

Approved January 30, 1990
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~a.m.~~/p.m. on January 29, 1990 in room 519-S of the Capitol.

All members were present except:

Rep. Artie Lucas - excused.

Committee staff present:

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

Conferees appearing before the committee:

Rep. Phil Kline
Lt. Bill Jacobs, Kansas Highway Patrol
Rep. Richard Eckert

The meeting was called to order by Chairman Crowell, and the first order of business was a hearing on HB-2661, concerning the time period when lighted lamps are required.

Representative Phil Kline, sponsor of the bill, briefed the Committee on its contents.

Lt. Bill Jacobs, Kansas Highway Patrol, testified in support of HB-2661. (See Attachment 1)

Committee discussion and questioning followed Lt. Jacobs' remarks.

The hearing on HB-2661 ended.

The next order of business was a hearing on HB-2662, concerning when lighted lamps are required.

Representative Phil Kline, sponsor of the bill, briefed the Committee on its contents.

Lt. Bill Jacobs, Kansas Highway Patrol, testified in support of HB-2662. (See Attachment 2)

The hearing on HB-2662 ended.

The next order of business was a hearing on HR-6006 urging the Union Pacific Railroad to include the Vliets to Parnell segment of Missouri Pacific rail line in its Northern Kansas lease proposal.

Representative Richard Eckert, co-sponsor of the bill, briefed the Committee on its contents. (See Attachment 3)

The hearing on HR-6006 was concluded.

The minutes of the House Transportation Committee held on January 25, 1990, were approved as written.

The meeting was adjourned at 2:10 p.m.


Rex Crowell, Chairman

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

Jacobs 1

SUMMARY OF TESTIMONY

Before the House Transportation Committee

January 29, 1990

House Bill 2661

Presented by the Kansas Highway Patrol

(Lieutenant William Jacobs)

Appeared in Support of House Bill 2661

The Kansas Highway Patrol supports House Bill 2661. House Bill 2661, if passed, would change the required time that vehicle head lamps need to be lighted (1/2 hour after sunset to 1/2 hour before sunrise changed to sunset to sunrise).

The Patrol supports this legislation due to the safety aspect involved.

During the twilight time, the lighted lamps might not be a necessity for a vehicle driver to see other traffic, but it is a definite safety measure which would make the vehicle more visible to oncoming drivers.

Motorcycles manufactured after January 1, 1978 are now required to display lighted head lamp and tail lamp at any time they are operated on a highway as a safety measure for visibility.

For the reason stated above, the Patrol asks for your favorable consideration of House Bill 2661.

Attach. 1

SUMMARY OF TESTIMONY

Before the House Transportation Committee

January 29, 1990

House Bill 2662

Presented by the Kansas Highway Patrol

(Lieutenant William Jacobs)

Appeared in Support of House Bill 2662

The Kansas Highway Patrol supports House Bill 2662. House Bill 2662, if passed, would require motorists to turn on their head lamps at any time their windshield wipers are in continuous use.

The Patrol supports this legislation due to the safety aspect involved.

Present law requires the use of head lamps during the night hours and at any other time that persons or vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead.

It is difficult for some persons to judge the 1,000 foot requirement and others simply fail to turn their lights on when it rains or snows in moderate amounts.

The safety of lighted head lamps is two-fold under these conditions. It not only aids the driver of the vehicle in seeing objects ahead, but it also makes the vehicle more visible to oncoming motorists.

Consideration should be given to amend the Bill to define what constitutes "continuous use" due to the newer vehicles which have what is known as delayed wipers. It would greatly aid in enforcement efforts.

For the reasons stated above, the Patrol asks for your favorable consideration of House Bill 2662.

RICHARD E. "DICK" ECKERT
 REPRESENTATIVE SIXTIETH DISTRICT
 P.O. BOX 157
 WETMORE, KANSAS 66550



TOPEKA

HOUSE OF
 REPRESENTATIVES

January 29, 1990

COMMITTEE ASSIGNMENTS
 VICE-CHAIRMAN: COMMERCIAL AND FINANCIAL
 INSTITUTIONS
 MEMBER: AGRICULTURE AND LIVESTOCK
 FEDERAL AND STATE AFFAIRS
 JOINT COMMITTEE ON SPECIAL CLAIMS
 AGAINST THE STATE

TO: House Transportation Committee
 Rex Crowell, Chairman

FROM: Representative Dick Eckert

RE: Update on Clifton to Parnell line.

On June 23, 1989, the ICC rejected the Kansas Corporation Commission's petition to reopen the Vliets to Parnell rail line abandonment.

On July 20, 1989, Governor Hayden held a news conference to announce the creation of a new office, called the Bureau of Rail Affairs. As of this writing, no further knowledge is available except that the Bureau is gearing up to begin operations. Northeast Kansas Rail Users Association hopes this office will assist in the efforts to reopen the Vliets to Parnell rail line, as well as insuring the continued service from Frankfort west to Clifton.

On July 22, 1989, the Union Pacific Railroad issued a letter indicating that the UP intends to lease 347 miles of its rail lines in northern Kansas to quality shortline operators. This includes all of the original Missouri Pacific Line west of Frankfort, plus some UP line from Beloit to Solomon. An interchange to receive eastbound traffic would be built at Frankfort.

Under the arrangement, Union Pacific will continue to manage and maintain rates, including the grain "transit rate structure." This will preserve an orderly market, which would otherwise be disrupted if the rail lines were sold or abandoned. (This paragraph taken directly from the UP letter.)

This could be an opportunity, should the portion west of Frankfort be leased, for Northeast Kansas Rail Users Association and the state of Kansas to get involved, and with the help of any interested parties, to also get the Vliets to Parnell line reopened. Atchison has a grain processing firm that has recently expanded, and northwest, north central, and northeast Kansas grain could find a possible market at that point.

STATE OF KANSAS



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Mike Hayden Governor

January 9, 1990

Mr. Michael H. Walsh
Chairman
Union Pacific Railroad
1416 Dodge Street
Omaha, Nebraska 68179

Dear Mr. Walsh:

As Governor of the state of Kansas, I am deeply concerned about the loss of rail service on lines that serve as essential means of freight transportation to our communities. We feel it is crucial that rail carriers and public officials take a long-term perspective in determining whether a line should be abandoned. We recognize that in some cases, lines that were operated by Class I railroads in the past may no longer be economically viable due to changed circumstances. It is not the policy of my administration to blindly oppose all changes in the state's rail systems, and we recognize that railroads must often make adjustments in their operations in order to remain in business. We do feel, however, that before a line is abandoned and an existing transportation corridor is allowed to disappear, the railroad has a duty to the public, as a common carrier, to ensure that every reasonable possibility for preserving that public resource has been exhausted.

I am particularly concerned at this time about the status of the Missouri Pacific Railroad line which runs from Parnell in Atchison County to Vliets in Marshall County, a distance of 66 miles. This line has been the subject of abandonment proceedings before the Interstate Commerce Commission and in the federal courts for several years. The Kansas Corporation Commission participated as a party of record in the ICC proceedings to protest the abandonment, and continued to carry on the legal appeal of the ICC's decision in the U.S. Court of Appeals, 10th Circuit. During this time, my staff, the Kansas

Mr. Walsh
Page 2

Department of Transportation and the KCC staff have worked closely with the members of the Northeast Kansas Rail Users Association, a group of concerned shippers and citizens who are seeking to preserve rail service on the Parnell to Vliets line which serves their local area. Although the state's options for preserving rail service are quite limited under current state statutes, I have strongly encouraged KDOT and the KCC to do whatever can be done to assist NKRUA in finding a solution in this case. I am not convinced that this line must be abandoned.

Although the state of Kansas, through the KCC, remains in an adversary legal position toward your company with regard to the abandonment of this line, I would like very much to find a positive solution which is acceptable to your railroad company, as well as to the state of Kansas and the membership of NKRUA. With the current trend toward sale of rail lines to shortline and regional rail operators, and with UP's own lease program currently being implemented in Kansas, I would ask that the Union Pacific management seriously consider whether any way can be found to facilitate a sale or lease of the Parnell to Vliets line. We are aware that UP has considerable assets invested in the physical track structure, for which you would expect to be compensated. However, we do not feel that the fair market value of the track poses an insurmountable obstacle to a shortline operator, provided that UP is willing to work with the operator in a fair manner and provide a realistic opportunity for them to succeed.

In order to operate this line successfully, a shortline railroad would require friendly connections with the UP. We believe there is a substantial traffic base in the grain-producing Kansas counties to the west which could economically be transported on this line to supplement the local traffic. In conjunction with UP's lease program and its ongoing relationship with the Kyle Railroad, we would like to see the shippers in the western counties have an opportunity to route their traffic over the Parnell to Vliets line via connections with the UP system.

In order to ensure that all possibilities for keeping this line in service have been explored, I request that representatives of your company agree to meet with representatives of NKRUA and of the Kansas Department of Transportation's Bureau of Rail Affairs. I feel that this is a

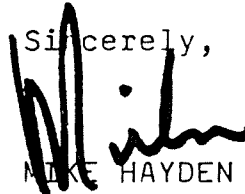
Mr. Walsh

Page 3

case where the railroad company should consider doing more than it may be required to do in terms of accommodating the public interest. If there is anything that my administration can do to make a solution to this matter more feasible to UP, I hope you will let me know. You or your staff should feel free to contact me or Mr. John Scheirman, Chief, Bureau of Rail Affairs, (913) 296-4286, to arrange a meeting with UP, NKRUA, and KDOT.

Thank you for your consideration.

Sincerely,



MIKE HAYDEN
Governor

MH:SM:jb

cc: Mr. Horace Edwards
Mr. John Scheirman