

Approved 2/13/89

Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

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

9:02 a.m./~~p.m.~~ on February 9, 1989 in room 254-E of the Capitol.

Members present were:

Senators Morris, Doyen, Francisco, Kanan, F. Kerr, Martin, Rock, and Sallee.

Committee staff present:

Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Louise Cunningham, Committee Secretary

Conferees appearing before the committee:

Mary Turkington, Kansas Motor Carriers Association
Mike Grogan, KDOT
Tom Whitaker, Kansas Motor Carriers Association
Ed DeSoignie, Kansas Contractors' Association

Mary Turkington, Kansas Motor Carriers Association, had a bill request to exempt certain interstate vehicles from displaying an external KCC tag if proper identification is displayed on the side of the vehicle. KCC and the Kansas Highway Patrol do not object to this change and revenue would not be affected. A copy of her statement is attached. (Attachment 1).

A motion was made by Sen. Rock and was seconded by Sen. Martin to introduce the proposed bill request as a committee bill. Motion carried.

Mike Grogan, KDOT, had a bill request which would bring Kansas statutes into compliance with federal regulations. He submitted a letter from Robert E. Farris, Federal Highway Administrator, dated December 16, 1988 requesting compliance. (Attachment 2). A proposed amendment was submitted by Mr. Grogan. (Attachment 3).

A conceptual motion was made by Sen. Sallee and seconded by Sen. Francisco to have the revisor prepare the necessary changes to insure compliance and this be submitted as a committee bill. Motion carried.

HEARING ON H.B. 124 -Concerning highway signs.

Sen. Kanan said this bill would have KDOT place signs with the Governor's name on 30 major highways in the state. KDOT said they figured the cost of this to be approximately \$20,000 and the money could be better utilized for other needs in the highway program. Sen. Kanan had reflected tape which he said would be cheaper than the panels KDOT would use. Members wanted to know what had happened to previous signs which had been used by the state for this purpose. KDOT was to check into this.

HEARING ON SCR 1606 - Opposing an increase in the federal fuels tax for the purpose of reducing the federal deficit.

Sen. Doyen said this would express the state's opposition to the federal fuel tax increase. A federal increase would preclude the state's ability to get an increase.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:02 a.m./~~p.m.~~ on February 9, 1989

Tom Whitaker, Kansas Motor Carriers Association, said they support SCR 1606 and it would be discriminatory for one portion of the nation's population, highway users, to pay an additional tax to reduce the federal deficit. A copy of his statement is attached. (Attachment 4).

Ed DeSoigle, Kansas Contractor's Association, said they support SCR 1606. A copy of his statement is attached. (Attachment 5).

A motion was made by Sen. Doyen and was seconded by Sen. Sallee that SCR 1606 be adopted and placed on the Consent Calendar. Motion carried.

The committee discussed SCR 1602 pertaining to the development of a comprehensive aviation plan. The committee had rejected the resolution but wanted to urge the federal government to release funds that had been set aside for this purpose. A conceptual motion was made by Sen. Doyen and was seconded by Sen. Rock to introduce a resolution to this effect. Motion carried.

On a motion from Sen. Sallee and a second from Sen. Doyen the Minutes of February 2, 1989 were approved.

Meeting was adjourned at 9:35 a.m.

BILL REQUEST TO: Senate Transportation & Utilities Committee
Senator Bill Morris, Chairman

Statehouse, Topeka, February 9, 1989

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

We respectfully request introduction of a bill to simplify a vehicle credential requirement for interstate carriers regulated by the Interstate Commerce Commission who also hold intrastate authority from the Kansas Corporation Commission.

Currently, interstate carriers who operate in interstate commerce in Kansas and who have registered their authority with the Corporation Commission, registered their equipment with the KCC, paid their applicable regulatory fees to the Commission, complied with insurance and related safety requirements, and have been issued a proper cab card and "bingo stamp" credentials -- do not have to display external identification KCC plates on such interstate vehicles if proper identification is displayed on the side of the vehicle as required by the Interstate Commerce Commission.

We do not wish to disturb this statutory provision. Obviously, all such interstate vehicles must have the name of the motor carrier and the ICC number on both sides of each such vehicle operated.

There are a number of such interstate carriers who also may have intrastate common and/or contract carrier authority, private carrier authority and/or an interstate exempt license with the Kansas Commission. The proposed revision in the statutory language simply would eliminate the need for these kinds of interstate carriers to display the external KCC tag.

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All carriers would continue to be easily identified. Either the carrier would qualify as a regulated interstate carrier and have the company name and ICC number on the sides of the vehicle -- OR -- the carrier would display a KCC plate.

We have researched this proposed change with the Corporation Commission and with the Kansas Highway Patrol. Revenue would not be affected. All carriers would continue to register their equipment with the commission, pay the fees and be subject to the rules and regulations of the Commission.

Enforcement and compliance would not be jeopardized.

Interstate carriers will be pleased to eliminate the problem of attaching the KCC plate.

The Commission estimates that approximately one-third of the current number of plates would not have to be issued.

Our Association strongly supports this proposal. We respectfully ask your consideration of this bill request.

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Mary E. Turkington
Kansas Motor Carriers Association
Box 1673
Topeka, Kansas 66601



DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, D.C. 20590

OFFICE OF
THE ADMINISTRATOR

December 16, 1988

IN REPLY REFER TO:

HRW-10

The Honorable John Michael Hayden
Governor of Kansas
State House
Topeka, Kansas 66612

Dear Governor Hayden:

I am writing to you as the head of the agency that has been designated as the Federal Government's lead agency for implementing and administering the requirements of the amended Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. §§ 4601-4655 (Uniform Act).

On October 20, 1987, my predecessor, R. A. Barnhart wrote to you to enlist your support for the passage in your State of a comprehensive statute to enable all State, local, and private entities receiving Federal funds to comply with the Uniform Act, as amended. Specific requirements of the Uniform Act found in §§ 210 and 305 relate to assurances which must be provided by displacing or acquiring agencies indicating their ability to comply with certain provisions of the Uniform Act. These assurances must be in place as of April 2, 1989. If they are not, the Federal agency providing the financial assistance for any ongoing project must withhold funding for any acquisitions or displacement occurring on or after April 2, 1989, and further, shall not approve any new activity, project, or program which will result in acquisition or displacement.

While we believe that many States may have specific legislation already in place or general assent language that could provide adequate protection come April 2, in many States the situation is unclear and open to question. In any event, the adequacy of State legislative authority can only be determined by appropriate State officials. Therefore, I respectfully request that you review the adequacy of State legislation to assure that State legislation is, or will be, in place no later than April 2, 1989, to permit unimpeded activities of State or local agencies receiving Federal financial assistance which may be used to acquire real property or to displace residents or businesses. The State legislation may be program-specific, comprehensive, or general in nature. The important point is that all affected State agencies must be able to provide the necessary assurances of compliance so that Federal financial assistance may continue without any interruptions due to failure to comply with the Uniform Act.

I appreciate your assistance in this matter.

Sincerely yours,

Robert E. Farris
Federal Highway Administrator

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Kansas Department of Transportation
January 11, 1989
Office of Chief Counsel

MEMORANDUM TO: C. Douglas Wright
Chief Counsel

FROM: Kent S. Jackson
Staff Attorney

RE: Uniform Relocation
Assistance and Real
Properties Acquisition
Policies Act

Robert E. Farris, Federal Highway Administrator, sent a letter (copy attached) to Governor Hayden to inquire if Kansas has enacted a comprehensive statute to enable entities (such as KDOT) to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. §§4601-4655, as amended. The letter states that the Act requires "assurances which must be provided by displacing or acquiring agencies indicating their ability to comply with certain provisions of the Uniform Act." The letter cites the Act itself, P.L. 91-646, Secs. 210 and 305, rather than the U.S. Code cites, 42 U.S.C. 4630 and 4655. The Act was amended by the Uniform Relocation Act Amendments of 1987, Pub. L. No. 100-17, 101 Stat. 246 (1987).

K.S.A. 58-3501 et seq. (attached) has the stated purpose of authorizing compliance with the federal Act. K.S.A. 58-3502 provides the "assurances" required by the original federal Act at sections 210 and 305 (42 U.S.C. §§4630 and 4655). The Kansas legislation substantively complies with the requirements of the federal Act. Since K.S.A. 58-3502 simply uses the section numbers of the original federal Act (Mr. Farris still cites the Act by its original numbers), the 1987 amendments to the Act can be covered by adding the underlined portion to K.S.A. 58-3501:

58-3501. Purpose of act. The purpose of this act is to authorize compliance with the provisions of the Federal Uniform Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, 42 U.S.C.A. 4601 et seq.) and as used in this act, the term "federal act" shall mean said act, as amended.

CONCLUSION

K.S.A. 58-3501 et seq. meets all of substantive requirements of the federal Act. However, since any misunderstanding by the Federal Highway Administration could delay KDOT projects, as well as the programs of other state agencies, I suggest that the proposed amendment be added to K.S.A. 58-3501.

KSJ/psh

Attachments

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STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Supporting Senate Concurrent Resolution No. 1606
opposing an increase in the federal motor fuel
tax for the purpose of reducing the federal deficit.

Presented to the Senate Transportation & Utilities
Committee, Senator Bill Morris, Chairman; Statehouse,
Topeka, Thursday, February 9, 1989.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director of the
Kansas Motor Carriers Association with offices in Topeka. I
appear here today along with Mary E. Turkington, our Association's
Executive Director; on behalf of our Association and the highway
transportation industry.

We are here to express our strong support for SCR No. 1606.

We commend the sponsors of this resolution for this policy
statement which opposes utilization of fuel tax revenues by the
federal government for deficit reduction purposes.

Highway users, including trucking, have supported both federal
and state fuel taxes for road purposes. Breaking this link at the
federal level would hurt all highway spending. Obviously, it would
jeopardize the current efforts of the Kansas Legislature to address
a comprehensive highway program for this state.

It would appear to be discriminatory for one portion of the nation's
population, highway users, to pay an additional tax to reduce the
Federal deficit, thereby forcing this segment to shoulder a greater
share of our nation's financial burden. The people of Kansas would
not benefit from such tax policy.

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TESTIMONY

By the Kansas Contractors Association
Before the Senate Transportation and Utilities Committee
Regarding SCR 1606
February 9, 1989

Mr. Chairman and members of the Senate Transportation and Utilities Committee. Thank you for the opportunity to appear before you this morning to give some brief testimony in support of SCR 1606.

My name is Ed DeSoignie, I am the Public Affairs Director of the Kansas Contractors Association. Our association represents over 335 heavy, highway, and municipal contractor and associate member firms in the Kansas construction industry.

I appear before you today in support of passage of SCR 1606. The association has publicly communicated its opposition to enactment of a federal motor fuels tax for deficit reduction to the President's National Economic Commission and to each member of the Kansas Congressional Delegation. The Association has adopted this position because it believes that such efforts would destroy the user fee concept philosophy of the federal motor fuels tax, and seriously hamper, if not outright destroy, efforts of the states to address their crumbling highway systems.

SCR 1606 sends a very important message to the Congress to desist from using the federal motor fuels tax to reduce the federal deficit. The Association asks for favorable consideration of SCR 1606.

Thank you Mr. Chairman, that concludes my prepared remarks.

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