

Approved 4/3/89

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 March 29, 1989 in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

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

Conferees appearing before the committee:

Terry Humphrey, Kansas Manufactured Housing
Rep. Denise L. Everhart
Mark Wettig, Department of Revenue
Pat Hubbell, Kansas Railroad Association
Richard Dame, Brotherhood of Locomotive Engineers
Donald F. Lindsey, Jr., United Transportation Union
Warren Sick, Chief, Bureau of Traffic Engineering

Hearing on H.B. 2177 - Nonhighway registration of mobile homes and travel trailers.

Terry Humphrey, Kansas Manufactured Housing Association, said they were requesting for homes that are designed for permanent housing and not to be moved, be relieved of the requirement to register the homes and purchase a \$2.00 nonhighway license plate. These homes are now placed on the tax roles when the home is titled. A copy of her statement is attached. (Attachment 1).

Rep. Denise L. Everhart, submitted a letter to the committee in which she stated that the present law is antiquated and it is now time to recognize that these homes are not vehicles. A copy of her statement is attached. (Attachment 2).

Mark Wettig, Department of Revenue, said this bill would decrease the State Highway Fund by approximately \$37,500 annually and would save the Department \$8,160 in FY 1990 with passage of this bill. A copy of his statement is attached. (Attachment 3).

A motion was made by Sen. Rock to recommend H.B. 2177 favorably for passage. Motion was seconded by Sen. Sallee. Motion carried.

Hearing on H.B. 2192 - Requiring rumble strips at certain RR crossings.

Pat Hubbell, Kansas Railroad Association, said installation of rumble strips would alert strangers to a danger and would give drivers the ability to make correct decisions sooner when approaching a railroad crossing. A copy of his statement is attached. (Attachment 4).

Richard Dame, Brotherhood of Locomotive Engineers, spoke of a personal experience he had when a driver was unaware of the train that was upon him. Rumble strips could alert a preoccupied motorist that he is approaching a railroad grade crossing and could help in the prevention of accidents. A copy of his statement is attached. (Attachment 5).

Donald F. Lindsey, Jr., United Transportation Union, said they could not support the raised strips because people using these crossings on a regular basis will avoid them. They support the concept and could support the recessed grooves. A copy of his statement is attached. (Attachment 6).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:02 a.m./~~p.m.~~ on March 29, 19 89.

Warren Sick, Chief, Bureau of Traffic Engineering, KDOT, said they were opposed to the bill because the use of rumble strips should be preceded by a thorough engineering study of roadway traffic and other relevant conditions. Over-use of this type of installation could dilute their effectiveness. A copy of his statement is attached. (Attachment 7).

The Chairman questioned why KDOT had not appeared before the House Committee to oppose this bill. Mike Grogan, KDOT, said the bill was still under advisement at that time but they had made their intentions known to the committee chairman.

Mr. Sick said the locations should be studied. These strips should not be put at every crossing.

Meeting was adjourned at 9:50 a.m.

KANSAS MANUFACTURED HOUSING ASSOCIATION

TESTIMONY BEFORE

SENATE

TRANSPORTATION AND UTILITIES COMMITTEE

TO: Senator Bill Morris, Chairman
and Members of the Committee

FROM: Terry Humphrey, Executive Director
Kansas Manufactured Housing Association

DATE: March 29, 1989

Mr. Chairman and members of the committee, I am Terry Humphrey Executive Director of the Kansas Manufactured Housing Association (KMHA), a trade association representing all facets of the manufactured housing industry.

Today I come before you to support House Bill 2177, which repeals the requirement of nonhighway registration of manufactured homes in K.S.A. 1988 Supplement 8-135 and 8-143.

Presently, an owner of a manufactured home living in a manufactured home rental community, is required to register the home and purchase a \$2.00 nonhighway license plate. Then the license plate must be posted in a conspicuous place on the home. Consequently, it is this requirement that impacts the home owner and their house guests negatively.

Historically it was necessary to register and tag mobile homes when they were smaller, pulled behind a automobile, and designed for a transient mode of living. Also at that time, registration was necessary to record the home on the personal property tax rolls. However today, modern manufactured homes are designed to be permanent housing and typically the home is only moved once from the sales center to the home site. Also today, manufactured homes are placed on the tax rolls when the home is titled.

In recent years the KMHA has been working to modernize laws that pertain to manufactured housing, so that our housing can attain its rightful position in the housing market. And, by repealing these statutes we are one step closer to that goal.

Additionally, while researching this proposal I did contact the Department of Motor Vehicles and the Kansas County Treasurers Association to see if there was a problem with this proposal and neither group could see one. Therefore, I respectfully request your support of House Bill 2177. Thank you.

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STATE OF KANSAS

DENISE L. EVERHART
REPRESENTATIVE, FIFTY-NINTH DISTRICT
4332 SE HEATHCLIFF
TECUMSEH, KANSAS 66542
(913) 379-0541



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: JUDICIARY
LABOR AND INDUSTRY
TRANSPORTATION

TO: Senate Transportation and Utilities Committee

SUBJECT: H.B. 2177

Thank you Mr. Chairman and members of the Committee for this opportunity to appear before you today in support of H.B. 2177 which repeals the requirement for non highway registration of mobile homes.

I urge your support for this legislation. Present law is antiquated and it is time to recognize that "mobile homes" are not vehicles. In the past it was necessary to register and tag all mobile homes as they were designed to be transient. Today most "mobile homes" are permanent housing facilities, and they should not be treated as motor vehicles.

Mr. Chairman, and members of the Committee again I urge your support for H.B. 2177.

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MEMORANDUM

TO: The Honorable Bill Morris, Chairman
Senate Transportation and Utilities
Committee

FROM: Mark E. Wettig
Special Assistant to the Secretary

DATE: March 29, 1989

SUBJECT: House Bill 2177, As Amended

I appreciate the opportunity to appear before you today concerning House Bill 2177.

BACKGROUND

This bill would exempt mobile homes and travel trailers used as living quarters and not operated on the highway from registration. Historically, the purpose behind the nonhighway registration and license plate requirement for these types of vehicles was to assist the county appraiser in determining whether these vehicles are on the county tax roles.

Passage of this bill is estimated to decrease the State Highway Fund by approximately \$37,500 annually, beginning in FY 1990.

The Department would save \$8,160 in FY 1990 with the passage of this bill.

RECOMMENDATION

The Department of Revenue has no position on House Bill 2177.

Thank you.

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KANSAS RAILROAD ASSOCIATION

920 SE. QUINCY
P.O. BOX 1738
TOPEKA, KANSAS 66628

PATRICK R. HUBBELL
DIRECTOR-PUBLIC AFFAIRS

913-357-3392

Statement of the
Kansas Railroad Association

Presented to the
Senate Transportation and Utilities Committee
The Honorable Bill Morris, Chairman

Statehouse
Topeka, Kansas
March 29, 1989

* * * * *

Mr. Chairman and Members of the Committee:

The Kansas Railroad Association supports House Bill 2192 and encourages the Department of Transportation to install rumble strips as provided in House Bill 2192.

Passive traffic control systems consisting of advance signs, pavement markings and crossbuck signs identify the location of grade crossings to warn vehicle operators of a railroad grade crossing.

In Kansas pavement markings in advance of grade crossings consist of an X, the letters RR, and no passing markings (two lane roads). Identical markings are placed in each approach lane on all paved approaches to grade crossing where grade crossing signals or automatic gates are located and at all other grade crossings where the prevailing speed of highway traffic is 40 miles per hour or greater. These markings are also placed at crossings where engineering studies indicate there is potential for traffic accidents.

ATT. 4
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3/29/89

Along with the markings on the highway, advance warning signs are used at most grade crossings, except on low speed highways crossing minor spurs, tracks which are infrequently used or which are flagged by train crews, business districts of cities where active grade crossing traffic control devices are in use or where physical conditions do not permit the effective display of an advance sign. These warning signs are normally 750 feet or more in advance of a crossing in rural areas and 250 feet in advance of crossings in urban areas. In those areas with low vehicular speed the advance sign may be placed a minimum distance of 100 feet from the crossing.

A minimum of one crossbuck sign is used on each highway approach to every highway grade crossing. The crossbucks can be used alone or in combination with other control devices. Where physically feasible and visible to approaching traffic the crossbuck signs are installed on the right hand side of the highway on each approach to the crossing.

In a study completed by Texas A & M University recording data of 18,500 vehicles at grade crossings and interviews with 1,300 drivers concluded that 79% of drivers approaching grade crossings remembered the crossing location because they were familiar with that particular roadway; only 7.5% saw the advance warning sign; 7.2% remember seeing the crossbucks; 2.8% saw only the railroad tracks; 1.9% saw the railroad pavement markings.

I believe the presence of rumble strips would give drivers the ability to make correct decisions sooner when approaching a railroad grade crossing. I hope the Committee will report House Bill 2192 favorably for passage. Thank you for the opportunity to appear today.



R15-1
48" x 9"
(drilled for 90-degree mounting)



R15-2
9" x 9"
27" x 9"

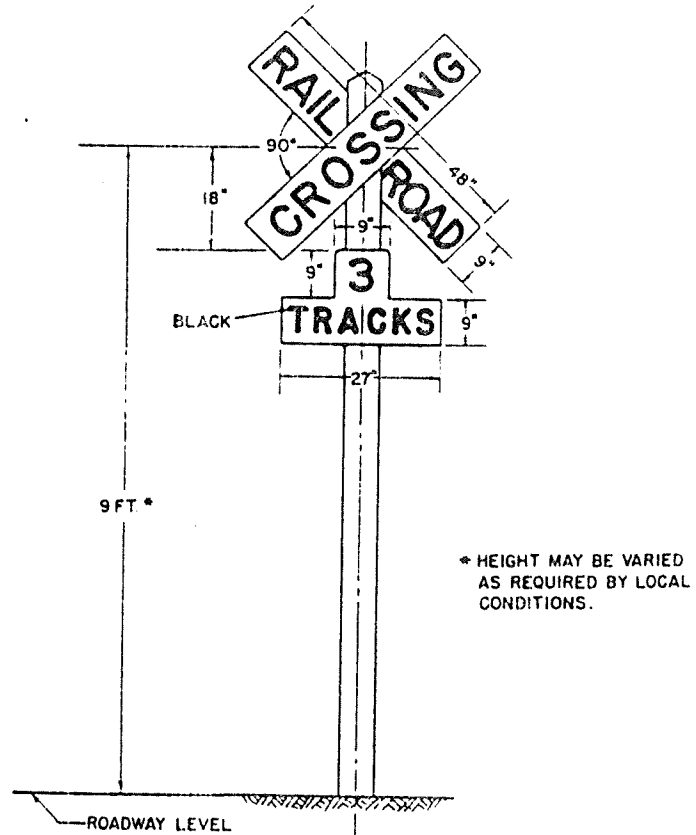


Figure 8-1. Railroad-highway crossing (crossbuck) sign.

Brotherhood of Locomotive Engineers

Kansas State Legislative Board

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Statement of the Brotherhood of Locomotive Engineers

Presented to the Senate Committee
on Transportation and Utilities

The Honorable Bill Morris, Chairman

Statehouse
Topeka, Kansas
March 29, 1989

Mr. Chairman and Members of the Committee my name is Richard Dame. I am Chairman of the Kansas Legislative Board for the Brotherhood of Locomotive Engineers. I would like to thank you for giving me the opportunity to testify in favor of House Bill 2192.

I work full time as a locomotive engineer when not attending the Legislative Session. In the 172 miles which my run covers there are 176 railroad grade crossings. Almost every trip I make I will see some motorist approach one of these 176 grade crossings unaware that they are approaching a railroad grade crossing or unaware that there is a train anywhere around.

One example of this, is a crossing accident I had in the summer of 1985. This accident happen at a crossing where there is a clear view of the track in both directions for as far as the human eye could see. I was approaching the crossing from the east and I could see a truck approaching from the north. Everything seemed to be going as it should, I was blowing the whistle as prescribed by our operating rules and the truck was slowing down to what looked like a normal stop. Now this truck driver, even though it was evident that he had slowed his truck down because he was aware of the grade crossing, was not

ATT. 5
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3/29/89

aware that there was a train anywhere close. He ended up pulling his truck right upon the crossing in front of the train.

Are you asking yourself how could he miss seeing the train. The reason this accident happen was because the driver was preoccupied with talking on his CB radio or cellular telephone.

Rumble strips are used in other cases to alert motorists of different road conditions, such as approaching stop signs, entering a different speed zone, and as a warning on the turnpike to let a driver know his car is getting on the shoulder of the road. I feel that rumble strips would also prove beneficial as a warning to any motorist that they are approaching a railroad grade crossing and help in the prevention of grade crossing accidents.

Again Mr. Chairman I thank you for allowing me the opportunity to express these views on House Bill 2192. I will try to respond to any questions you might have.

united transportation union

DONALD F. LINDSEY, JR.
DIRECTOR/CHAIRMAN

KANSAS STATE LEGISLATIVE BOARD

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**STATEMENT OF DONALD F. LINDSEY, JR., DIRECTOR
KANSAS STATE LEGISLATIVE BOARD
UNITED TRANSPORTATION UNION
IN OPPOSITION OF H.B. 2192**

**PRESENTED TO
SENATE TRANSPORTATION & UTILITIES COMMITTEE
HONORABLE BILL MORRIS, CHAIRMAN**

Mr. Chairman and Members of the Committee, I am Don Lindsey, Director of the **Kansas State Legislative Board, United Transportation Union**. I am a duly elected officer, authorized to speak for our some 6,000 active and retired members and their families who reside in the State of Kansas. I appear in opposition of H.B. 2192.

The UTU finds it very difficult to be in the position of opposing any piece of legislation which attempts to improve safety and public awareness at railroad grade crossings. However, after talking with the Kansas Highway Department, I discovered that the term "rumble strip" applies to both raised portions of asphalt and recessed grooves.

On all new construction, recessed grooves are cut into the pavement to alert drivers of a speed restriction or possible hazard. On all existing roads, raised strips of asphalt are used to alert drivers when rumble strips are required. These strips when added to existing roadway, lack conformity and often are raised to an excessive level becoming more of a speed bump than a warning.

The best example I can give is in my own community of Osawatomeie. Rumble strips were added at the west entrance of town to alert drivers of the 30 m.p.h. speed limit. The first and only time I hit the rumble strips I thought the front end of my car had fallen off. Since that time, when entering town from the west, I avoid these strips by driving left of center.

This is the fear that the UTU has regarding raised strips at the approach to a railroad grade crossing. We fear that people who use this crossing on a regular basis will become so preoccupied with avoiding the strips and oncoming traffic that they will fail to see an approaching train at the grade crossing.

Driving becomes a habit especially when one is driving in familiar surroundings. The UTU fears that raised rumble strips will encourage bad driving and could lead to an increase rather than a decrease in grade crossing accidents. I assure this committee, the UTU supports the concept of alerting drivers on their approach to a railroad grade crossing. The worst fear an engineer, conductor or brakeman has when he starts his trip is the possibility of a grade crossing accident. If recessed grooves could be applied rather than raised strips, H.B. 2192 would have the full support of my organization.

ATT. 6
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HOUSE BILL 2192 RUMBLE STRIPS

In 1984 the Kansas Department of Transportation made a study and developed a warrant for Rumble Strip Installation.

The Warrant is intended for application at rural intersections experiencing accident rates to be excessive and/or relatively long distances between intersecting roadways. Rumble strips are intended for use on two-lane rural highways with high vehicular speed and relatively low traffic volumes. The use of rumble strips should be preceded by a thorough engineering study of roadway traffic and other relevant conditions.

The K.D.O.T. therefore strongly opposes House Bill 2192 for the following reasons:

1. Rumble strips are a special traffic control device that should be reserved for use at rural high accident intersections. A traffic study should determine whether the warrant has been met.
2. Over-use of this type of installation will dilute their effectiveness at the location where they are warranted.
3. Not all railroad crossings create a safety hazard (high accident location). Installing rumble strips at these locations would be a waste of limited funds and manpower and create an unwarranted maintenance problem.

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