

Approved 4-26-89
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. on March 30, 1989 in room 254-E of the Capitol.

Members present:

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

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:

Sen. Marge Petty
Jim Jones, KDOT
Mark Wettig, Department of Revenue
John Smith, Department of Motor Vehicles
Frank Caro, Counsel, KCC

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

Rep. Bryant had pictures of some accidents at railroad crossings which he passed around to the committee. He felt the rumble strips would make drivers aware that they are approaching a crossing. A copy of his statement is attached. (Attachment 1).

Hearing on H.B. 2320 - Highway contracts, concerning set-aside contracts for disadvantaged business enterprises.

Rep. A. Hensley, explained the bill and said it gives discretionary authority rather than mandatory authority to designate state highway contracts to be set aside for competitive bids by disadvantaged business enterprises.

Alonzo Harrison, HDB Construction, Inc., Topeka, said there was a need for minority participation and said there were minority contractors qualified to do the jobs and he felt there had been a history of exclusion. He urged passage of the bill.

Gary W. Ewell, Ewe-Con Corporation, Topeka, also spoke of the need for minority participation.

C. Douglas Wright, Chief Counsel, KDOT, said there were serious constitutional questions if the bill required mandatory rather than discretionary participation. A copy of his statement is attached. (Attachment 2).

A motion was made by Sen. F. Kerr to amend the bill to provide that it would not take effect until H.B. 2014 takes effect. Motion was seconded by Sen. Francisco. Motion carried.

A motion was made by Sen. Francisco to recommend H.B. 2320 as amended favorably for passage. Motion was seconded by Sen. Martin. Motion carried.

Hearing on H.B. 2328 - Contract incentives/penalties on state road projects in commercial districts.

Sen. Marge Petty, spoke in support of the bill and told of projects in Topeka and of the delays and hardships experienced by merchants in

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,

room 254-E Statehouse, at 9:02 a.m./~~p.m.~~ on March 30, 1989

areas during road construction periods. This bill would address concerns of merchants in such areas in first class cities.

Rep. Bill Roy had a statement distributed declaring his support for this concept. A copy of his statement is attached, including letters from constituents and a petition on the subject. (Attachment 3).

Jim Jones, KDOT, spoke in opposition to this bill and said there would be a substantial increase in the number of projects required to contain the incentive/disincentive provision. It would increase costs and the department is opposed. A copy of his statement is attached. (Attachment 4).

The committee discussed the bill and felt it would drive up the costs of construction. They decided to hold the bill.

Hearing on S.B. 340 - Secretary of Revenue contracting with private individuals for transmit applications.

Mark Wettig, Department of Revenue, said this bill would give the Department statutory authority to do what it is currently doing in regard to providing payment to wire service companies for transmitting licenses and permits to motor carriers. A copy of his statement is attached. (Attachment 5).

A motion was made by Sen. F. Kerr to recommend S.B. 340 favorably for passage. Motion was seconded by Sen. Sallee. Motion carried.

Hearing on S. B. 353 - Requiring thumbprint on drivers license.

John Smith, Department of Motor Vehicles, said there was a question about what kind of I.D. should be on the Commercial Drivers License but it is not too urgent to pass the bill this year.

Mark Wettig, said the costs for this are thought to be substantial. A copy of his statement is attached. (Attachment 6).

The committee decided to hold the bill.

Hearing on S.B. 363 - Court review of state corporation commission actions arising from rate hearings.

Frank Caro, Counsel, KCC, said clarification was necessary when a utility company wants to appeal a decision but they do not know what court to go to so they file in both the district court and court of appeals. Clarification could save costs in administrative costs both to KCC and to public utilities.

A motion was made by Sen. Rock to recommend S.B. 363 favorably for passage. Motion was seconded by Sen. Thiessen. Motion carried.

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

The committee discussed the bill and felt that rumble strips should not be mandated for every railroad crossing. A motion was made by Sen. Doyen to amend H.B.2192 on line 24 by striking "shall" and putting in "may". Motion was seconded by Sen. Sallee. Motion carried.

A motion was made by Sen. Doyen to recommend H.B. 2192 as amended favorably for passage. Motion was seconded by Sen. Sallee. Motion carried.

Meeting was adjourned at 10:00 a.m.

STATE OF KANSAS

WILLIAM M. BRYANT, D.V.M.
REPRESENTATIVE, SIXTY-THIRD DISTRICT
WASHINGTON, REPUBLIC AND
NORTHERN RILEY COUNTIES
RURAL ROUTE 2
WASHINGTON, KANSAS 66968

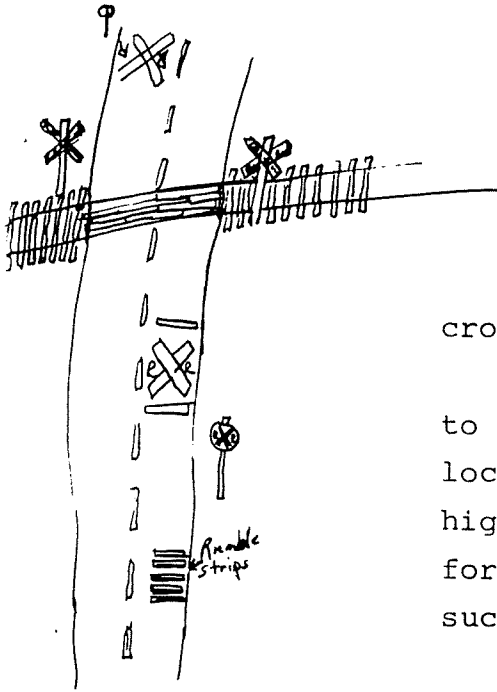


TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE-CHAIRMAN: AGRICULTURE AND SMALL
BUSINESS
MEMBER: FEDERAL AND STATE AFFAIRS
INSURANCE

TESTIMONY on HB2192
Senate Transportation
& Utilities Committee
March 29, 1989



The issue is safety and the subject is railroad crossings.

HB2192 would require the Department of Transportation to install rumble strips at all railroad grade crossings located on highways which are a part of the state highway system and are protected only by signs in the form of crossbucks. At the present time there are 177 such crossings in the state.

Figures from the KDOT indicate that there were 27 accidents in Kansas at such crossings during the period from 1983 to 1987. About one-half of these accidents occurred during daylight hours and the other half at night.

Figures compiled by the Kansas Corporation Commission indicate that there were 125 rail crossing accidents in 1987 alone in our state with 38 of these occurring at protected crossings and 87 occurring at unprotected crossings. An alarming fact that I found in looking at their figures was that out of the 38 at protected crossings there were 4 fatalities, or 10½%, and at unprotected crossings there were 22 fatalities out of 87, or 25%. Of course, these figures are for crossings on all roads in the state and not just those on the highway system.

^{led} The fact that 2½ times as many of the accidents that occurred lead to fatalities at unmarked crossings compared to protected crossings is cause for concern. It points to a lack of awareness on the driver's part to me.

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The placement of rumble strips at unprotected rail crossings would address the awareness problem. If a driver was daydreaming or dozing at night, going over a set of strips would certainly get his attention and alert him to the fact that a rail crossing was coming up.

While we have few documented studies to refer to using rumble strips at rail crossings, several have been made on the use of rumble strips at stop signs. One such study indicated that the average speed at stop signs was lowered by 40% and that the accident rate went from 7 accidents in 3 years at one intersection to 4 accidents in 4 years with a remarkable difference in the number of injuries and fatalities.

Another study showed a 50% decrease in the number of people running a stop sign where there were rumble strips and a 50% decrease in the number of injuries and no fatalities reported within a two-year period.

If there are opponents to this bill, I would assume that they would oppose it from at least three angles. These would be familiarity, increased accidents due to strips, and/or cost.

To refute these objections, I would use information derived from studying three different research papers and a little common sense. All three studies hinted that these devices should not be used indiscriminately because familiarity might lead to drivers ignoring them but gave no concrete figures; in fact, one study did follow it out and concluded that: "The effects on driver's behavior did not diminish after a period of one year." All studies reported that even if the strips did lose their effect on local drivers that they did not lose their impact on unfamiliar drivers. This is a major concern and involves a large number of drivers on our state highway system.

To address the objection of drivers going around the rumble strips and causing accidents, I would suggest that, if this does happen (and I found no factual evidence on it) it would happen where a series of strips were involved and the driver pulls over to avoid the second or third set of strips. I would hope that only one set of strips would be used on each side of a crossing just prior to the orange railroad crossing sign at the roadside. This would eliminate a driver pulling over into the passing lane to avoid other strips.

I do not have a cost estimate on the strips, but I do have "food for thought". Most estimates if available would be for a series of three sets of rumble strips on each side of a crossing. I would suggest only one strip on each side of a crossing which would cut estimates by one-third. I would also submit that the rumble strips would probably not cost any more than the painted signs on the highways and could probably be used in place of them. This would produce no fiscal note. In case they did cost \$100 a piece to install, that would only amount to \$200 per crossing or \$35,400, a small price to pay for safety as opposed to waiting for cost-sharing for a \$100,000 signalized crossing.

I applaud the interim committee for recommending matching funds for local units of government to use in matching Federal Funds to eliminate hazards of railway-highway crossings, but that still leaves a large number of crossings unprotected; and I feel that the rumble strips would certainly add to the safety of these crossings in the meantime.

I urge your favorable support of this measure and the passage of HB2192 for the safety of our Kansas highways and railroads.
Thank you.

Kansas Department of Transportation

OFFICE OF CHIEF COUNSEL

March 28, 1989

MEMORANDUM TO: SENATE TRANSPORTATION AND UTILITIES COMMITTEE

FROM: C. DOUGLAS WRIGHT
Chief Counsel

RE: HOUSE BILL 2320
CONCERNING SET-ASIDE CONTRACTS FOR DBE

This bill deals with highway construction contracts and requires the Secretary of Transportation to designate a portion of them for disadvantaged business enterprises. It is a revision of K.S.A. 68-441 and 68-443.

There are serious constitutional questions regarding MBE (DBE) set-aside programs in the light of recent United States Supreme Court decisions. See Richmond v. Croson, (Decided January 23, 1989); Porter v. Dade County, (remanded March 6, 1989); and, Michigan Road Builders v. Milliken, (approved March 6, 1989).

It appears from these recent Supreme Court decisions that MBE (DBE) set-aside programs are unconstitutional unless they can withstand the tests espoused in Richmond. They are unconstitutional as a violation of the equal protection clause as applied through the 14th Amendment.

If there is to be race-based legislation, case law mandates a two prong test be met to justify its enactment. First, the racial classification must be justified by a compelling governmental interest. Second, the means chosen by the state must be "narrowly tailored to the achievement of that goal."

House Bill 2320 now makes designation of MBE (DBE) set-aside for construction contracts mandatory rather than discretionary by the Secretary. In addition, it extends the policy to include strictly state highway construction contracts. Previously, only federally-aided projects were covered. This extension is significant. Richmond and Michigan Builders both prohibit this legislation by a state unless proper foundation is established prior to its enactment.

Therefore as a prerequisite to meet the first prong, the Kansas Legislature must have conducted an in-depth study to prove that there has been actual prior racial discrimination by the Department of Transportation in the issuances of

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its construction contracts. The study must show which racial group has suffered from this discrimination.

These new decisions do not permit federal investigations showing discrimination to be a sufficient basis for state legislation. Neither can general societal discrimination be considered as a basis.

In order to meet the second prong, there must also be an investigation to establish that this race-based legislation is one most narrowly tailored to remedy the problem of discrimination. In other words, that a remedy such as relaxed bonding procedures or assistance to small businesses would not be enough help to make minority businesses competitive. Race-based legislation must be a last resort.

Clearly, unless this expanded legislation can meet these tests, it will be unconstitutional.

If the Legislature should decide to simply extend the time limitation of the present statute regarding only federally-aided programs, this also would be constitutionally suspect. The Dade County case gives this indication. However, in view of the present federal requirements for MBE allocations in order to receive federal aid for highway construction, it may be necessary to use a set-aside program until federal regulations are modified. In order to be constitutionally sound when lengthening the time limits (1989 to 2001) of the present statute, the investigations required by Richmond should be conducted.

* If discretionary language were reinstated by using "may" rather than "shall," it will be easier for the Secretary to modify policy to comply with new court decisions and possible changing federal regulations. This phase of the law is in a new period of readjustment and understanding. It can be anticipated some modifications will be made.

WILLIAM R. ROY, JR.
 REPRESENTATIVE, FIFTY-THIRD DISTRICT
 STATE CAPITOL
 TOPEKA, KANSAS 66612



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 VICE CHAIRMAN: RULES AND JOURNAL
 MEMBER: FEDERAL AND STATE AFFAIRS
 JUDICIARY
 TAXATION

March 30, 1989

TESTIMONY BEFORE THE SENATE
 TRANSPORTATION AND UTILITIES COMMITTEE

House Bill 2328 -- Contract incentives/penalties
 on state road projects in commercial districts.

Mr. Chairman and Members of the Committee:

HB 2328 requires that all Department of Transportation contracts involving roads within urban areas that front on commercial properties include incentives to encourage early completion and penalties or disincentives for late completion.

Last November, I received many inquiries regarding the road project then under construction on North Topeka Boulevard, a state project involving route US 75.

According to the office of the city engineer, work on that project commenced in April of 1988. The project contract allocated 80 working days to complete the project and called for a completion date of December 9 and an opening date of December 16. (The discrepancy between 80 working days and the December 16 opening date allowed for weekends, holidays, and adverse weather).

The work was completed exactly by the December 16 according to schedule, but easily could have been completed much sooner in view of weather of last summer-- warm and dry -- which was ideal for road construction.

By late autumn, every passing day that the Boulevard could have been opened created hardships for merchants and inconvenience to persons who patronized or would like to have patronized their businesses, especially at that busiest time of the year, the holiday shopping season.

In order to avoid repeating the delays and mistakes on similar projects in the future, I introduced the HB 2328, which would require that all DOT contracts involving roads within urban areas that front on commercial properties include incentives to encourage early completion and penalties or disincentives for late completion.

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This is a bill that has been narrowly crafted to affect only a limited number of DOT contracts where time is money -- substantial money for merchants in that commercial area .

The House Committee adopted amendments which I proposed to further narrow the scope of the bill and reduce objections of DOT. The amendments would make the bill

- apply only to projects which need 30 or more days to complete; and
- require in circumstances described by the bill that DOT draw contracts involving Federal monies with incentives/disincentives subject to approval or rejection by the Feds.

Further, I proposed to that committee an amendment to have the bill apply only to first class cities (over 15,000). However, the committee rejected that proposal.

The House Committee of the Whole further amended the bill to clarify that the it would also apply to bridge projects. The House then passed the bill overwhelming.

I have with me today some North Topeka merchants who would like to share the effects such unnecessary delays had upon their businesses and customers.

Their concerns are important not only to why this bill is needed, but also to evaluating the performance of the state along with the performance of the contractor on this and similar projects.

The Department of Transportation is opposed to this bill contending that it is costly and inconvenient. I contend that the cost and inconvenience to DOT is small compared to the cost and inconvenience throughout the state to businesses and their customers when favorable conditions make delays unnecessary.

Thank you for your interest. Your favorable consideration of this bill is appreciated.

Profit Loss Due to Construction

<u>Type of Business</u>	<u>Oct. 1988</u>	<u>Nov. 1988</u>	<u>Dec. 1988</u>	<u>Total Loss</u>
Restaurant	21%	9%	10%	\$24,624
Convenience Store	*	*	*	\$132,022
Rental Store	xx	xx	xx	25-30%
Restaurant	xx	xx	xx	38%
Home Improvement	xx	xx	xx	13 6/10%
Restaurant	65%	37%	26%	\$20,000
Auto	X	X	X	\$500-1,000
Auto Sales	X	X	X	\$5-10,000
Cleaners	\$7,500	\$7,500	\$7,500	\$22,500
Auto	50%	50%	50%	50%

KEY

* monthly figures were not given, only the three month total

X business only provided an estimation

xx business provided this office with percentages

ette Duncan
108 SE 29th St.
Topeka, KS 66605
(913) 266-3010



Gar, can
5937 SW 29th St.
Topeka, KS 66614
(913) 272-5004

Mr. Bill Roy Jr.
State Representative 53rd District
State Capitol Building
Topeka, Kansas 66612

Re: Memorandum dated 02/21/89

Dear Sir,

In response to your memorandum dated 02/21/89 regarding the construction project on North Topeka Boulevard, Duncan's Movie Magic North suffered a 37.6% loss of revenue during the period beginning May 1988 and ending December 1988.

Of course this only reflects the short term effect of losing customers who found it less difficult to go to another video store. As you know, it is impossible to project what the long term loss will actually be.

We (the merchants) all understand the work needs to be done, however, getting the job completed on or below budget and on or before the earliest completion date can only be to everyone's advantage. Personally, I have always been amazed at the length of time it takes the street department and/or contractors to complete a project in this city. Is this possibly a secret plan of the State to keep the unemployment rate down!?!?

I can't think of any better way to motivate a contractor than to reward him for good workmanship and early completion and to penalize him for poor workmanship, cost overruns and late completion dates.

Sincerely yours,

Claude Duncan
Manager

dr

MAR 28 1989

Bill Roy, Jr. State Representative, 53 District

Dear Bill:

a few comments about the road construction on N. Topeka Blvd last year - as you know the weather was very co-operative for road construction. The A + W Const Co who had this project worked someday and other days their would be 1 or 2 men on the job - no bigger project that it was they seemed to drag it out. By comparison the Soldier Creek bridge repair + street construction a major project took only 3 months. I feel the merchants really suffered here in N. Topeka due to the very poor management + supervision by KDOT + A + W Construction. KDOT does not care about us the taxpayers. I am sure Mr. Jones D of I for KDOT doesn't have to worry about his paycheck. So it takes 3 or 4 more employees to handle House Bill 2328. How ~~about~~ ^{about} us for a change? I appreciate your effort Bill in ~~our~~ trying to help us out. Hope this Bill passes -

Yours truly,
Ed Custenborden, V.P.
Frank Custenborden + Sons Flst Inc
1802 N. Topeka
Topeka, Mo 66608 232-3961

P.S. This project started in June + was finished in Dec - approx 6 months come on! we also have street construction due to begin in 1992. To bad they can't all be put together. This may break us for sure -

Dear Sir;

March 27, 89

Mar. 28 1989

Please excuse the informality of this communication, but time is limited; if we are not able to attend the hearing, we would like our observations noted.

The road project on North Topeka Blvd. last year cut our business down drastically, and for a length of time we feel totally unnecessary.

We observed completed work torn up and re-done, good weather days with no work being done, and some days of large work crews standing around the site, doing nothing but talking.

Small business owners have a tough time surviving, much less thriving, especially when their customer count is cut due to extremely difficult access.

We feel incentives and penalties for projects fronting commercial properties are vital to the community!

(DAVID and KELLY
MARTIN - owners
MARTIN'S PET CENTER
N. VALLEY SHOPPING CNTR
1835 N. TOPEKA BLVD)

Sincerely,
Kelly & Martin



1928 NW TOPEKA BLVD. • TOPEKA, KANSAS 66608 • 913 / 357-5151

March 29, 1989

William R. Roy, Jr.
Representative, 53rd District
State Capitol
Topeka, KS 66612

Ref: House Bill 2328

Dear Representative Roy:

It is vital to our business on North Topeka Blvd. that the impending street construction be accomplished in the most expeditious manner.

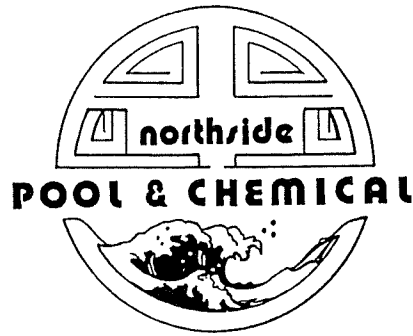
In the past few years we have seen street closings and reroutings affect our business, and at this point in time we are struggling to stay alive. Cutting off traffic for extended periods of time could be the final blow. Please do whatever you can in the way of incentives and/or penalties to complete the needed work in the best way possible.

Thank you for your interest and efforts.

Sincerely,

Rita A. Leonard
CEO

RAL/ss



March 29, 1989

William R. Roy, Jr.
Representative, 53rd District
State Capitol
Topeka, Kansas 66612

In re: House Bill 2328

Dear Representative Roy:

I am writing this letter in regard to the impending street construction in the 1900 block of North Topeka Blvd. As a concerned business person, I see the need for the most expedient construction as possible, especially if there is to be a detour or rerouting of traffic off North Topeka Blvd. We at Northside Pool and Chemical have been the "victims" of at least two prior street closings in the last few years. These closings and reroutings of traffic have been disastrous for our business, especially in the summer because of the seasonal nature of our business.

Since past rerouting of traffic has typically been through residential neighborhoods, it should be of great benefit to keep Topeka Blvd. open if at all possible. Over 21,000 vehicles travel past our business each day on Topeka Blvd. Approximately 5% of these are heavy trucks. Some of these trucks, such as ours, carry cargo which could be potentially hazardous. Our trucks are often carrying industrial chemicals. These vehicles do not need to be on the "side" streets longer than absolutely necessary.

To summarize, we ask that you do what is possible to keep the 1900 block of North Topeka Blvd. open and help eliminate potential problems to both business and residents of this area.

Sincerely,

Harold Sobba
Director of Recreational Sales

HES/ss



PETITION

We, the undersigned, support the House Bill 2328, in regard to contract incentives/penalties on state road projects in commercial districts.

NAME	BUSINESS	ADDRESS	PHONE
1. Lana Best	Lana's	1835 NW Topeka	235-3355
2. Gwendolyn E. Koman	Lana's	1835 NW Topeka	235-3355
3. [Signature]		1835 NW Topeka	235-6171
4. [Signature]	DUNCANS MAJIE MAGIC	1835 NW TOPEKA	233-9933
5. James R. Oathout	mgr. Classic Hair Design	1835	235-8414
6. Norma Sartan	" "	" "	235-8414
7. Dale Davis	Baskin Robbins	1835 n Topeka Ave # 191	232 9721
8. Kerry Martin	MARCUS PER-CENTER	" "	233-1551
9. Susan Johnson	Hygienic	1835 N. Topeka	232-1143
10. Kelly Dieckmann	" "	" "	" "
11. Michelle Blanchard	" "	" "	" "
12. Robert Anderson	Consolidated Blag Spec.	127 N. Van Buren	233-7406
13. Dental Care P.A. (Dentists)		1835 N Topeka	235-6219
14. Susan Bittles	Mothers	1835 N Topeka	233-3444
15. Jackie L. Latta	GODFATHERS	1835 N. TOPEKA	233-3444
16. Douglas A. Miller	Godfathers	" "	" "
17. Lynne Payne	KHUM	1237 SE 37, Topeka	267-0960
18. [Signature]	Godfathers	1835 N. Topeka	233-9349
19. Susan Spandy	CLASSIC HAIR DESIGNS	835 Topeka	235-8414
20. Daniel [Signature]	Midwest Motorsport	1739 N. Topeka	354-2550
21. Jani Holzner	Payless Shoescare	1729 N. Topeka	234-3511
22. Heidi [Signature]	Payless Shoescare	" " " "	" " " "
23. Patty Wright	Fina Volume	1726 N. Topeka	286-2024
24. Heather Wright	Fina	" "	286-2024
25. Susie Mahoney	Thompson-Crawley	1714 N Topeka	232-9553
26. Vicki Bell	Thompson-Crawley	1720 N Topeka	233-0903

one Best 1835 NW Topoka Blvd.
66608 PETITION

We, the undersigned, support the House Bill 2328, in regard to contract incentives/penalties on state road projects in commercial districts.

NAME	BUSINESS	ADDRESS	PHONE
1. Ellen Oliva	Classic Hair Design	1835 North Valley	235-9642
2. Alan Whitehead	Hair House	510 Broad St	233-1697
3. Peggy Magnus	Magic Home	1903 N. Topoka	232-8218
4. Dr. Mital Bhatia	North Valley Chiropractic	1835 NW Topoka	233-7531
5. Ray Schuman		5623 N.E. India Ct.	288-0538
6. Jane Schuman		5223 N. INDIAN CK	2880538
7. Christopher Lewis		5210 20 th Terr Apt 202	272-1079
8. Mark Miller		635 N.W. Hwy 24	
9. Peggy Summers	Taco Bell	2013 N. Topoka	234-62
10. Joanna Kellogg			
11. Pam P. Leonard		2013 N. Topoka	2013 N Topoka
12. Mark Brown		1326 Harrison	
13. Pat Miller		2025 N Topoka	
14. S. Mahindra		2007 N Topoka	
15. Mark E. Weisz		2007 N. TOPEKA	
16. Sharon Santellano		625 W. St. John St.	
17. Kurt Koles		1949 N. TOPEKA AVE	
18. Byron G. Foster		1947 N TOPEKA AVE	
19. John Hall		1935 N. Topoka Ave	
20. L. & J. AUTO	- Leonard Deveder	1931 N. TOP. BLVD.	
21. Jason Howard		1928 N. Topoka Blvd.	
22. A. S. Sutter	THE CARPET CO	1928-A N. Topoka Ave	
23. Carmen Morstorf		1930 1/2 N Topoka Ka.	
24. Erickson's Automotive		1932 N TOPEKA AVE.	
25. Quana Lee	China Inn	2010 N. Central Ave	233-2319
26. Vivian Richardson		2521 N.W. Kling Ct City - 66618	

PETITION

We, the undersigned, support the House Bill 2328, in regard to contract incentives/penalties on state road projects in commercial districts.

NAME	BUSINESS	ADDRESS	PHONE
1. Tim Desch		1942 N. MADISON	237 5272
2. MIKE TENPENNY		1116 N. JACKSON	3576388
3. Alvin J. Jordan	Welding	3500 S.E. Monroe	267-1356
4. Gregory		2019 N Ks Ave	235-5844
5. Cheryl Price		1524 N Logan	234-9062
6. Terese Griffith		2120 SW MacVicar	232-9509
7. Ed Custerborder		1948 Stone	273-0214 "I Voted
8. John W. Muff	Rent-All	1934 N Topoka	232-2767
9. Gary Remy		1120 Wakarusa	235-0577
10. Tony Fent		2290 NE 39th	286-1385
11. George E. Ruston		5310 NE Ashby Ln.	288-1171
12. Jimmy Hargis		3518 S.W. Kirkland Ave.	267-0158
13. William Hargis		3518 S.W. Kirkland Ave.	267-0158
14. Arthur C. Johnson		1512 N Logan	2326564
15. David N. King		Rt. 1 Box 248 Mendenhall	2893053
16. Gordon T. Garrett		3301 Abbey Dr Topeka KS	775-9011
17. Dan Mendenhall		1944 N Topeka	232-8250
18. Ron Berry		5636 Hawick Lane 66614	273-7156
19. Bud Mendenhall (Pad)		1130 N. Topeka Blvd	234-3596
20. Loranay Rutge Pad		" " "	" "
21. Olin Mendenhall			
22. Kristie Rupp		1730 N Topeka	234-3596
23. Shiky Schimmel		1730 N Topeka	234-3596
24. Wayne Mchortm		N. Top Ave	298-1801
25. Paul Wyatt		2420 SW Seabrook	273-3654
Frank		1025 N. Topeka	235 844

PETITION

We, the undersigned, support the House Bill 2328, in regard to contract incentives/penalties on state road projects in commercial districts.

NAME	BUSINESS	ADDRESS	PHONE
1. Alan E. Rose	Rose Muffler	1612 N. Top.	234-0415
2. M. G. Koch	Kentucky Fried Ckn.	1812 N. Topeka	354-8888
3. Curtis A. Hermann	Kentucky fried ckn	1812 N. Topeka	254-80
4. Jeri Best	Kentucky fried Ckn.	1812 N. Topeka	↓
5. Wendy Conrad	Lana's	1835 N Topeka	235-3355
6. J. D. McCall		Rt. 5 Top. Ks.	289-3428
7. DIMITRI W. JOHNSON	GARRETT DEVELOPMENT	3200 EVENINGSIDER	272-6512
8. Debbie Gassert	STKA	1st/Monroe	234-4949
9. Belita Lewis	Lana's	1835 N Topeka	235-3355
10. Eileen Best	Midwestern Liquor	719 Hancock Topeka	235-3497
11. Jeri Best		1302 W Jacobson	232-2589
12. Ron Thoman	FARMOUNT DANCY	109 N. POCK	232-1274
13. Jeffrey Higgins	GODFREY'S PIZZA	1835 N Topeka BLV	233-3444
14. Brad Peterson	PETERSON CYCES	1735 N. Topeka	232-4023
15. Judy Custerborden	Custerborden Flat	1802 S Topeka	232-3961
16. Sargent, Floyd	Select Auto Sales	1850 N. Topeka	233-7925
17. Sargent, Floyd	Select Auto Sales	1850 N. Topeka	233-7925
18. Joseph M. Hunter	Gas & Shop	1900 N. Topeka	232-5745
19. Applite Wessel	Fubar's	1914 71 Topeka	232-2768
20. Pyle, Morgan	MAGIC HOME FURN. Co	1903 N Topeka	232-8218
21. Patti Pelt	Maple Hill Market	Maple Hill, Ks.	663-232
22. Lorraine Sample		3322 NE. Lincoln	286-1564
23. Robert E. Best	^{LANA'S} Topeka Ks	3401 1/2 Kincaid	286-0259
24. Sherley Rustin	Rustins Retail Liquor	1835 N. Topeka	232-2621
25. Kim R. Secord	Hair brauer	1816 N. Taylor	234-6378
26. Paul K. Kuhn	TRUCK DRIVER	400 S. W. MARIETTA #6 TOPEKA, Ks. 66606	233-4570

PETITION

We, the undersigned, support the House Bill 2328, in regard to contract incentives/penalties on state road projects in commercial districts.

NAME	BUSINESS	ADDRESS	PHONE
1. <u>Rueh Hamilton</u>	China Inn	1508 Eugene	233-0336
2. <u>Wendy Mack</u>	China Inn	418 NW Peramre	232-4805
3. <u>Don Frost</u>	CHINA INN	1314 WIMFIELD	357-7944
4. <u>Paul Fudgett</u>	China Inn	1548 Lyman	235-0901
5. <u>Julia Oberhelman</u>	China Inn	2024 SW McAlister	272-4711
6. <u>Micki McDaniel</u>	China Inn	8526 Winfield	357-7269
7. <u>Kelby J Martin</u>	China Inn	430 N.W. Hamilton	286-2126
8. <u>Wendy Yee</u>	CHINA INN	2010 N. Central	233-2319
9. <u>Vicky Yee (Cherry)</u>	CHINA INN	2010 N. Central	233-2319
10. <u>George Mack</u>	China Inn	2010 N. Central	237-2311
11. <u>George Mack</u>	CHINA INN	2010 N. CENTRAL	233-2319
12. <u>George Mack</u>	CHINA INN	2010 N. CENTRAL	233-2319
13. <u>George Mack</u>	CHINA INN	2010 N. CENTRAL	233-2319
14. <u>Sam Mack</u>	CHINA INN	934 BUCHANAN	235 8572
15. <u>Joyce Myers</u>	North Plaza	2014 N. TOPEKA	2350001
16. <u>Robert Corbin</u>	Roach	230 W Lyman	232-7759
17. <u>Sherry Alt</u>	KHUM	4110 NW Beecher	286-1573
18. <u>Jim Puff</u>	MAPLE HILL MKT EXC.	215 MAIN	663-2329
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PETITION

We, the undersigned, support the House Bill 2328, in regard to contract incentives/penalties on state road projects in commercial districts.

NAME	BUSINESS	ADDRESS	PHONE
1. Gary Corley		1937 N. Jefferson	354-4123
2. Thomas E. Sullivan		2235 N. E 78th	289-1487
3. Susan J. Wolf		1243 N. Quincy	232-1302
4. Roy W. Strick		Rt 1 Box 212 Hoyt	235-3982
5. Janet K. Mentzer		1934 N. Topeka	232-2767
6. Tom Mast		1401 N. W. Polk	257-4448
7. Max E. Scott		RR #2 Ozawie	876-2285
8. Richard Z. Hewitt		910 Forest	3570406
9. Tara Colwell		2238 Forman	232-0596
10. Michael Bam		7133 LABD LANE	862-5123
11. Rick Nelson II		1436 SW Byron #9	233-7547
12. Steven P. Dumb		Rt. 1 Ozawie	876-2738
13. Richard A. Burk		RR2 Box 104 Scranton, Ks	793-2362
14. Pamela J. Roberts		332 Watson, Topeka	234-2368
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STATEMENT OF THE
KANSAS DEPARTMENT OF TRANSPORTATION ON
HOUSE BILL 2328 - CONCERNING
INCENTIVE/DISINCENTIVE PROVISIONS

The Department of Transportation respectfully requests this committee to consider several factors when deciding the feasibility of House Bill 2328.

The purpose of this legislation is contained in paragraph (b). It provides that any highway or bridge project inside corporate limits and is commercially zoned which takes more than a month to complete must contain an incentive/disincentive clause in its contract.

Even with the modification limiting the effect of this proposed legislation to projects with a completion time of more than one month, there will be a substantial increase in the number of projects required to contain the incentive/disincentive provisions. The latest estimate from the State Transportation Engineer is an annual increase from around 6 to over 100.

The increased cost range is estimated to be from \$1,985,000 to \$3,970,000. These estimates include costs to cities of \$496,250 to \$992,500. The remainder is a combination of state and federal funds.

Any increase in highway funds will substantially increase the number of projects affected by this bill and also the cost range required to carry it out.

The Kansas Department of Transportation feels it can properly evaluate projects to determine the ones with a need for the incentive/disincentive clause.

The Kansas Department of Transportation is very much opposed to the passage of this Bill.

ATT. 4
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3/30/89

MEMORANDUM

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

FROM: Mark E. Wettig
Special Assistant to the Secretary

DATE: March 30, 1989

SUBJECT: Senate Bill 340

I appreciate the opportunity to appear before you today concerning legislation requested by the Department of Revenue, regarding motor carrier wire services

BACKGROUND

Senate Bill 340 was requested upon a recommendation from the Legislative Post Audit Committee.

This Bill deletes the provision which provided for payment from the Department of Revenue to wire service companies for transmitting licenses and permits to motor carriers, and permits these companies to charge a transmittal fee to the carriers for this service.

This legislation would give the Department statutory authority to do what it is currently doing. There is no administrative or fiscal impact from this bill.

RECOMMENDATION

The Department would urge the Committee to give it's support to Senate Bill 340.

Thank you.

ATT. 5
T&U
3/30/89

MEMORANDUM

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

FROM: Mark E. Wettig
Special Assistant to the Secretary

DATE: March 30, 1989

SUBJECT: Senate Bill 353

I appreciate the opportunity to appear before you today concerning Senate Bill 353.

BACKGROUND

Senate Bill 353 would require a licensee's thumb print as information required to be contained on a Kansas driver's license.

The Department does not have current figures available to estimate the fiscal impact of this bill, but the costs are thought to be substantial.

RECOMMENDATION

While the Department is not opposed to the concept of Senate Bill 353, we feel that further study of all forms of driver's license identification, such as retinal imaging, is needed, before such a big step is taken.

Thank you.

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