

Approved: 3/20/95
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Kenneth King at 1:30 p.m. on March 15, 1995 in Room 519-S of the Capitol.

All members were present except:
All present

Committee staff present: Hank Avila, Legislative Research Department
Tom Severn, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:
Mike Lackey, Assistant Secretary of Transportation

Others attending: See attached list

Chairman King called the meeting to order at 1:40 p.m.

The Chair recognized Mike Lackey, Assistant Secretary of Transportation, to give an update on the rest areas the Department are responsible for.

Mr. Lackey distributed maps of the state which showed the locations of the existing rest areas with rest room facilities, proposed new rest areas and rest room facilities to be removed from safety rest areas. (Attachment 1) He told the committee that with the emergence of more areas where rest rooms were available, such as convenience stores, the decision was made in the summer of 1994 to remove the pit toilets from the rest areas in the less traveled areas. This was done with the approval of the local units of government and the District Engineers in the areas where the facilities were located. He stated these pit toilets were difficult to maintain as far as cleanliness was concerned and also were areas difficult to patrol for safety. He said now, with fewer facilities to maintain, they were able to increase the maintenance at the existing facilities with the rest areas being maintained 14 hours a day, 7 days a week on the interstate during the summer and from 8:00 a.m. to 4:00 p.m. in the winter, 7 days a week. On non-interstate highways, they are maintained twice a day, 7 days a week in the summer, and twice a day, 5 days a week in the winter. He concluded ADA upgrade to the rest areas had cost approximately 1/2 million dollars.

Mr. Lackey stood for questions. In answer to a question from the committee on the availability of using inmates from the correctional institutes for help in maintenance of these rest area facilities, Mr. Lackey responded they had been very pleased with the help they had received from this area but they were able only to work in a radius of 50-60 miles from the institutions and this prevented their use in some areas.

Mr. Lackey stated, in response to a question, that Federal money was used on construction and maintenance of rest area facilities along the Interstate at a ratio of 90/10 and because of this, they must justify closing a rest area along the Interstate with the federal government.

Chairman King called on Captain Bob Giffin, Kansas Highway Patrol, to answer questions concerning the policy of the highway patrol to police these rest areas. Captain Griffin stated there is no written policy but the Patrol is encouraged to drive through and inspect these areas as they are on their patrol. He concluded there are fewer problems today in the rest areas because of the public being more education and more aware and also because of better lighting and higher traffic areas.

The Chair thanked Mr. Lackey for his report.

Chairman King opened **SB 60, concerning assignment of foreign titles; affidavits,** for discussion and final action.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 519-S Statehouse, at 1:30 p.m. on March 15, 1995.

Representative Shore offered an amendment, and distributed copies of this amendment to the committee. (Attachment 2) There was no second. This amendment would add a new Section 1, re-number the subsequent sections and change the definition of "farm trailer".

The Chair recognized Mary Turkington, Kansas Motor Carriers Association, who stated they believed this amendment would offer vehicles exemptions from property taxes that should not be exempted.

Following discussion Representative Shore withdrew his motion.

Representative Dillon made a motion to pass **SB 60** favorably, seconded by Representative Pottorff and the motion carried.

The Chair announced there would be discussion and possible final action on **SB 162, SB 262, SB 303** and **SB 349** on Thursday, March 16th.

Written testimony, concerning **HCR 5011**, opposing conversion to the metric system of measurement, from Adolph Wildgrube, Independence, Kansas was distributed to the committee. (Attachment 3)

The meeting was adjourned at 2:30 p.m.

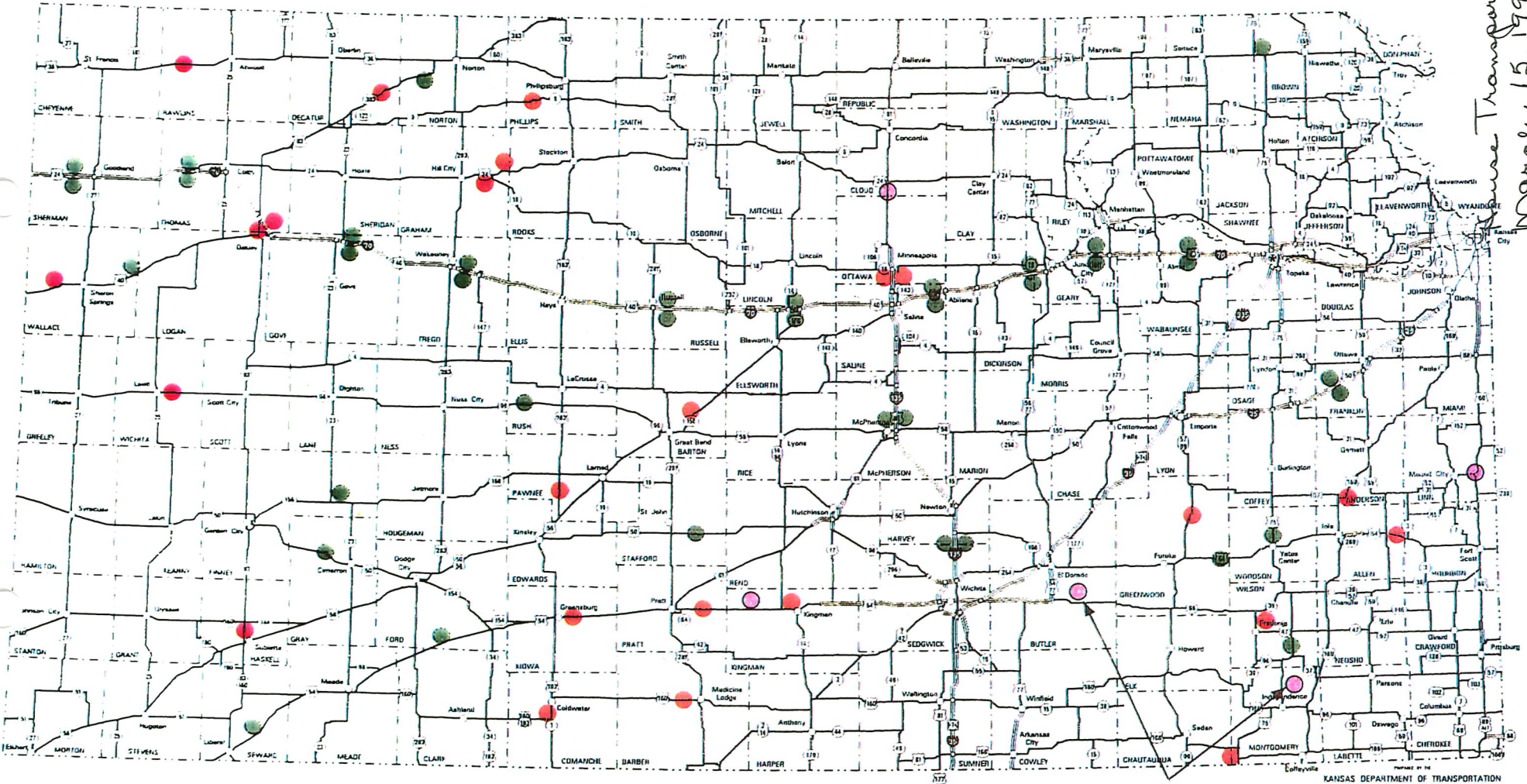
The next meeting is scheduled for March 16, 1995.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: March 15, 1995

NAME	REPRESENTING
Linn Jones	KDOT
STEVE RODINA	KHP
Mike Hackey	KDOT
JACK TIERCE	KCC
Warren Hermann	Yellow Corporation
TOM WHITAKER	Ks Motor Carriers Assn.
John W. Smith	KDOR DMV
Dean Carlson	KDOT
MIKE CROW	KDOT
Nancy Rogina	KDOT
Martha Uff	KMNA
Betty McBride	KDOR - DMV
Pam Somerville	Ks Auto Dealers Assn
Jacque Daker	Ks. Ind. Auto Dealers Assn.
Bob Stiff	KHP
Debbie Fleming	Taxpayer

KANSAS



Prepared by the
KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF TRANSPORTATION PLANNING
 in cooperation with the
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

On new alignment of
 Southeast Kansas Corridor

- **PINK** Proposed New Safety Rest Area Sites (Approximate Location)
- **GREEN** Existing Safety Rest Areas (with Rest Room Facilities) Upgrade to Meet ADA Requirements
- **RED** Rest Room Facilities to be Removed From Safety Rest Area

Kansas Transportation Committee
 March 15, 1995
 Attachment 1

Section 1. K.S.A. 1994 Supp. 8-126 is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor vehicle." Every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

(c) "Truck." A motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(d) "Motorcycle." Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

(e) "Truck tractor." Every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(f) "Farm tractor." Every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

(g) "Road tractor." Every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(h) "Trailer." Every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(i) "Semitrailer." Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(j) "Pole trailer." Any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(k) "Specially constructed vehicle." Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(l) "Foreign vehicle." Every motor vehicle, trailer or semitrailer which shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(m) "Person." Every natural person, firm, partnership, association or corporation.

House Transportation Committee
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Attachment 2

(n) "Owner." A person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(o) "Nonresident." Every person who is not a resident of this state.

(p) "Manufacturer." Every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(q) "New vehicle dealer." Every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles and who holds a dealer's contract therefor from a manufacturer or distributor and who has an established place of business in this state.

(r) "Used vehicle dealer." Every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers, trailers or vehicles.

(s) "Highway." Every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(t) "Department" or "motor vehicle department" or "vehicle department." The division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents.

(u) "Commission" or "state highway commission." The director of vehicles of the department of revenue.

(v) "Division." The division of vehicles of the department of revenue.

(w) "Travel trailer." Every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes and measuring eight feet or less in width.

(x) "Passenger vehicle." Every motor vehicle, as herein defined, which is designed primarily to carry 10 or fewer passengers, and which is not used as a truck.

(y) "Self-propelled farm implement." Every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(z) "Farm trailer." Every trailer as defined in subsection (h) of this section and every semitrailer as defined in subsection (i) of this section, designed-and-used-primarily used exclusively as a farm vehicle.

(aa) "Motorized bicycle." Every device having two tandem

wheels or three wheels, which may be propelled by either human power or helper motor, or by both, and which has: A motor which produces not more than 3.5 brake horsepower; a cylinder capacity of not more than 50 cubic centimeters; an automatic transmission; and the capability of a maximum design speed of no more than 30 miles per hour.

(bb) "All-terrain vehicle." Any motorized off-highway vehicle 45 inches or less in width, having a dry weight of 500 pounds or less, traveling on three or more low-pressure tires, and having a seat designed to be straddled by the operator. As used in this subsection, low-pressure tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 12 inches or less, and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

(cc) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:

- (1) A farm tractor;
- (2) a self-propelled farm implement;
- (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;
- (4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
- (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

(dd) "Motorized wheelchair." Any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.

November 30, 1994

A chronology by dates and events of an effort to avert conversion of our U.S. highway signs (English) to metric by Federal Highway Administration.

- Sept. 23, 1993 - Kansas Department of Transportation met with county road department supervisors in Topeka to reveal the grandiose plan to convert our highway system totally to metric by 1996.
- Oct. 21, 1993 - Letter from Kansas Department of Transportation to Senator Tim Emert, Independence, to the effect there would only be one metric system in place, totally, signs and the works, per Dean Testa, letter signed by Nancy Bogina. (Enclosure #1)
- Oct. 30, 1993 - Contacted Representative Dan Glickman in person in Independence, Kansas to share my opposition for the metric highway signs and the reasons.
- Nov. 10, 1993 - The gravity of the issue fired my concern.
 Nov. 18, 1993 Wrote letters to all Kansas Congressional
 Dec. 2, 1993 delegation, Senators Dole and Kassebaum included.
 Dec. 17, 1993 (Enclosure #2)
- Dec. 31, 1993 - Sent petition in opposition to Federal Highway Administration's planned conversion of our U.S. highway signs to metric, with 802 signatures. Also copies to all our Kansas Congressional delegations, also copies to several Kansas Department of Transportation officials. (Enclosure #3)

Commencing with my first mailing of letters, I always followed up with phone calls to the Legislative Assistant to make sure the congressman had seen my letters.

- Jan. 12, 1994 - Met with Senator Nancy Kassebaum here in

House Transportation Committee
March 15, 1995
Attachment 3

Independence, Kansas for at least 30 minutes to discuss this metric highway sign issue.

- Jan. 27, 1994 - First legislative hearing on HCR 5029, State of Kansas 1994 with House Transportation Committee, the bill opposed any conversion to metric of the KDOT system. I support the proposal in my testimony. (Enclosure #4)
- Feb. 2, 1994 - Senator Kassebaum introduced S.1819 with Senator Dole, co-sponsor, opposing any conversions to metric for U.S. highway signs.
- Representative Pat Roberts introduced HR 3766 identical to the Senate 1819. Eventually Representative Slattery, Representative Dan Glickman and Representative Jan Myers signed on as co-sponsors. (Enclosure #5)
- Mar. 23, 1994 - The final vote of the Kansas Legislature in support of HRC 5029 tallied a 91.8%. They just plain flat didn't want this metric conversion of our highway system.
- Apr. 18, 1994 - Mailed a letter to each of the cabinet secretaries of the U.S. government, 14 in all, identifying my oppositions to this conversion from U.S. Highway signs to metric. Included a copy of Public Law 100-418 passed in August 23, 1988, pointing out the seven (7) exceptions in the metric law that would exempt the FHWA from converting our highway system to metric. (Enclosure #6)
- May 9, 1994 - By this date, Pat Roberts had acquired 170 co-sponsors to HR 3766 on his way to getting 218 co-sponsors.
- May 12, 1994 - House Public Works Surface Transportation Subcommittee approved by voice vote an amendment to HR 4385, Sec 124, National Highway System Bill, to postpone installation of any metric highway signs until after September, 1997. A Leslie Byrne Amendment (Enclosures # 7 and 8)
- May 17, 1994 - House Public Works Committee marked up HR 4385.
- May 25, 1994 - House passed the bill per Dan Glickman.

Further activity on HR 3766 may have been dropped after the May 12, 1994 Byrne amendment on HR 4385.

- Aug. 12, 1994 - SB 1887, the Senate version of HR 4385 was approved by Environment and Public Works Committee.
- Sept. 23, 1994 - SB 1887 passed by Senate.
- Sept. 29, 1994 - HR 4385 passed House by voice vote insisting on amendment.
- Sept. 29, 1994 - SB 1887 and HR 4385 sent to Conference Committee appointed by Speaker.
- Oct. 6, 1994 - Congress adjourned with no action by Congress on this metric highway sign item.
- Oct. 7, 1994

QUESTION: Can this be reintroduced in the 104th Congress?

I understand the National Highway System Bill is supposed to be acted on by September, 1995.

Congress, if possible, needs to stop dead this metric highway sign issue.

ACTION OF FEDERAL HIGHWAY ADMINISTRATION

- Aug. ~~30~~³¹, 1993 - Per the Federal Register August ~~30~~³¹, 1993, the Federal Highway Administration published a notice requesting public comments on this metric conversion of our U.S. highway signs.

Given a 60 day period for input, that I believe was finally cut off about January 12, 1994, 86% of respondents were opposed to the metric highway signs, 2268 opposed and 364 in favor.

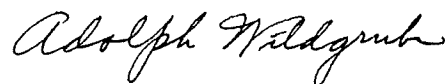
- June 21, 1994 - A decision was made, signed by Rodney Slater, Administrator of Federal Highway Administration, June 21, 1994 stating "That there would be no metric highway signs until after 1996, or until indication of Congress on this subject is received." This decision was published in the Federal Register on June 27, 1994. (Enclosure #9)
- June 27, 1994

Actual language from Federal Register as published June 27, '94 →

- July 19, 1994 - The news media finally published the news on July 19, 1994.

If Congress does not act to stop this metric conversion of the highway signs to metric, then the well being of our population and lifestyle is being threatened by a flawed act of a government agency, the Federal Highway Administration, in ignoring certain provisions in the Public Law 100-418. (Enclosure #6)

Sincerely,



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cc:file
Enc. 9