bauder, President KHS



COMPONENTS OF CHILD RESTRAINT LAWS  
PROVIDED BY THE NATIONAL SAFETY COUNCIL

SEPTEMBER 1985 \*

Child Restraint Law responsibility applies to:

All drivers	29 states
Parent or guardian	22 states
Must be state resident	27 states

Position in vehicle:

Front and back seat	49 states
FRONT SEAT ONLY	1 state (Kansas)

MAXIMUM Fine for non-compliance, first offense:

No fine	4 states
\$10	8 states (Includes Kansas)
\$15	3 states
\$20	4 states
\$25	20 states
\$30	2 states
\$50	4 states
\$75	1 state
\$100	4 states
\$200	1 state
\$500	1 state (Indiana, waivable)

First offense fine waivable: 39 states

AGE OF CHILD (As reported by the Natl. Highway Traffic Safety  
Administration, 1988)

0-2 yrs.	1 state
0-3 yrs.	2 states
0-4 yrs.	19 states (includes Kansas)
0-5 yrs.	14 states
0-6 yrs.	6 states
0-9 yrs.	1 state
0-10 yrs.	3 states
0-11 yrs.	1 state
0-12 yrs.	3 states
0-16 yrs.	1 state
Ht: 0-40" tall	1 state

\* As 30 states now have Adult Mandatory Usage laws, these laws may now be more stringent.

Information compiled by:  
Nancy Bauder, KHS

February 14, 1989

Representative Rex Crowell  
Chairman, House Transportation Committee  
Room 431N

Testimony - House Bill No. 2196  
Concerning Child Passenger Safety

Tuesday, February 14, 1989 1:30 p.m.  
Transportation Committee  
Room 519S

The mission of the Kansas Head Injury Association includes supporting programs and services to prevent head injury.

Statistics indicate 50% of all head injuries are caused by motor vehicle accidents and 80% of the more severe or traumatic head injuries are the result of motor vehicle accidents.

Anything we can do to make vehicles safer will help reduce injuries. Consequently, we support House Bill No. 2196 and encourage you to vote for it.

Thank you for the opportunity to be here and testify before this committee.



Cliff Heckathorn  
Vice President & Volunteer Lobbyist  
Kansas Head Injury Association



Middendorf



FOR FURTHER INFORMATION CONTACT:

TERRI ROBERTS, J.D., R.N.  
EXECUTIVE DIRECTOR  
KANSAS STATE NURSES' ASSOCIATION  
820 QUINCY, SUITE 520  
TOPEKA, KANSAS 66612  
(913) 233-8638

## H.B. 2196 -- CHILD PASSENGER SAFETY ACT

Chairperson Crowell and members of the House Transportation Committee, my name is Carolyn Middendorf, R.N., M.N., and I am presently an assistant professor at Washburn University School of Nursing. I have been in the field of nursing for fifteen years and am currently the Legislative Chairperson for the Kansas State Nurses' Association.

H.B. 2196 strengthens the current law related to child passenger safety, and as health care providers and consumers, nurses recognize that hospitalization, medical costs, and severe injury to children is significantly lower for those using motor vehicle occupant restraint devices in an automobile collision. Kansas was one of the first states to enact a Child Passenger Safety Act in 1981, and consequently, the Kansas law is one of the weakest in the country. The time has come to strengthen the provisions of this act.

<u>Current Law</u>	<u>H.B. 2196 -- Proposed</u>
4 years or under	14 years
front-seat passenger	not distinguished
	(deletes front-seat requirements)
only parents/guardians can be ticketed	Drivers transporting children can be ticketed
\$10.00 first offense	\$20.00 first offense

The current law can be strengthened by implementing all of the proposed changes. The Kansas Child Passenger Safety Act is particularly weak in two areas when compared to other states' child passenger protection laws.

The first is who the law applies to. Only Kansas and twelve other state laws apply to parents and legal guardians. In the remaining thirty seven states and Washington, D.C., the law applies to all drivers. This specific language would provide continuity to the children being transported by Grandparents and others.

The second area is the front seat only requirement. According to the National Highway Traffic Safety Administration (NHTSA), Kansas is the only state that has this requirement in their current law. It is important that infants and children be restrained regardless of seating arrangement in the car.

### KANSAS STATISTICS

In 1987 in Kansas, Department of Transportation statistics showed 122 fatalities under age 19. 118 of those persons were not wearing safety belts. Of the age group four and under, there were 8 fatalities (5 not belted).

### BUCKLING UP CHILDREN

MYTH: I put the children in the rear seats. That safe enough, isn't it?

FACT: Children need to be protected because their potential for ejection and for serious and fatal injury is just as great as that for adults.

MYTH: "I wouldn't think of putting my baby in a restraint seat. She's fine in my arms."

FACT: A baby may weigh very little, but in an accident, the baby's apparent weight increases dramatically as accident forces exert pressures on occupants. In a crash as slow as 10 mph, the forces on occupants can reach 20 times the force of gravity. In such an occurrence, an unrestrained 12-pound child will exert a 240-pound force on the arms of the person holding the child. Under such conditions, the baby would be almost impossible to hold.

Attached is a profile of Child Passenger Protection laws distributed by the National Highway Traffic Safety Administration (NHTSA) comparing state laws for your reference.

This week has been proclaimed "Child Passenger Safety Awareness Week" by Governor Hayden. Kansas Nurses have joined in the promotion of safety belt use by distributing Valentines to Day Care Centers throughout the state with a message to buckle up.

We would ask for your support in the passage of H.B. 2196 to help protect our most valuable resource, our children.

Thank you!

# Child Passenger Protection Laws

State	Original Year Enacted	Original Effective Date	Restraint Requirement Age	Safety Seat Required	May Substitute Safety Belt	Safety Belt Required	Penalty <sup>3</sup>
Alabama	1982	7/82	Under 3	Under 3	No		\$10
Alaska	1984	6/85	Under 7	Under 4	4 thru 6		2 pts. & up to \$300
Arizona <sup>1 *</sup>	1983	8/83	Thru 4 <sup>2</sup>	Thru 4 <sup>2</sup>	No		\$50
Arkansas	1983	8/83	Under 5	Under 3	Between 3 & 5		\$10—\$25
California <sup>1</sup>	1982	1/83	Under 4 <sup>2</sup>	Under 4 <sup>2</sup>	If not in parent's vehicle	**	\$50—\$200
Colorado	1983	1/84	Under 4 <sup>2</sup>	Under 4 <sup>2</sup>	No	**	\$25
Connecticut	1982	5/82	Under 4	Under 4	Between 1 & 4 in rear seat	**	\$25—\$100
Delaware <sup>1</sup>	1982	6/82	Under 4	Under 4	No		\$25
Florida <sup>*</sup>	1982	7/83	Under 6	Under 4	Between 4 & 6	**	\$15
Georgia <sup>*</sup>	1983	7/84	Under 5	Under 3	Between 3 & 5	**	\$25
Hawaii	1983	7/83	Under 4	Under 3	Between 3 & 4	**	\$100 maximum
Idaho <sup>1</sup>	1984	1/85	Under 4 <sup>2</sup>	Under 4 <sup>2</sup>	No	**	\$100 maximum
Illinois <sup>1 *</sup>	1982	7/83	Under 6	Under 4	Between 4 & 6	**	\$25—\$50
Indiana	1983	1/84	Under 5	Under 3	Between 3 & 5	**	\$50—\$500
Iowa <sup>*</sup>	1984	1/85	Under 6	Under 3	Between 3 & 6	**	\$10
Kansas <sup>1 *</sup>	1981	1/82	Under 4 <sup>4</sup>	Under 4 <sup>4</sup>	No	**	\$10
Kentucky <sup>1 *</sup>	1982	7/82	Under 40 <sup>4</sup>	Under 40 <sup>4</sup>	No		\$50
Louisiana	1984	9/84	Under 5	Under 5	Between 3 & 5 in rear seat	**	\$25—\$50
Maine <sup>1 *</sup>	1983	9/83	Under 12	Under 4	Between 1 & 4 if not in parent's vehicle	4 thru 11	\$25—\$50
Maryland	1983	1/84	Under 5	Under 3	Between 3 & 5	**	\$25
Massachusetts <sup>*</sup>	1981	1/82	Thru 12	Under 5	Under 5	5 thru 12	\$25
Michigan	1981	4/82	Thru 4	Thru 4	1 thru 4 in rear seat	**	\$10
Minnesota <sup>*</sup>	1982	8/83	Under 11	Under 4	4 thru 10 in rear seat	**	\$25
Mississippi <sup>1</sup>	1983	7/83	Under 2	Under 2	No		\$10
Missouri	1983	1/84	Under 4	Under 4	Under 4 in rear seat	**	\$25
Montana <sup>1 *</sup>	1983	1/84	Under 4 <sup>2</sup>	Under 2	Between 2 & 4	**	\$10—\$25
Nebraska	1983	8/83	Under 4	Under 1	Between 1 & 4		\$25
Nevada	1983	7/83	Under 5	Under 5	Under 5 in rear seat	**	\$35—\$100
New Hampshire <sup>*</sup>	1983	7/83	Under 5	Under 5	Under 5		\$30
New Jersey <sup>*</sup>	1983	4/83	Under 5	Under 5	Between 1½ & 5 in rear seat	**	\$10—\$25
New Mexico <sup>*</sup>	1983	6/83	Under 11	Under 5	Between 1 & 5 in rear seat	5 thru 10 **	\$50
New York <sup>*</sup>	1981	4/82	Under 10	Under 4	Between 4 & 10 in rear seat	4 thru 9 **	\$25
North Carolina <sup>*</sup>	1981	7/82	Under 6	Under 3	Between 3 & 6	**	\$25
North Dakota <sup>*</sup>	1983	1/84	Thru 5	Under 3	3 thru 5		\$20
Ohio	1982	3/83	Under 4 <sup>2</sup>	Under 4 <sup>2</sup>	Between 1 & 4 if not in parent's vehicle	**	\$10
Oklahoma <sup>*</sup>	1983	11/83	Under 5	Under 4	Under 4 in rear; 4-5 in front or rear	**	\$25 maximum
Oregon <sup>*</sup>	1983	1/84	Under 16	Under 1	Between 1 & 5	5 thru 15 **	\$50 maximum
Pennsylvania <sup>*</sup>	1983	1/84	Under 4	Under 4	Between 1 & 4 in rear seat	**	\$25
Rhode Island <sup>*</sup>	1980	7/80	Thru 12	Thru 3	No	4 thru 12	\$10
South Carolina <sup>*</sup>	1983	7/83	Under 6	Under 4	Between 1 & 6 in rear seat		\$25
South Dakota <sup>* 1</sup>	1984	7/84	Under 5	Under 2	Between 2 & 5		\$20
Tennessee <sup>*</sup>	1977	1/78	Under 4	Under 4	No	**	\$2—\$10
Texas	1984	10/84	Under 4	Under 2	Between 2 & 4	**	\$25—\$50
Utah <sup>1</sup>	1984	7/84	Under 5	Under 2	Between 2 & 5	**	\$20
Vermont <sup>*</sup>	1984	7/84	Under 5	Under 5	Between 1 & 5 in rear seat		\$25
Virginia <sup>*</sup>	1982	1/83	Under 4	Under 3	Between 3 & 4 or over 40 pounds	**	\$25
Washington <sup>1</sup>	1983	1/84	Under 5	Under 1	Between 1 & 5	**	\$30
West Virginia <sup>*</sup>	1981	7/81	Under 9	Under 3	Between 3 & 5	5 thru 8	\$10—\$20
Wisconsin <sup>*</sup>	1982	11/82	Under 4	Under 2	Between 2 & 4	**	\$10—\$200
Wyoming	1985	4/85	Under 3 <sup>2</sup>	Under 3 <sup>2</sup>	No		\$25
Dist. of Col.	1982	7/83	Under 6	Under 3	Between 3 & 6	**	\$25

- NOTES: <sup>1</sup> Law applies only to parents and legal guardians  
<sup>2</sup> Or less than 40 pounds  
<sup>3</sup> Most states waive fines upon proof of safety seat acquisition  
<sup>4</sup> Kansas law applies only to children riding in front seat.  
<sup>\*</sup> States which have upgraded laws since original enactment.  
<sup>\*\*</sup> Covered by State Safety Belt Laws



Testimony of HB 2196  
before the  
House Transportation Committee

by

Bill Curtis, Assistant Executive Director  
Kansas Association of School Boards

February 14, 1989

Mr. Chairman and members of the committee, we appreciate the opportunity to testify today on behalf of the Kansas Association of School Boards. KASB supports HB 2196 which would make the driver of a passenger car responsible for the securing of the safety system for all passengers under the age of 14.

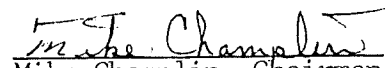
While KASB has historically opposed mandating seat belts in school buses, we support this bill. Our opposition to the seat belt mandate in buses has primarily been because of the construction and specifications of school buses. Passenger cars are a different matter. A number of school districts use passenger cars to transport special education students and, in some instances, feeder routes or routes with a few isolated students. We believe safety would be best served by insuring that the driver be responsible for securing the safety devices. Thank you for your attention. We would urge your favorable consideration for HB 2196.

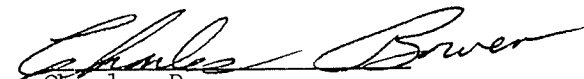
February 13, 1989


HOUSE TRANSPORTATION COMMITTEE MEMBERS:

- 1.) There are 5 one lane bridges (designed by K-DOT) between Sedan and Cedar Vale.
- 2.) No shoulders exist on 166 between Sedan and Ark City, a distance of 50 miles.
- 3.) No meaningfuleconomic development can take place for Cedar Vale or Sedan without our 166 highway system being upgraded.
- 4.) US 166 would provide a vital link for shipping goods East and West out of Cowley County's Strother Field Industrial Park. It would also provide enhanced traffic flow East-West across the southern tier of the counties. It would give Chautauqua County residents greater and safer access to the Wichita metropolitan area.
- 5.) Chautauqua, Cowley, Elk and Montgomery Counties all are on record supporting the continued renovation of 166.
- 6.) As our pictures indicate, US 166 is a public safety hazard by any standard.

signed,  
Chautauqua County Board  
of Commissioners

  
Mike Champlin, Chairman

  
Charles Bowen

  
Clark Benson

TO THE HONORABLE REX CROWELL, CHAIRMAN  
HOUSE TRANSPORTATION COMMITTEE  
AND  
DISTINGUISHED COMMITTEE MEMBERS

Comments - Testimony  
House Bill 2014, Highway Program - Financing  
February, 1989

My name is Daryl C. Richardson. I am here today in opposition to House Bill 2014 in my capacity as President of the Douglas County Citizens for Responsible Development (DCCRD), and as a taxpayer in the great state of Kansas.

Specifically, we oppose the Highway Program funding as proposed by this bill in four (4) major areas. They are:

1. "Economic Development Projects", line 54.
2. "System Enhancements. . .", lines 57 through 64.
3. Registration fee increase percentages being disproportionate, lines 395 through 459.
4. Proposed change in the Kansas sales tax increase of  $\frac{1}{2}$  of 1% to a total of 4.5%, line 1883.

Regarding the "Economic Development Projects" and "System Enhancements . . . etc.", it would appear more specific definitions of both are necessary as well as desirable to continue the Legislature's intent of removing politics from the Highway Program. In particular, it is widely known that the Secretary of Transportation and his department, the Kansas Department of Transportation



(KDOT), place high priority on proposed projects having local matching funds. However, a continuing problem with local matching funds is how they are obtained, i.e., at the discretion of the citizen/taxpayers who are the suppliers of the funds, or with political arm-twisting. Therefore, we urge this committee as well as the entire legislative body to amend HB 2014 so that appropriate language is included for the "Economic Development Projects" and "System Enhancements . . . etc." portions, if they are to be enacted, that before state funds are available, local matching funds would have had to receive voter approval by the citizen/taxpayers in the affected local area before such state funds can be utilized under the "Economic Development Projects" and "System Enhancements . . . etc." In support of such amendment, we offer the following background information concerning a very controversial and, I might add, unnecessary Bypass proposal in and around Lawrence (Douglas County).

For over four (4) years, City, County, and local Chamber of Commerce officials have tried to ramrod this Bypass proposal down the throats of Lawrence and Douglas County taxpayers. The local funding portion is proposed to come from General Obligation Bonds of \$4,000,000 from County taxpayers and \$4,000,000 from City taxpayers; however, the citizen/taxpayers of both Lawrence and Douglas County have continually been denied the opportunity to vote on and/or participate in this proposal. If the above bonding becomes approved, because of current litigation now taking place, the City and County will have increased their debt by a considerable amount. Consequently, organizations such as DCCRD have formed to provide the taxpayers information about what this so-called Bypass project will do to their taxes and to inform them about the benefits to be derived, and who will actually benefit if this

Bypass becomes reality. While local elected officials have used various justifications over the last four (4) years regarding this Bypass project, from relieving traffic congestion to economic development needs, KDOT and DCCRD, along with other concerned taxpayers have shown that this pork-barrel project is not needed, including a proposed third (3rd) Kansas Turnpike Interchange on I-70 within three (3) miles of the present West Lawrence Interchange. A recent KDOT study done in June, 1986, the Kansas Department of Transportation's "Origin-Destination Study, Lawrence, Kansas, 1986", specifically points out that 9 out of 10 vehicles in the affected Lawrence area (including portions of rural Douglas County) are local traffic and not "through traffic" which the so-called Lawrence Bypass is being touted to relieve. In fact, page 65 of this report identifies that 87% of the traffic is local traffic and only 13% is through traffic or bypassing Lawrence traffic. When considering that this Lawrence Bypass proposal has more than 15 access points, complete with stop signs and/or traffic light signals, then relieving 13% of the "through traffic" hardly seems cost effective when the 14.3 mile Lawrence Bypass will cost in excess of \$75,000,000 when completed. Do we as a state want to commit ourselves to such an excessive waste of state taxpayers' money on a KDOT identified high priority project when their own study reveals it is not needed?

We have in this state more pressing highway needs, particularly necessary maintenance and upkeep as well as other more economically depressed highway need areas, such as Southeast Kansas. Furthermore, considering that Kansas currently ranks as having the fifth (5th) highest total paved highway miles in the nation, yet with only the 32nd total population, can we seriously commit such massive highway amounts to new type construction identified as

"Economic Development Projects" and/or "System Enhancements . . . etc."? Granted, we have all heard the many arguments, some justifiably so, of "Economic Development" and while we all strive to attract quality jobs to assist such effort, we in Lawrence and Douglas County seriously question whether building three (3) more golf courses, an amusement park and a resort near Clinton Lake is actually creating quality jobs for Kansas citizens. The forementioned "economic development projects" are the real major reasons behind the so-called Lawrence Bypass, because all of these projects happen to be exactly on the proposed route of the 14.3 mile Lawrence Bypass. Furthermore, it is obvious that while economic stability plays a vital role in our everyday lives, Kansas cannot attract business to locate here and create the jobs needed for our citizens when we have the eighteenth (18th) highest corporate income taxes in the nation, which is above the national average. Building new type construction roads to attract businesses who will have to pay extremely high corporate taxes seems to us to be placing the cart before the horse.

As mentioned previously, another extremely important concern and opposition we have to HB 2014 is the disproportionate percentage increase in registration fees levied on private passenger type vehicles. Specifically, you will note in lines 395 through 459 that the private passenger types, both those under 4,500 pounds and those over 4,500 pounds go up +92% (under 4,500 pounds) and +35% (over 4,500 pounds). Yet trucks 16,000 pounds to over 85,000 pounds range from 29% to 33% increase. It appears to us that those receiving the largest percentage increase are the very type of vehicles causing the least amount of wear and tear on our highway system. With ever-increasing truck weights being continually allowed to increase each year, it is no wonder our current highway system is in need of normal maintenance. A more fair and

logical approach, thereby causing the bill to be amended, is for a uniform percentage increase of thirty percent (30%) or increasing the truck registration fees progressively higher as per their weight distribution on the roadbed.

Regarding the sales tax increase as an additional highway program funding source, it appears to us that this is totally unnecessary. Again, it seems we are proposing to tax those citizens of this state who are least able to afford the additional taxes to fund a highway program. With an increasing aging population and lower population growth percentage predicted in the next three decades, an increase in the state sales tax is unfounded. In addition, with property reappraisal, a large percentage of individuals as well as businesses are faced with much higher property taxes. While the businesses can pass through these increased property taxes, individual taxpayers cannot, and will be doubled up, having to pay the business pass-through as well as their individual increased property taxes. Tacking on an additional  $\frac{1}{2}$  of 1% to the state sales tax is devastating to all Kansans.

Finally, in closing, we have some alternative measures for you to consider in amending HB 2014. They are:

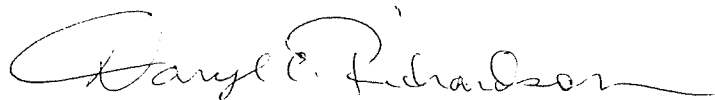
1. We propose that the portions of HB 2014 concerning new type construction, i.e., "Economic Development Projects" and/or "System Enhancements . . .etc." be deleted from the proposed bill at this time because of the aforementioned increased tax obligations facing all Kansans in real property taxes because of reappraisal. Now is not the time to be considering a \$700,000,000 plus new construction portion of the highway program. Considering our present problems in maintaining the highway system

currently in place, "Economic Development" and "System Enhancement .. .etc." projects (new construction) costing millions of dollars are truly not in the best interests of the taxpaying public. We therefore propose as an alternative a five cent (5¢) increase in the motor fuel tax to fund the necessary current highway maintenance obligation.

2. If it should be necessary, and can be specifically justified, to have some sort of "Economic Development" projects and/or "System Enhancements . . .etc.", we recommend, based upon aforementioned justification, that local citizen/taxpayers be granted the right to vote on the local matching funds before any state funds are made available for such projects. We urge you to amend the bill with appropriate wording.

We appreciate having had the opportunity to present these comments and hopefully enacted amendments to HB 2014.

Thank you.



Daryl C. Richardson  
President  
Douglas County Citizens for  
Responsible Development

Pur 1 -

Chairman, Rex Crowell  
Members of the Committee

Martha J. Parker  
R. R. # 2 Box 99  
Overbrook, Kansas 66524

It is important that we develop a comprehensive highway plan, and I agree with the Legislature's proposal for a substantial improvement in highway maintenance. I can not agree that one highway project in particular, the Lawrence trafficway, should be included in the new construction aspect of House Bill No. 2014.

I have followed the Lawrence trafficway proposal since its inception (originally called Lawrence by-pass) missing only one public meeting. At each meeting the opponents greatly out-numbered the proponents. At one "public input" meeting at the Douglas County Courthouse, the County Commission room, including the balcony and foyer, was filled to its capacity. Many of the people in attendance were from the rural area where I reside. The meeting started at 7:30 p.m. with the introductions of all local officials followed by presentations from nine consultants lasting until 10:30 p.m. By then, most people there to testify walked out in disgust feeling that their "input" was not wanted, in fact, thwarted.

Controversy has surrounded this proposed project from the beginning and continues to do so.

I believe that I speak for many citizens of Douglas County, when I say the first proposals in regard to the Lawrence trafficway, were initiated behind closed doors in an effort to avoid early public comment.

Att. 9

House Bill No. 2014 continued:

There are traffic problems in Lawrence, Kansas, on 6th Street, Iowa Street, and, yes, on 23rd Street, but I do not feel that the now-called Lawrence trafficway with fifteen access points will alleviate them.

From my observation, mostly local people including Kansas University students, are driving their cars on 23 rd Street because of the fast food restaurants (an increasing number of them being built each year), a dry cleaners, a Baskin-Robbins, a post office, three mini-malls, and many other businesses frequented by the general public. Also, this year the Dillon Company will be opening a large supermarket. The state's own "origin and destination" study supports this theory.

Let's be sure that new construction projects meet and pass a strict criteria in order to justify the use of taxpayer's money to fund them.

With the possibility of increased taxes through reappraisal, the building of a new high school for School District #497 in Lawrence, and because the cost of the proposed highway may exceed \$38 million, I propose that the people of Douglas County and those living in other Kansas counties where special projects are proposed by their city and county governments, have the opportunity to vote at the local level before state matching funds are made available.

I ask that House Bill No. 2014 be amended to reflect the above proposal.

B' us  
10

1 of 35

TO THE HONORABLE REX CROWELL, CHAIRMAN  
HOUSE TRANSPORTATION COMMITTEE

and

DISTINGUISHED COMMITTEE MEMBERS

Comments - Testimony  
House Bill 2014, Highway Program - Financing  
February, 1989

My name is Leslie W. Blevins, Sr. I am a lifelong resident and retired businessman from Lawrence, Kansas.

As a member of the Douglas County Citizens for Responsible Development, I too am here to oppose certain aspects of House Bill 2014 before this committee.

The first thing I would like to do is apologize to you for the lack of citizen/voter/taxpayer attendance at today's meeting. Having had considerable experience in attending meetings over the last four years, I believe many people are convinced that their opinions and voices do not make a difference. This is especially true in Lawrence at the local political level. If what I say is true at the local level, then it follows that it will be more true at this level.

Please let me provide a little background information. In 1985, the Douglas County Commission made the mistake of misjudging the apathy level of Douglas County citizen/taxpayers. The County Commissioners put together a steamroller campaign to build a western and southern bypass around Lawrence. The dollar amount and the issue of the need for the bypass were and continue to be less important than the steamroller's promotion of "economic development."

Att. 10



Of the three County Commissioners involved, only one remains in office, and that is subject to change at the forthcoming election.

The lesson to be learned is that not only can a road project such as the Lawrence Bypass be controversial on its face, but the scope, the method of financing by local taxpayers, and whether or not new type construction projects are presented to the taxpayer/voters for their approval or rejection can, of themselves, be the deciding factor to the project's success or failure.

Consequently, while House Bill 2014 identifies the proper state highway maintenance that is necessary for the present state highway system, it fails to allow local area residents who are affected by new projects to vote as to whether or not those taxpayers want to commit local funds to new construction type projects, such as the Lawrence Bypass. In that regard, the bill needs amending with regard to "Economic Development Projects" and/or "System Enhancements . . . etc." to provide for a local vote whenever local matching funds are involved.

Since some areas of this state refuse to allow taxpayer involvement, you elected representatives are charged with the responsibility of protecting the Kansas taxpayer and to enact the necessary safeguards for ordinary citizens. To that end, I, along with many others from my local area, urge you to amend portions of House Bill 2014 to protect state taxpayers from the very mistakes which have been made on the local level, by placing proper terminology in this bill allowing for voter approval of new type construction projects, particularly if local matching funds are to be used with state funds.

I thank you for the privilege of offering comments on this issue.

Leslie W. Blevins, Sr.  
2513 Louisiana Street  
Lawrence, Kansas 66046

STATEMENT  
OF  
KANSAS FARMERS UNION  
BY  
IVAN W. WYATT, PRESIDENT  
BEFORE  
THE HOUSE COMMITTEE ON TRANSPORTATION  
ON  
HB 2014  
(HIGHWAY FINANCING)  
FEBRUARY 1989

*Wyatt*  
11

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

I AM IVAN WYATT, PRESIDENT OF THE KANSAS FARMERS UNION.

AS I VISIT WITH PEOPLE AROUND THE STATE ABOUT THE OVER-ALL TAX PROPOSALS THAT ARE NOW BEFORE THE KANSAS LEGISLATURE, I FIND A GREAT AMOUNT OF CONFUSION AMONG THE PEOPLE.

FIRST, THEY HEAR THAT THE STATE'S BIGGEST TAX BREAK IN HISTORY IS GOING TO SEND TAX DOLLARS BACK TO THEM. THEN THEY HEAR THAT WE HAVE TO RAISE ROAD FUEL TAXES AND REGISTRATION FEES TO FUND HIGHWAY MAINTENANCE AND NEW HIGHWAYS.

IT APPEARS TO MANY PEOPLE THAT WE MAY BE WITNESSING THE GREATEST USE OF BLUE SMOKE AND MIRRORS SINCE THE DAYS OF DAVID STOCKMAN WHEN PETER WAS ROBBED TO PAY PAUL.

MANY PEOPLE, IF AND WHEN THEY GET THAT REFUND OR TAX REDUCTION, ARE GOING TO THINK THEY ARE PAUL. WHEN THEY START PAYING THE INCREASED REGISTRATION FEES ON THEIR PICKUPS, TRUCKS AND AUTOS, THEY WILL BEGIN TO HAVE SOME DOUBTS. WHEN THEY BEGIN TO PAY THE FUEL TAX INCREASES, THEY WILL THEN REALIZE THAT THE \$7, \$20 OR \$100 TAX BREAK IS NOT SO GREAT AND IS MINUTE COMPARED TO THE ADDED TAX ON ROAD FUELS THEY USE. ESPECIALLY IF CONGRESS INCREASES THE FEDERAL FUEL TAX 10 CENTS TO 30 CENTS THAT IS ADVOCATED BY SOME TO HELP PAY THE DEFICIT WHICH WAS THE RESULT OF THE

*Att. 11*

FEDERAL TAX BREAKS AND WRITE-OFFS OF THE 80'S.

THESE TAXES WILL BE AN ADDED BURDEN, ESPECIALLY TO THE FARMER RANCHERS AND CITIZENS OF THE RURAL AREAS OF THE STATE, WHOSE BUSINESS BY NATURE COMPELS THEM TO DRIVE MANY MORE MILES. IT HAS OFTEN RIGHTFULLY BEEN STATED THAT FARMERS BUY RETAIL AND SELL WHOLESALE AND PAY THE FREIGHT BOTH WAYS. AS SENATOR FRED KERR REMARKS, RECENTLY REPORTED BY THE NEWS MEDIA, SAID: HAYDEN'S INCOME TAX PLAN WOULD BENEFIT URBAN AREAS MORE THAN RURAL AREAS BECAUSE IT IS AIMED AT MIDDLE TO UPPER INCOME TAXPAYERS. AND MOST OF THESE PEOPLE LIVE IN URBAN AREAS.

SENATOR KERR'S STATEMENT BEGINS TO INDICATE WHO THE PETERS AND THOMAS PAULS WILL BE WHEN ALL THE SMOKE OF THE GOVERNOR'S TAX BREAK AND HIGHWAY FUNDING CLEARS.

THESE ARE SOME OF THE REASONS WHY THE FARMERS AND RANCHERS AT THE KANSAS FARMERS UNION STATE CONVENTION LAST MONTH ADOPTED A POLICY ON HIGHWAY FINANCING THAT CALLS FOR THE USE OF BONDS FOR NEW HIGHWAY CONSTRUCTION. HOWEVER, THEY DID NOT SUPPORT RAISING ROAD FUEL TAXES AND THEY OPPOSED A SALES TAX INCREASE FOR HIGHWAYS.

IN CLOSING, I WOULD POINT OUT THAT NOTHING HITS CLOSER TO THE TAXPAYER THAN INCREASES IN PROPERTY TAXES.

JUST WHEN THE DISILLUSION OF THE WINDFALL HAS BEGAN TO SUBSIDE, AND THE BITTERNESS OF REGISTRATION AND FUEL TAX INCREASES REMAINS, THE INCREASES IN PROPERTY TAXES COULD VERY EASILY IGNITE A VOTER'S WRATH EQUAL TO OR EXCEEDING THAT OF THE RECENT INCREASE IN LEGISLATIVE RETIREMENT PAY.

SAVED: HB-2014.DOC