

Approved _____

Date

2-14-90

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 7, 1990 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:

Sen. S. Frahm
Jim Deibert, V-P, U.S. Custom Harvesters, Inc., Colby
Rick Farris, Edson
Sen. N. Parrish
Melvin Kropp, Topeka
Lt. Wm. Jacobs, Kansas Highway Patrol
Dean Stramel, Manhattan
Sam Thomson, Manhattan
Jacque Oakes, Kansas Independent Automobile
Mary Turkington, Kansas Motor Carriers Association

Hearing on S.B. 573 - Providing for a harvest permit for certain vehicles.

Sen. Frahm explained this bill to the committee. She said the permits would help the custom farm operators. A great deal of research had been done on the bill and it would be helpful to Kansas. Other states would probably follow the lead. There were some problems with the bill at this point and the Revisor was working to correct them.

Jim Deibert spoke in favor of the bill and said it was really necessary since the closure of many ports-of-entry and the state no longer sends tag agents to the southern border to wait for combines coming in from Oklahoma. He said custom harvesters don't know whether they are a farming entity or whether they are a commercial operation. A copy of his statement is attached. (Attachment 1).

Rick Farris spoke of the problems they had in getting the thirty-day permits after the ports-of-entry were closed. A copy of his statement is attached. (Attachment 2).

Mary Turkington, said they have been working with custom cutters to resolve this problem. They are opposed to the present bill because the fee is not high enough and there is also a problem for those who are not custom cutters. They will bring back additional information on this bill. The committee decided to wait for further information.

Hearing and Action on S.B. 534 - Motor vehicles, when lighted head lamps are required.

Sen. Oleen said she had been requested by a constituent to introduce legislation in the interests of safety. A copy of her statement is attached. (Attachment 3).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:02 a.m./~~p.m.~~ on February 7, 1990.

Sen. Parrish expressed her support for this bill.

Melvin Kropp said he was an older citizen and he realizes how important it is for head lamps to be on because as a person becomes older their eyesight is not as good and he has nearly pulled out on cars that do not have head lamps on during inclement weather. This is a safety factor.

Lt. Bill Jacobs said they support the bill because while it may not be a necessity for a vehicle driver to see other traffic, it is a definite safety measure to make the vehicle more visible to oncoming drivers. (Attachment 4).

Dean Stramel spoke of the visibility factors due to humidity, condensation of moisture, frost and dew. He supports the bill. A copy of his statement is attached. (Attachment 5).

Sam Thomson spoke of his personal experiences of not being able to see cars well because of the color of the car and distorted road conditions due to long shadows at dusk and dawn. Traffic volume is increasing and having head lamps on greatly increases visibility. A copy of his statement is attached. (Attachment 6).

Jacque Oakes said they support the bill because they are always concerned with anything that can help public safety. A copy of her statement is attached. (Attachment 7).

A motion was made by Sen. Vidricksen to recommend S.B. 534 favorably for passage and have it placed on the Consent Calendar. Motion was withdrawn and Sen. Vidricksen made a motion to recommend S.B. 534 favorably for passage. Motion was seconded by Sen. Sallee. Motion carried. Sen. Oleen will carry the bill.

A motion was made by Sen. Francisco and was seconded by Sen. Thiessen to approve the Minutes of January 31, 1990 and February 1, 1990. Motion carried.

Meeting was adjourned at 9:50 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 2-7-90 Place 254-E Time 9:02

GUEST LIST

NAME	ADDRESS	ORGANIZATION
Melvin D Croff	455 NW Hamilton Ln Topeka	
Al Gerster	K DOR	
John W. Smith	Topeka	Dept of Revenue
Dean Stramel	308 Dix Manhattan	
SAM Thomson	3213 GARY AVE. MANHATTAN	
Lt. BILL JACOBS	TOPEKA	K.H.P.
MAYE JURKINGTON	Topeka	Kansas Motor Carriers Assn.
Bob Ferris	Edison Ks	Custom Harvester
Alex L. Berry	Lenora	U.S. Custom Harvester
Jim Deibel	Colby	U.S. Custom Harvester
Dan Somerville	TOPEKA	KDOT
Nancy Parrish	state Senate Topeka	
Al Maxwell		
Pat Hubbell	Topeka	Kansas Railroads
Jacques Oakes	Topeka	Ks. Ind. Auto. Dealers Assoc.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 2-7-90 Place 254-E Time _____

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Paul Hill

Topeka

Ks Motor Carriers Assn.

Roger W. Bass

Topeka

T.C.U.

Cindy Gilpin

Topeka

Division of Budget

U. S. CUSTOM HARVESTERS, INC.

Box 33
Tulia, Texas 79088
(806) 995-3087

BOARD OF DIRECTORS:

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President

JIM DEIBERT
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CHUCK WARNER
Board Secretary

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Board Member

CLINTON SAWYER
Board Member

ALLEN FUNK
Board Member

BRENT LEE JOHNSON
Board Member

Testimony in Favor of Senate Bill #573

Good morning, my name is Jim Deibert and I am from Colby, KS. I am also Vice-President of U.S. Custom Harvesters, an organization which represents over 500 custom harvesters from across the U.S.

We are in favor of SB #573 which is a process by which the custom harvester can write in or call in to obtain harvesting permits. This is a valuable service to our member since they now can either write or call ahead of time and get their permits. This system is needed because of the closure of many ports of entry and the state no longer sends tag agents to the southern border to wait for combines coming in from Oklahoma.

We believe that if permits are easier to get more harvesters will buy them. Since the ports are closed and no revenue people there, some might be tempted to run without permits. This is a situation that we don't want to see happen.

As you can tell we have narrowed the definition to farm custom operations to include (1) transport farm machinery to or from a farm; and (2) transport custom harvested crops to storage or market.

With this we hope to appease the motor carriers who object and rightly so to the farmer or custom harvester who is out there doing hauling in the winter without the proper license.

I would be glad to answer any questions you may have.

Jim Deibert

ATT. 1
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2-7-90

U. S. CUSTOM HARVESTERS, INC.

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Tulia, Texas 79088
(806) 995-3087

BOARD OF DIRECTORS:

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ALLEN FUNK
Board Member

BRENT LEE JOHNSON
Board Member

There is an item which I would like to speak to this committee about to alleviate a problem.

We as custom harvesters don't know whether we are farmers or whether we are commercial.

There are a number of ways to go as I see it. (1) Establish that custom harvesters are a farming entity and treat them as such. (2) Say that custom harvesting is a commercial operation. With this anyone doing custom work will be under the same rules and this would go as far as to one farmer doing custom work for another. This can be told by checking 1099 forms.

The way it is now there are no clear cut rules that any of us may follow and it seems like we are commercial in one instance, farm in the next, and then there are times we don't have any idea where we are.

I believe that it would benefit harvesters, county treasurers, and law enforcement personnel.

We would like to work on this project and know the answers will take time. But in the long run I believe that it will be of help to all concerned.

We have special situations that are unique to harvesting and feel it would be beneficial to have people in the harvesting business help write the regulations concerning harvesters.

Testimony in favor of senate bill 573 by Rick Farris;

In the early 1980s many of the port-of-entrysts were closed. The Motor Carrier Inspection people were then sent to the southern border for about 2 weeks in the first part of June to sell Harvest and Fuel Permits. Due to weather conditions, the MCI people were very seldom at the border when the harvesters were moving to Kansas. The 30 day permits were available at the local county court house but they were usually out of them.

I'm from Sherman County which is usually the last county to finish wheat harvest in Kansas. If we had some moisture to delay the completion of harvest in Sherman County, most harvesters would not wait past the expiration date of their 30 day permit.

In 1988 and 1989 the Kansas Motor Carrier Inspection Troop allowed us to order these permits in advance. This bill will make this system legal. In my own operation we order and pay for all of the permits that we need for Wheat and Fall Harvest in April. This bill allows earlier collection of the revenue and decreases man power and cost connected with issuing these permits.

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SENATE COMMITTEE ON TRANSPORTATION & UTILITIES

TESTIMONY OF SENATOR LANA OLEEN

FEBRUARY 7, 1990

I appreciate the opportunity to appear before you today in support of SB 534.

I was first approached by a constituent, who is here to day, regarding the changing of the current statute because of safety factors.

His theory seemed sound, so I gave it the road test through the late summer and fall months. I literally saw (or didn't see) his expressed concerns. The safety is not one of viewing the pavement; it is one of being seen clearly by other motorists at dusk and dawn.

Since introduction of the bill this session, I have had numerous comments by individuals regarding the proposed extra hour of head lamp usage. Their consensus is that it makes good sense. When the sun is up, the lights are off; when the sun is down, the lights are on - - - none of this half-hour confusion!

I, too, believe it makes good sense, and I ask your favorable consideration and action on SB 534. Thank you.

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SUMMARY OF TESTIMONY

Before the Senate Committee on Transportation and Utilities

February 7, 1990

Senate Bill 534

Presented by the Kansas Highway Patrol

(Lieutenant William Jacobs)

Appeared in Support of Senate Bill 534

The Kansas Highway Patrol supports Senate Bill 534. Senate Bill 534, 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 Senate Bill 534.

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Chairman Morris
Senate Transportation and Utilities Committee

Re: SB 534

Dear Senator Morris, and Committee Members;

I wish to give testimony in behalf of Senate Bill 534. I have no particular expertise in this area; I am here as a citizen who thinks this bill is a simple solution to a very serious problem. I wish all the problems that lawmakers face could be so simply solved.

I consider the headlight problem a serious one. Several very serious "close call" experiences, and having to deal with the problem almost daily, have motivated me to come forward to speak. Nearly every day, I drive through the intersection of Tuttle Creek Drive and Casement Rd. This is one of the most dangerous in Manhattan; in 1989 it had more accidents, and injuries, than any other intersection in town. There are several reasons why this spot is so dangerous, and one of them is limited visibility in both directions.

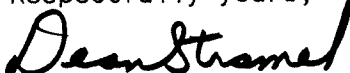
The visibility problem at this intersection is most acute at the very time that the traffic is heaviest, especially the morning rush hour traffic. As vehicles come around the curve or over the hill during the gray, gloomy dusk, they can be virtually impossible to see against the dull gray background of sky and pavement. Cars with headlights are easily seen, so there is much less of a problem.

I'm a science teacher, so I want to share a few other considerations I've thought of. (I guess here's where I can contribute some "expertise".) One is the fact that there is a time lag in adjusting vision to changing light conditions. Especially as the sun sets, there is a period of time when vision is less acute than normal. Couple this with the sharply reduced contrast at this time, and the blue and gray colors of many cars today, and you have real problems.

Another factor that comes into play, especially in the morning, is humidity, and condensation of moisture on windshields and windows. The time of day when humidity is usually highest is early morning. So even if windows are thoroughly cleared of frost or dew, at that time of day they can re-form as the vehicle moves through the saturated air. And when are most people in the biggest hurry? On their way to work or school in the mornings. Poorly scraped windows, ineffective defrosters because the engine hasn't yet warmed up, condensation of the breathe on the cold window, all contribute to poor visibility from inside the car. And remember, this is one of the busiest times of the day for traffic, and many of the people that you are seeing poorly are also in a hurry, and also seeing poorly.

I hope you recommend the passage of this bill. Thank you.

Respectfully yours,



Dean Stramel
308 Dix Drive
Manhatttan, Ks 66502

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SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

TESTIMONY ON SB 534

Chairman Morris, Vice Chairman Doyen, and Members of the Transportation and Utilities Committee:

I thank you for the opportunity to share my thoughts with you this morning. My concern lies with the improvement of driving safety in Kansas.

I admit that I have been procrastinating the issue of headlight usage for a few years, because I had recalled a news blurb about federal legal changes which would have required all motor vehicles to have ignition-control lights, the same measure which applies to motorcycles manufactured after January, 1978. Unfortunately, the proposal apparently died in Committee and did not provide the safety issue I address today.

Let me explain a "real life" situation. Several years ago I owned a silver station wagon, one of the newer colors at that time which had been introduced to appeal to a growing population of driver-owners wanting some other choice from the few basic colors which had previously been used. One overcast day (no fog or other inclement weather), I was traveling on a two-lane road and met the same type of car that I was operating. I did not see that car until it was about 700 feet away, which would be 3.8 seconds to impact, if either one of us would have been attempting to pass another vehicle, or for some reason was on the "wrong" side of the roadway.

What captured my attention in this incident was the fact that a dark-colored car, one half mile behind the silver car, was visible before the silver car, which was closer to me.

That incident began my thought processes, and I recalled prior incidents of other drivers pulling out to pass another car and almost hitting me head on. Other cars had been pulling out from stop signs or other entrances, causing me to take evasive action. I thought there were many stupid drivers in the world, until I realized they were unable to see my vehicle in anything less than full sunlight.

Since those times, I drive with my headlamps on while driving on rural two-lane highways and at any time that there is not full sun. I do this in order to be seen and avoid accidents.

I would like you to consider these facts:

- 1) Our traffic volume will only continue to increase each year
- 2) The colors of cars (and even big trucks) are more varied and many of those colors are non-contrasting
- 3) It is easier to see a black vehicle than most of our new colors.
- 4) All vehicles become more visible when head lamps are on and operable.
- 5) The longest shadows which hide and distort road conditions are at dusk and dawn.

For the safety of drivers and their passengers on Kansas roadways, the point is to be seen by others, not to light the roadway as currently required by KSA 8-1703.

I ask your favorable consideration of SB 534.

Sam Thomson
3213 Gary Avenue
Manhattan, KS. 66502

KANSAS INDEPENDENT AUTOMOBILE DEALERS ASSOCIATION

1115 WESTPORT SUITE E • MANHATTAN, KANSAS 66502 • 913-776-0044



TO: SENATE COMMITTEE ON TRANSPORTATION & UTILITIES

SUBJECT: SENATE BILL 534

Mr. Chairman and Members of the Committee:

My name is Jacque Oakes, and I am here representing the Kansas Independent Automobile Dealers Association. I am appearing in favor of this bill.

As car dealers, we are always concerned with anything that can help public safety. We believe that turning on headlights at sunset and off at sunrise would be less confusing. It is hard to remember whether the half hour designation goes before or after the sunset or sunrise.

Headlights are turned on at those hours only to make the vehicle more noticeable rather than to light the road. The National Safety Council recently stated that a bright blue or a bright yellow car is the most visible on the highway. Of course, a combination of bright blue and bright yellow would be the best. But car dealers will tell you that grey, white, and navy are the most popular colors, and they definitely become a blend with the pavement.

This bill would clear up the confusion in everyone's memory as to when to turn on headlights, and would make the public more safe by longer use of headlights.

Thank you for your time.

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Individually we struggle to be heard—Collectively we cannot be ignored.