

Approved

3-11-91

Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Representative Herman G. Dillon a
Chairperson

1:33 ~~am~~ p.m. on February 27, 1991 in room 519-S of the Capitol

All members were present except:

Representative Marvin Smith - Excused

Committee staff present:

Hank Avila - Legislative Research
Bruce Kinzie - Revisor of Statutes

Conferees appearing before the committee:

Gennetta Springer - King Cartwright Boosters, Coffeyville, Ks.
Rev. W. M. Murry - King Cartwright Boosters, Coffeyville, Ks.
Olga Heaven - King Cartwright Boosters, Coffeyville, Ks.
Wilson Thurston - Coffeyville, Ks.

Larry Waymire - Sec., State Committee of Blind Vendors
Don Morris - Sec. of Maryland Committee of Blind Vendors
Glen Yancey - Acting Comm. Rehabilitation Services

Chairman Dillon called the meeting to order.

Chairman Dillon entertained a motion to approve February 14th, 19th and 20th minutes. Representative Reinhardt made motion to approve minutes. Representative Bryant seconded. Motion carried.

HB 2244 - An act designating a portion of United States highway 166 as the Martin Luther King, Jr. memorial highway.

Chairman Dillon introduced Representative Garner, sponsor of the bill.

Chairman Dillon introduced Gennetta Sringer who testified in support of HB 2244. (Attachment 1)

Chairman Dillon introduced Rev. W.M. Murry who testified in support of HB 2244. (Attachment 2)

Chairman Dillon introduced Olga Heaven who testified in support of HB 2244. (Attachment 3)

Chairman Dillon introduced Wilson Thurston who testified in support of HB 2244. (Attachment 4)

Chairman Dillon, with the committees permission, said he would go ahead and take final action on HB 2244.

Representative Garner made the motion for HB 2244 to be recommended favorable for passage and be put on the consent calendar. Representative McClure seconded. Motion carried.

Hearing ended on HB 2244.

HB 2209 - An Act relating to highways; concerning the display of goods on state highway right-of-way; allowing vending machines on interstate highways; concerning sale of products by blind persons.

Chairman Dillon introduced Representative Edlund, sponsor of

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S Statehouse, at 1:33 ~~xxx~~ p.m. on February 27, 1991

the bill. He briefed the committee on HB 2209.

Representative Edlund introduced Don Morris who testified in support of HB 2209. (Attachment 5)

Questions and discussion followed.

Chairman Dillon introduced Larry Waymire who testified in support of HB 2209. (Attachment 6)

Chairman Dillon introduced Glen Yancey who testified in support of HB 2209. (Attachment 7)

Questions and discussion followed.

Hearing ended on HB 2209.

Final action on the following:

HB 2366 - Accessible Parking for persons with a disability.

Representative McKechnie moved HB 2366 favorable for passage. Representative Bryant seconded. Motion carried.

HB 2165 - Obstruction of Highways by trains.

Chairman Dillon introduced Representative Don Rezac, sponsor of the bill. He briefed the committee on HB 2165.

Questions and discussions followed.

Representative Shallenburger moved to amend HB 2165 as proposed by Pat Hubbell, see attachment 8. Representative Parkinson seconded.

Questions and discussion followed on motion.

Representative Shallenburger and Representative Parkinson withdrew their motion on HB 2165.

Representative Don Rezac made motion to pass HB 2165. Representative Everhart seconded. Motion carried.

Chairman Dillon asked the committee if they would like to vote on HB 2209 beings it would be the only bill on agenda on 2-28-91. The committee decided to take action on HB 2209.

Representative Reinhardt moved to amend HB 2209; that a governmental entity or an employee acting within the scope of the employee's employment be exempted in the Tort Claims Act. Representative Correll seconded. Motion carried.

Representative McKechnie moved motion to pass HB 2209 as amended. Representative Shallenburger seconded. Motion carried.

Adjourned at 2:56.

GUEST LIST

COMMITTEE: HOUSE TRANSPORTATION COMMITTEE

DATE: 2-27-91

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Glenn Yancey, ^{Acting} Commissioner		Rehabilitation Services SRS
Gennetta Springer	101 E. Martin Circle KS	King/Carterwright Boosters
Oleg Heaven	119 E North Coffeyville	King Carterwright Boosters
WILLIE M. MORRY	404 E 6 Coffeyville	King Carterwright Boosters
Robert Springer	101 E. Martin Circle KS	King/Carterwright Boosters
LEROY REED	614 E 5 St Coffeyville KS	King Carterwright Boosters
Yvonne McNeidrick	604 E. 5th Coffeyville	King Carterwright Boosters
Barbara J. Glass	108 1/2 E. 1st Coffeyville KS	King Carterwright Boosters
(Gladys in Kansas)	305 Howard - Council	King Carterwright Boosters
Tom McCallister	402 E 2nd St Coffeyville, KS	
Reuben M. Hill	605 East 5th	Coffeyville, KS
Cora M. Belden	515 N. 2nd St.	King Carterwright Boosters
Robert C. Belden	515 N. 2nd St	King Carterwright Boosters
PETER COTTAR	2345 PARKWAY, LAWRENCE	KDOT
Arles Tappan	3605 Park Lane Ct., Topeka	KDOT
MARY E. TURKINGTON	Topeka	Ks Motor Carriers Assn
Tom Whitaker	Topeka	Ks Motor Carriers Assn
Leroy Jones	Lenexa	BLE
Robert Sheldons	1615 HIGH TOPEKA, KS 66604	Ks. Division Services FOR 131/114
Bill Munch	660 SW ARBORGLUE	KS D/O SOF / T/7 131/114
Jack Pinawick	Blue Rapids	BLE
St. Hill	Peoria	BLE
DON LINDSEY	OSAWATOMIE	UTU
Janet Waymire	3112 Twilight TOPEKA	Ks Joint Facility (BEP)
Shirley Chandler	KS Coffeyville, KS	Washburn U. Wash

To Rep. Herman Dillon, chairman, and Members of the Transportation Committee:

I am Gennetta Springer, one of the speakers representing the King/Cartwright Boosters of Coffeyville, Kansas. We are a grass-roots, bi-partisan group promoting community pride.

We are here this afternoon with a dream—a dream for your endorsement of a portion of United States Highway 166 being designated as Martin Luther King, Jr. Memorial Highway.

We are appreciative of our 11th District Rep. Jim Garner for sharing our dream by introducing the bill in this Kansas House and now for the hearing being held here in the transportation committee.

There are those who might ask, why commemorate this man? To answer, I would like to read excerpts from a letter by Bob Dole Min. Leader of the United States Senate, penned for "American Visions" in 1985:

"... Like other American heroes, Dr. King threw open the windows of our society when the stench of hypocrisy threatened to overcome us. He reminded us that the great phrases justifying rebellion in 1776 compelled a peaceful reformation in the 1960s. We might do well each third Monday in January to remind ourselves that America was founded by dissenters...that her greatest weapons have never been military but spiritual....

Dr. King lost his life but no one can take away his legacy....

It is the belief we commemorate, as well as the believer; it is the struggle for opportunity as old as America herself to which we pledge ourselves anew."

Another Kansan former Governor John Carlin served on the state holiday commission to encourage the 50 states to set up their own holiday commissions. A commemorative march was led by the former governor Jan. 15, 1986 and a presentation of the Martin Luther King, Jr. Award and Proclamation was made on these Capitol steps.

Other tributes remind us of Dr. King's commitment to freedom, justice and opportunity for all. Many call him "A man for all nations." The Martin Luther King, Jr. Memorial Forest thrives in Israel's hills of Galilee near Nazareth. In Rome a middle school, in Sweden a Plaza opposite the ancient University of Uppsala, in France in 1981 an official mint struck a Martin Luther King, Jr. commemorative medal.

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ATTACHMENT 1-1

By the end of 1983, at least 33 nations had honored Dr. King including the United States in 1979.

Dr. Herbert O. Edwards, author and professor of religious studies at Morgan State University said, "These memorials have some value because they tend to keep alive the memory of the man who made outstanding contributions towards human justice in the 20th century."

We, too, in Coffeyville wish to commemorate Dr. King by the designation of a portion of United States Highway 166 in his honor. There are three other cities that have done so: a portion of Interstate 70 here in Topeka, United States Highway 24 in Kansas City, Kansas and a portion of Interstate 35 in Wichita, Kansas.

In the February 15, 1991 Coffeyville Journal, Rep. Jim Garner said, "Dr. King was a great American and it is most appropriate that he be honored in this way."

Dr. King's light still shines. It will shine even brighter in Coffeyville if HB 2244 is endorsed by this House Committee on Transportation. Dr. King was from the grass-roots and was propelled to prominence by mostly grass-roots, bi-partisan following. He emerged as a "Drum Major for Justice."

Thank you for hearing my testimony.

Gennetta Springer, Spokesperson
King/Cartwright Boosters

Coffeyville, KS 67337
February 27, 1991

To the members of the Transportation Committee:

In reference to House Bill 2244 an act designing a portion of United States Highway 166 in Coffeyville, KS that travels through the city as a Martin Luther King, Jr. Memorial Highway, this letter is to certify that I hereby fully support and pray for your total support in favor of this bill to create the same.

As a Pastor and a citizen of the Coffeyville community for the past 22 years, I am one who personally know what Dr. King has done to help all people: therefore I ask that House Bill 2244 be passed.

I thank you in advance for your support.

Honorably submitted,

Rev. W.M. Murry

Rev. W.M. Murry, pastor
Calvary Baptist Church
502 East Sixth Street
Coffeyville, KS 67337

*House Transportation
2-27-91
ATTACHMENT 2-1*

PETITION FOR SUPPORT OF HOUSE BILL 2244
BY OLGA HEAVEN, 119 EAST NORTH STREET, COFFEYVILLE, KS 67337

Generations after the Civil War ended in 1865, Alex Haley, the author of Roots, listened as his elders recited all about how things were during and after that confrontation. Long before the time of Alex's birth, his ancestors had migrated from the state of Georgia to the state of Tennessee. He wrote a book about those facts.

An analogous circumstance prevailed in my life. My grandfather, Paul Davis, appealed to approximately twenty-five families then living in Shelby County, TX. As the sharecropping experience had been so closely akin to slavery, existing circumstances exhibited little promise for success or improvement. His plan to travel together to Kansas was accepted and implemented in the late 1870's.

While attempting to survive in Burlington, KS., they heard of a Quaker, Daniel Votaw, in the southern part of the state who was interested in assisting former slaves. Summarily, the group returned to that area, settled on acreage granted by Mr. Votaw, forming a colony of the first Black settlers near Coffeyville.

Meanwhile, a four family group, headed by a Mr. Wesley came from Texas, settled a bit northeast of Coffeyville in an area called Sandy Ridge. These two groups formed the nucleus of what became Coffeyville's basic black population.

"Who's Who", a general history of Montgomery County, by C.C. Drake, published in 1943, states that Coffeyville's "First White settler was a Negro named Louis Scott".

By putting his stories in print, advertising and selling his information, Mr. Haley made millions. I am offering you parallel facts for free. Well, almost anyway. I'd like in remuneration, your attention to and support of House Bill 2244, designating a portion of Highway 166 in Coffeyville, as Martin Luther King, Jr. Memorial Highway.

Dr. King's forbearers never left the south. There they remained enduring the poverty, distain, definitive segration and exploitation.

Progressing from the no-no word to colored, Negro, Afro-American, Black and now African-American, the true identity shall ever remain unknown. From what country in Africa? Which one of many islands near Africa might have been my grandfathers birthplace.

People with different dialects, varied mores and cultural practices were forced to inhabit the uninhabitable, establish tenure in an untenable environment and survive in unfriendly surroundings. Wouldn't you just know it happened. They who survived, succeeded.

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Americans who share bloodlines with central Africans learned well. We mastered English, acquired the European work ethic, developed a penchant for money and power, and now stand tall in each of these theatres.

Americans of Spanish decent say, "De nada."

College students yell, "Who cares!"

Numerous others of my countrymen respond, "So what."

Fellow Americans, Rosa Parks refused to sit in the back of a bus. Years later, in Kansas, I held a job previously denied people of my race.

Martin King turned a spotlight on an American cancer that it might be more easily removed by a surgeon. He initiated practices presently being utilized by every minority group in this nation.

Women sought and have won equal status. How about that J-o-oan Finney! Handicapped individuals lay in front of busses. Cities and transportation companies yielded by purchasing vehicles with accessories designed to facilitate usage by men who have no legs. Elderly people cooperated. AARP, one of the country's largest organizations, lobbied for older citizens. Chicago elected a Black mayor and he earned citywide popularity. Coffeyville elected a Black mayor, four consecutive times.

"We Shall Overcome," sang Negro church choirs.

"We Shall Overcome," chanted throngs of black skinned and white skinned citizens as they marched in Selma, Alabama.

"We Shall Overcome," cried believers as they cast themselves near nuclear plant entrances.

"We Shall Overcome," echoed environmentalists as they monitored small streams where endangered fish frolicked. The last of their species.

Rosa Parks' famous bus ride occurred on a city street. Martin Luther King, Jr., leading hundreds, marched the highways of Alabama.

Consider, if you will, the appropriateness of designating a strip of Kansas Highway 166 in Coffeyville as Martin Luther King Jr., Memorial Highway. It shall be as a surgeon wielding a laser, a more efficient tool for removing another bit of the cancerous attitudes in our nation. It must be done, in honor of Martin Luther King, Jr., for he clung to the lighted torch and held it steady until he died.

TO the Honorable Herman Dillion, Chairman of the House Transportation Committee, and your Colleagues:

We won't to thank you for allowing us to appear before you and your committee with our request asking for your support in favor of HB-#2244, that the Honorable Jim Garner submitted to your committee on behalf of our community in Coffeyville, Kansas.

MY name is Wilson Thurston, precinct committeeman of the second largest precinct in Coffeyville, out of thirteen precincts. Mr. Garner is our eleventh district representative in whom we have a great deal of respect, confidence and trust. Your Honor's, it is our wishes as representatives from the community with special interest groups that you and your committee will agree with us to name a portion of Highway 166 within the city limits of Coffeyville as the MARTIN LUTHER KING, JR. MEMORIAL HIGHWAY.

Coffeyville has many roads and streets named in honor of this nation's leaders. It seems most appropriate that a great leader like Dr. King should also be included: He Provided direction not only for Black Americans but for all citizens of America.

We are asking and feel that Rev. Martin Luther King, Jr. should also be honored and remembered.

Thank you for your support, Committee spokesperson Wilson Thurston



Wilson Thurston

Precinct Committeeman

Ist precinct, COFFEYVILLE

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ATTACHMENT 4-1



PATTERSON FUNERAL HOME

Coffeyville, KS 67337
February 27, 1991

To Rep. Dillon, chairman, and members of the Transportation
Committee:

I, Clara Patterson, support HB 2244 an Act designating a
portion of United States Highway 166 that travels through
Coffeyville as Martin Luther King, Jr. Memorial Highway.

Sincerely,

Clara Patterson

Clara Patterson
502 Union
Coffeyville, KS 67337
1-316-251-4150

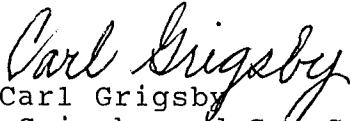
Coffeyville, KS 67337
February 27, 1991

To Rep. Herman Dillon, Chairman of the Transportation Committee,
and members:

I would like to express my support for the bill introduced in the Kansas House by Rep. Jim Garner asking that a portion of United States Highway 166 that travels through Coffeyville as Martin Luther King, Jr. Memorial Highway.

The designation of the highway as Martin Luther King, Jr. Memorial Highway will join his name with other notables' named on street signs within the city that serve as role models for us.

Sincerely,



Carl Grigsby
Grigsby and Son Car Wash
703 S. Maple
Coffeyville, KS 67337

Coffeyville, KS 67337
February 27, 1991

To Rep. Dillon, Chairman, and members of the Transportation
Committee:

I would like to express my approval on behalf of the legis-
lation which was introduced by Rep. Jim Garner to designate
the portion of United States Highway 166 that travels through
Coffeyville as a Martin Luther King, Jr. Memorial Highway.

Having lived in Coffeyville since 1947 and own and operate
Collins Family Discount Retail Apparel Shop in downtown
Coffeyville, I do wholeheartedly endorse HB 2244.

Sincerely,

Francis Collins

Francis Collins
Collins Family Discount Retail Apparel Shop
719 Walnut
Coffeyville, Kansas 67337

Coffeyville, KS 67337
February 27, 1991

To Rep. Herman Dillon, Chairman of the Transportation Committee,
and members:

I would like to express my support for the bill introduced in the Kansas House by Rep. Jim Garner asking that a portion of United States Highway 166 that travels through Coffeyville as Martin Luther King, Jr. Memorial Highway.

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Sincerely,

Edward Fields
Field's Car Wash
715 W. 12th
Coffeyville, KS 67337

Edward Fields


Coffeyville, KS 67337
February 27, 1991

To Rep. Herman Dillon, Chairman of the Transportation Committee,
and members:

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Sincerely,


Elmer Harding
Harding Auto Service
110 East Martin
Coffeyville, KS 67337

Coffeyville, KS 67337
February 27, 1991

To Rep. Herman Dillon, Chairman of the Transportation Committee,
and members:

I would like to express my support for the bill introduced in the Kansas House by Rep. Jim Garner asking that a portion of United States Highway 166 that travels through Coffeyville as Martin Luther King, Jr. Memorial Highway.

The designation of the highway as Martin Luther King, Jr. Memorial Highway will join his name with other notables' named on street signs within the city that serve as role models for us.

Sincerely,



Thomas C. Jeffery
THE BUS TERMINAL BARBER SHOP
Coffeyville, KS 67337

Coffeyville, KS 67337
February 27, 1991

To Rep. Herman Dillon, Chairman of the Transportation Committee,
and members:

I would like to express my support for the bill introduced in the Kansas House by Rep. Jim Garner asking that a portion of United States Highway 166 that travels through Coffeyville as Martin Luther King, Jr. Memorial Highway.

The designation of the highway as Martin Luther King, Jr. Memorial Highway will join his name with other notables named on street signs within the city that serve as role models for us.

Sincerely,



Carl Boganey
Phase II
801 E. Third
Coffeyville, KS 67337

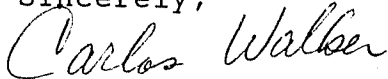
Coffeyville, KS 67337
February 27, 1991

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and members:

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The designation of the highway as Martin Luther King, Jr. Memorial Highway will join his name with other notables named on street signs within the city that serve as role models for us.

Sincerely,



Carlos Walker, President of the Ritz Club
702 E. 4th
Coffeyville, KS 67337

PETITION FOR SUPPORT OF HOUSE BILL 2244
FROM HEAVEN'S AUTO SERVICE
119 EAST NORTH STREET
COFFEYVILLE, KS 67337

The Transportation Committee
Herman G. Dillon, Chairman

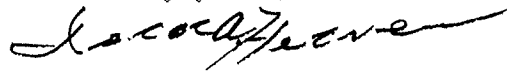
Dear Sirs;

I wholeheartedly endorse and support House Bill 2244, designating a portion of Highway 166 in Coffeyville, KS., as Martin Luther King, Jr. Memorial Highway.

Dr. King advocated changes in this countrys practices. Many of those items have made life better for all people, especially the poor who are the majority and therefore have the reigns of this our America in their control.

I believe the government of Kansas should so recognize and honor this gentleman who championed citizen rights and peaceful methods of attainment.

Sincerely yours,



Isaac A. Heaven

Coffeyville, KS 67337
February 27, 1991

To Rep. Herman Dillon, Chairman of the Transportation Committee,
and members:

I would like to express my support for the bill introduced in the Kansas House by Rep. Jim Garner asking that a portion of United States Highway 166 that travels through Coffeyville as Martin Luther King, Jr. Memorial Highway.

The designation of the highway as Martin Luther King, Jr. Memorial Highway will join his name with other notables named on street signs within the city that serve as role models for us.

Sincerely,

Carl Boganey

Carl Boganey,
Phase II
801 E. Third
Coffeyville, KS 67337

February 26, 1991

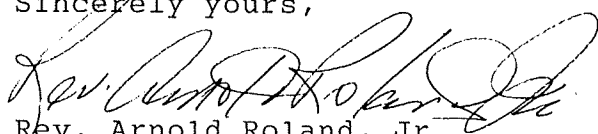
To the Kansas Transportation Committee
Chairman: Mr. Herman G. Dillon

I am writing, asking you, as a committee, to support House Bill 2244 ACT to designate a portion of United States Highway 166 as the Martin Luther King, Jr. Memorial Highway.

May I suggest that portion of the highway that begins at the east edge of Coffeyville and runs to and through the west edge be that area designated.

Coffeyville has had for the past 10 years an annual celebration in memory of Dr. King. There is now a Martin Luther King, Jr. Foundation, Inc. of Coffeyville, Kansas in Coffeyville. A scholarship has been presented for these 10 years to a minority student graduating from Field Kindly Memorial High School in Coffeyville. The memorial for the highway would further give visibility to the hopes and dreams that we are endeavoring to keep alive in Coffeyville,

Sincerely yours,



Rev. Arnold Roland, Jr.
St. James United Methodist Church
207 Elpaso
Coffeyville, Kansas 67337

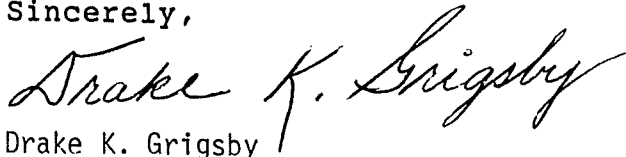
Coffeyville, KS 67337
February 27, 1991

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and members:

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The designation of the highway as Martin Luther King, Jr. Memorial Highway will join his name with other notables' named on street signs within the city that serve as role models for us.

Sincerely,



Drake K. Grigsby

Drafting Instructor, SEK AVTS
Coffeyville, Ks 67337

Home Address: 605 E. 4th
Work " 6th & Roosevelt

Coffeyville, KS 67337
February 27, 1991

To Rep. Herman Dillon, Chairman of the Transportation Committee,
and members:

I would like to express my support for the bill introduced in the Kansas House by Rep. Jim Garner asking that a portion of United States Highway 166 that travels through Coffeyville as Martin Luther King, Jr. Memorial Highway.

The designation of the highway as Martin Luther King, Jr. Memorial Highway will join his name with other notables' named on street signs within the city that serve as role models for us.

Sincerely,

Norma Davis

Norma Davis
Davis Home Daycare
1101 W. 10th
Coffeyville, Kansas 67337

DAVIDSON CHAPEL

Christian Methodist Episcopal Church
402 East Fourth Street
Coffeyville, Kansas 67337

(316) 251-5372

Rev. Leslie Neil Lakey, Pastor

Transportation Committee:

Dear Members;

I am writing this letter to show my support for the renaming of a portion of Highway 166 through the City of Coffeyville, Kansas.

As a Pastor, and a member of the Coffeyville Ministerial Alliance, and the Coffeyville Ministerial Union, I am wholeheartedly interested in projects that will project a positive image, not only for the youth and minorities, but for the entire City of Coffeyville as well!

Perhaps such a small portion of highway may seem insignificant to some, but to those that are still struggling to realize the dream that Dr. Martin Luther King Jr. preached and lived, perhaps your approval of this measure will help to strengthen our confidence in the land that we live in, work in, pray in, love in, and pay taxes in, and that is the UNITED STATES OF AMERICA!

I ask that you name this portion of highway; Dr. Martin Luther King Jr. MEMORIAL Drive!

Respectfully Submitted

Rev. Leslie N. Lakey
Rev. Leslie N. Lakey

TESTIMONY OF DONALD J. MORRIS
in SUPPORT OF HOUSE BILL 2209

Mr. Chairman, members of the Committee, my name is Donald J. Morris. I am the Secretary of the Maryland Committee of Blind Vendors, and a licensed Blind Vendor in Maryland.

I am here today to share with you some of the advantages and benefits of adopting House Bill 2209.

WHAT IS THE SURFACE TRANSPORTATION ASSISTANCE ACT?

This is Federal Legislation (23 U.S.C. 111) which, as amended by Congresswoman Barbara Kennelly, permits the installation of Vending Machines at Interstate and National Defense Highway rest areas.

WHAT IS THE PURPOSE OF H.B. 2209?

This important legislation will authorize and instruct the Kansas Business Enterprise Program for the Blind (BEP) and the State Department of Transportation (DOT) to cooperate in the development of a plan to implement Highway Vending in Kansas.

WHAT IS THE KANSAS BUSINESS ENTERPRISE PROGRAM?

The Kansas B.E.P. is an OPPORTUNITY PROGRAM for Blind men and women in Kansas, who have been licensed by the Kansas Department of Social and Rehabilitation Services. The BEP provides Training and Employment opportunity for Blind Kansans who are anxious to try for their piece of the American Dream which comes with work, opportunity and enterprise.

WHO WILL BENEFIT FROM SUCH A PLAN?

In Maryland and other States where similar legislation has been enacted, the beneficiaries have been many. Kansas can expect the following benefits which we have already realized.

BLIND VENDORS - Program revenues which can be achieved will provide much needed capital for the renovation and remodeling of existing vending facilities. These funds can also be utilized to open new Vending Facilities and thus create new employment opportunities for Blind Kansans.

TRAVELERS AND VISITORS - As travelers and other visitors enjoy the 17 well designed and attractive rest areas, they can refresh not only with the chance to stretch their legs, but with a soft drink or other machine vended snack which will be available.

KANSAS TAXPAYERS - Substantial benefit will be realized by the Citizens of Kansas in that this legislation provides a source of "FOUND MONEY". Vending sales at Highway Rest Areas are predominately "impulse purchases". A traveler stops his car to use the facilities already there and secondarily makes a purchase from the attractive and convenient Vending Machines.

*House Transportation
220-91 OVER
ATTACHMENT 5-1*

WHAT'S THE COST OF THIS LEGISLATION?

Remarkably, this legislation requires no expenditure to implement. In Maryland, where space was not available within the rest area buildings, we required that construction of a compatible shelter be at the expense of the contractor providing the vending machine service. In such cases, we authorized a five year contract so the company can recover its initial cost. The State's only cost was for a staff architect to design a shelter that suited the DOT.

HOW MUCH REVENUE WILL BE GENERATED FOR THE BEP?

Unfortunately, I do not have demographic or travel data available to me for Kansas Highways. I can, however, give you some detail for our program in Maryland. On I-95, between Baltimore and Washington D.C. we have one facility on the North bound and another on the South bound lanes. 13,000 cars daily visit these two sites (combined total). From these 13,000 potential customers, 3,000 visitors spend an average of \$1.00 each. The Maryland Vending Program realizes 38% of gross sales, or \$1140 per day which helps support the administrative and renovation costs in our Program. In addition, \$150 of State sales tax is generated daily from these facilities.

The I-95 corridor is very heavily traveled. It is unlikely that similar sales will be achieved at any of the Kansas facilities. On Maryland's Interstate 70 we have an east and west bound operation that will generate nearly \$100,000 annually. We have a number of other facilities on National Defense Highways which yield approximately \$15,000 net each per year.

While I do not propose to allocate federal funds in Kansas, it is conceivable that the several hundred thousand dollars of Federal 110 money now committed by Kansas to the BEP Program could eventually be reassigned to other rehabilitation programs in a matter of a few years.

H.B. 2209 creates a WIN WIN WIN situation. Tax payers WIN, blind vendors WIN, and highway travelers WIN. I urge your adoption of H.B. 2209.

I am told by blind friends in Kansas that the legislature has long advocated for its blind constituents. H.B. 2209 is one of the best opportunities you will have to improve the lives of blind Kansans. It will provide much needed Program revenues and will create employment opportunities for blind men and women.

Donald J. Morris
16547 Old Emmitsburg Road
Emmitsburg, MD 21727
301/447-2795

TESTIMONY

To: HERMAN G. DILLON, CHAIRPERSON

HOUSE DEPARTMENT OF TRANSPORTATION COMMITTEE

Date: FEBRUARY, 27, 1991

Regarding: HOUSE BILL #2209

FROM: LARRY E. WAYMIRE

Secretary, State Committee of Blind Vendors
2nd Vice President, National Federation of the Blind of Kansas

In order to establish vending machines in safety rest areas; this bill amends K.S.A. 68-432 so blind vendors licensed under K.S.A. 75-3339, and amendments thereto, can sell merchandise at rest areas along interstate highways in Kansas. K.S.A. 68-432 currently does not allow this; but federal law (PL-97-424) allows it and specifies priority must be given to merchandise sold by the blind through the designated state licensing agency, which in Kansas is the Department of Social and Rehabilitation Services, (S.R.S.).

Passage of this bill will allow S.R.S. to contract with private vending machine companies to place automatic vending machines at highway rest areas along the interstate highways in Kansas. A portion of the income from the machines will be channeled to the Business Enterprise Program (B.E.P.) within the Division of Services for the Blind, under S.R.S. This income will help keep this program a self-sufficient one, independent of the need for Kansas State Tax Dollars. This program is proud of the fact that they currently use no State Tax Dollars.

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in essence this bill could conceivably accomplish the following:

1. Entice motorists to use rest areas as a public safety factor. Stopping for a cold soda could prevent a potential accident or highway fatality.

2. Provide services to the motoring public not currently available. This would include Kansans and Tourists.

3. Serve to improve the image of rest areas in Kansas, and to more fully utilize the picnic facilities at rest areas.

4. Increase financial stability of the B.E.P. and decrease future need for State Funds.

5. To increase job opportunities for the blind with the added revenue generated for the program.

6. Help to broaden the retail sales tax base in Kansas. Coupled with the economic multiplier of 7, sales generated by these machines could be substantial. The dollars that these vending machines would take in, by a vast majority, would remain in this state's economy.

Kansas Randolph Sheppard Vendors and the B.E.P. have expressed an interest in highway vending since 1983. From that time to the present, this interest and desire has steadily increased.

We do not see litter as being a problem after having seen highway vending programs in operation in other states.

This would require no liability insurance expense to the state of Kansas. Furthermore, installation expenses are expected to be

minimal.

This bill would create no need for additional administrative staff within the B.E.P.

The State Committee of Blind Vendors and The National Federation of the Blind of Kansas support H.B. 2209. We urge your support for passage of this bill.

State Department of Social and Rehabilitation Services

Testimony in Support of House Bill No. 2209

Mr. Chairperson and members of the Committee:

SRS supports House Bill 2209 which removes restrictions that K.S.A. 68-432 places on the display and sale of merchandise within the right of way of any state highway. Passage of House Bill 2209 will clear the way for the vending stands program, operated by the Division of Services for the Blind, to subcontract with private vending machine companies to install vending machines in safety rest areas located on the right of way of interstate highways in Kansas.

Section III of the Surface Transportation Assistance Act of 1982 (P.L. 97-424) grants authority to state transportation departments to operate vending machines at interstate highway rest areas. States that decide to do this must give priority to machines operated by the blind through the designated state licensing agency pursuant to the Randolph-Sheppard Act (20 USC 107). As of August, 1990, at least 32 other states were known to have programs of this nature in operation, and eleven other states were actively developing programs.

Blind vendors in Kansas are licensed under K.S.A. 75-3339 and amendments thereto. If House Bill 2209 is passed, income from the vending machines installed at rest areas along the interstate highway system could be used to pay operating expenses of the vending stands program and improve fringe benefits for blind managers of vending stands. The vending stands program uses no state tax funds, so passage of this bill will not result in additional cost to the State.

The Division of Services for the Blind projects placement of vending machines at four locations along the interstate highways during the first year the program is authorized in Kansas. Projected first year revenue for the agency is \$3,000 per location or \$12,000 for four locations. Additional locations will be established in subsequent years.

SRS urges passage of House Bill 2209, because it will provide a new source of revenue for the vending stands program and ultimately enhance employment and independent living opportunities for blind Kansans.

Glen Yancey
Acting Commissioner
Rehabilitation Services
Social and Rehabilitation Services
296-3911
February 27, 1991

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My recommendation for a solution to controlling the conduct prohibited by K.S.A. 66-273 is contained in the attached amendment. The amendment would raise the maximum fine from \$25 to \$250 but it would leave the enforcement of the fine in the hands of the local ticketing authority who would ticket the railway company for violations. This proposed amendment does not in any way put the fine back on the train crew who might be operating a particular train in violation of K.S.A. 66-273, it merely increases the fine and sets out conditions "That no penalty shall be assessed for noncompliance with K.S.A. 66-273 if such noncompliance is due to equipment malfunction, operational requirements, sickness, injury, emergency or other unforeseeable circumstances beyond the control of the operating crew of such train, engine or cars.

Mr. Chairman, I will try to answer any questions which you or members of the Committee may have.

Thank you.

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Sec. 2. K.S.A. 66-274 is hereby amended to read as follows: 66-274. Any railroad company or corporation operating a line of railroad in Kansas failing or negelecting to comply with the preceding section K.S.A. 66-273, and amendments thereto, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars (\$5) nor more than two hundred fifty dollars (\$250): Provided, That no member of a railroad train, yard, or engine crew shall be held personally responsible or found guilty of violating any state laws or any municipal ordinances regulating or intended to regulate the occupying or blocking of any street, road or highway crossing at grade by trains or passenger or freight cars upon reasonable proof that his action was necessary due to circumstances beyond his control, or to comply with the order or instructions, either written or verbal, of his employer or his officers or supervisory officials: Provided further, That nothing in this section shall relieve the employer or railroad from any responsibility placed upon said employer or railroad by any such state law or any municipal ordinance. That no penalty shall be assessed for noncompliance with K.S.A. 66-273 if such noncompliance is due to equipment malfunction, operational requirements, sickness, injury, emergency, or other unforeseeable circumstances beyond the control of the operating crew of such train, engine or cars.

Striking lines 41 and 42.