

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND TOURISM

The meeting was called to order by Chairman Ben Vidricksen at 9:05 a.m. on February 13, 1997 in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department
Emalene Correll, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Marian Holeman, Committee Secretary

Conferees appearing before the committee: Mr. Karl & Mrs. Karen Winkel
E. Dean Carlson
Bob Lowery
Darryl C. Lutz
Don Moler

Others attending: See attached list

SB 134 - MIXING STRIPS AND ROAD MATERIAL STORAGE AREAS - LOCATION OF

Hank Avila, Legislative Research Department, explained the bill.

The proponents of the bill, Mr and Mrs. Winkel, Glen Elder, presented still photos and a video of the site in question. The video focused on lots of noise (backup beepers) and traffic. The Winkels provided additional written testimony (Attachment 1).

Dean Carlson, Secretary, Department of Transportation appeared as an opponent of the bill. Several of the items in contention as cited by Mr. & Mrs. Winkel are required by federal regulations. Mr. Carlson detailed several other problems the Department would encounter (Attachment 2). An exorbitant cost would be attached to moving existing mixing strips. Please see Fiscal Note (Attachment 3). Members asked for some additional information, which Secretary Carlson will provide as soon as possible.

Bob Lowery, Director of Public Work, City of Overland Park, addressed the cost to taxpayers, advising that in most Kansas cities zoning regulations dictate how land within corporate boundaries can be used and requested that first class and smaller cities be exempted from the provision of this bill, if the bill should be recommended favorable for passage (Attachment 4).

Darryl C. Lutz, P.E., County Engineer for Butler County, also appeared in opposition to the bill. He explained how locations are sited to more efficiently handle the duties of county highway departments and difficulties involved in changing locations, to say nothing of the cost involved (Attachment 5).

Don Moler, Kansas League of Municipalities, spoke in opposition to the bill for much the same reasons as previously presented. He did not provide written testimony. There was not enough time for all who wished to testify in opposition to the bill. Members received copies of written testimony as follows: Bob Totten, Kansas Contractor's Association (Attachment 6); and Tom Schaefer, Assistant City Administrator for the City of Lenexa (Attachment 7).

Members were provided copies of faxes received in opposition to the bill as follows: Reno County Commission, Marion County Highway Department; Ellis County Public Works; Jewell County Highway Department; Republic County Highway Department; Thomas County Road Supervisor; Hamilton County Road Department; Ford County Department of Public Works; McPherson County Board of Commissioners; Washington County Public Works Department; Russell County Highway Department; Sheridan County Public Works; and Clay County Highway Department (Attachment 8).

The Chair asked members to review all materials and to be ready to consider the bill when time allows.

Meeting adjourned at 10:10 a.m.

The next meeting is scheduled for February 17, 1997.

The bill should be changed to read - permanent mixing strip and road material storage areas. Permanent, meaning six (6) months or longer.

Our reasons for supporting this bill:

- 1) Having a mixing strip close to your home or farm diminishes the value of your property for certain.
- 2) It's unhealthy to live by a mixing strip. Noise causes stress on humans and livestock. Smell and fumes from the strip can aggravate a chronic lung condition.
- 3) A mixing strip does not blend into the environment of a farm or home; therefore, causing a loss of property value.
- 4) In our case, K.D.O.T. had 6 to 8 other options where they could have put this strip, away from our farmstead. But instead, they chose to locate it 285 ft. from our farmstead, which was immoral. Just because there was not a law in Mitchell County against doing that sort of thing, doesn't make it right. K.D.O.T. is morally bankrupt.
- 5) I think it's safe to say 90% of the strips put by people's homes were unnecessary. They had other options.
- 6) We ask K.D.O.T. for the names and addresses of the people that are located within 600 ft. of a mixing strip by way of discovery in 1994, and a written request to their office Feb. 10, 1997. We wanted to contact these people and ask them how they liked the strips being next to them. But the K.D.O.T. refused; therefore, I believe it's safe to say, those people probably feel the way we do. We detest it.

Maybe you don't like the money involved in moving those strips. I suggest you use some of the money for those new four lane highways to clean up ~~the~~ ^{these} old messes before you move forward.

There may be some people living next to those strips that would agree to put up with them. If so, fine - that would save some money.

SENATE TRANSPORTATION

DATE: 2/13/97

ATTACHMENT: 1

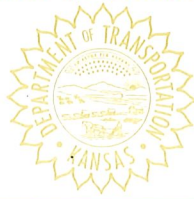
Bill No. 800, passed in 1994 states that farmers with feed lots have to stay away from people's homes by a distance of 1/4 mile and if they have over 999 animal units, 3/4 miles away to protect the people's environment. I have no argument with that, I think the farmer and his livestock should have the same protection when it comes to mixing strips.

Another reason we need this bill is because of the larger machinery being used today and the back-up beepers.

Take K.D.O.T.'s facts and figures with a grain of salt. The noise and number of days they work on a mixing strip is far greater than they will admit to.

Thank you for your time -
Any questions?

Karl & Karen Winkel



KANSAS DEPARTMENT OF TRANSPORTATION

E. Dean Carlson
Secretary of Transportation

Docking State Office Building
Topeka 66612-1568
(913) 296-3566
TTY (913) 296-3585
FAX (913) 296-1095

Bill Graves
Governor of Kansas

**TESTIMONY BEFORE THE
SENATE COMMITTEE ON TRANSPORTATION AND TOURISM
Regarding S.B. 134
Regulating the Location of Mixing Strips**

February 13, 1997

Mr. Chairman and Committee Members:

I am Dean Carlson, Secretary of the Kansas Department of Transportation. I am here today to provide testimony in opposition to S.B. 134. The proposed legislation would prohibit the location of new mixing strips or material storage facilities within 1/4 to 1/2 mile of residences and farmsteads (farm buildings and ancillary services) and require moving any such facility which is currently located within those parameters unless it preexisted the residence or farmstead. This bill would have dramatic effects on KDOT operations as well as those of local units of government.

This bill was introduced at the request of Mr. Karl Winkel who owns a residence that is located approximately 500 feet southwest of a mixing strip constructed by KDOT in the summer of 1994 in Mitchell County, Kansas. Mr. Winkel opposed the installation of the mixing strip and sought injunctive relief from the District Court. When permanent injunctive relief was denied, Mr. Winkel sued KDOT alleging that the mixing strip was a nuisance. The trial court dismissed his case on motion of KDOT and the trial court's ruling was upheld by the Kansas Court of Appeals.

This bill has the potential of requiring KDOT to relocate a large percentage of its approximately 400 mixing strips throughout the state. As written, it would also include all areas where "road material" is stored. This could include storage locations at many of the Department's District offices, area offices, and subarea offices. A survey would have to be undertaken to determine the exact number of locations that would be affected; however, that number would be considerably greater than the 100-200 strips that were projected to be affected by S.B. 502 which was considered by the 1996 Legislature.

SENATE TRANSPORTATION
DATE: 2/13/97
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KDOT opposes this bill for several reasons. First, it will have significant monetary costs associated with its implementation. The cost of establishing a new mixing strip is estimated to be \$85,000 and the cost of removing improvements and materials from existing sites is \$5,000 per strip. Assuming that 50 percent (probably very conservative) of the estimated 400 mixing strips would require relocation, the cost to the Department would be \$18 million. Assuming 50 percent of the other 218 material storage locations would have to be relocated, the additional cost would be \$9.8 million.

Second, in many areas of the state it will be virtually impossible to locate material storage sites outside of the proximity parameters of this bill. Even without this legislation, the selection of an appropriate site for a mixing strip is difficult. They are most generally located on a state highway for ease of access and lowest haul costs. They need to be centrally located in the area to be served to minimize the haul costs and response times. The land must lay fairly flat without crosswise drainage and it cannot be in a location that drains into lakes or other significant bodies of water. The strips generally run parallel to the road because it is usually easier to acquire a narrow strip of frontage than a long narrow piece that runs deep into the remaining tract. Additionally this allows access to both ends of the strip from the road. The strips must be at least 1000 feet in length.

If materials storage and mixing sites cannot be located in close proximity and centrally to the areas to be served, the haul costs will be significant. In many areas of the state repair aggregate and other materials stored on mixing strips are not readily available commercially so materials will have to be hauled long distances from the remaining KDOT sites that do meet the criteria of this legislation.

Third, this legislation will have a detrimental effect on the level of service that can be provided to the public. The moving of mixing strips will be a very labor and material intensive activity which will require a lot of commitment of KDOT forces and equipment during the period when the strips and other storage facilities would have to be built and moved.

Once construction is complete, given the problems associated with locating strips outside the parameters of this legislation, very long haul times can be anticipated thus slowing the delivery of salt and sand mixture during snow removal operations, slowing the response time on pavement patching, and significantly reducing the number of miles that can receive maintenance overlay during a season. Additionally, the commitment of manpower and equipment to long material hauls will reduce the level of service in other areas such as sign maintenance, mowing, pavement marking, etc. which along with the other items above can adversely affect the safety of the traveling public.

Fourth, this legislation is broad enough to cover the locations used by contractors for plant sites on major construction projects. KDOT often allows contractors to use locations on KDOT right-of-way for such operations. This saves site and haul costs for the contractors, which are passed on to KDOT in lower project costs.

Finally, this bill would seem to require the expenditure of considerable money, manpower and equipment; at the sacrifice of level of service to address concerns that are not widely held. In the five Districts that were surveyed during the litigation with Mr. Winkel, covering all but the Northeast corner of the state, less than ten complaints had been received in collective recollection of the area engineers responsible for those facilities. In the same area that was surveyed there are approximately 70 mixing strips located within 600 feet of residences.

If KDOT is to continue a high level of service with good response time to citizen needs, the proximate and central location of mixing strips and materials storage facilities to the areas served is a necessity. The availability of such locations would be effectively precluded by this legislation, which will adversely affect hundreds of KDOT facilities and an unknown number of local government facilities. We respectfully request that S.B. 134 be reported unfavorably by this committee.

STATE OF KANSAS



DIVISION OF THE BUDGET
 Room 152-E
 State Capitol Building
 Topeka, Kansas 66612-1504
 (913) 296-2436
 FAX (913) 296-0231

Bill Graves
 Governor

Gloria M. Timmer
 Director

February 13, 1997

The Honorable Ben Vidricksen, Chairperson
 Senate Committee on Transportation and Tourism
 Statehouse, Room 143-N
 Topeka, Kansas 66612

Dear Senator Vidricksen:

SUBJECT: Fiscal Note for SB 134 by Senator Lee

In accordance with KSA 75-3715a, the following fiscal note concerning SB 134 is respectfully submitted to your committee.

SB 134 would require that road material storage areas or mixing strips that are used for any highway project be located a certain distance from a home or farm. Specifically, if the storage area or mixing strip is 100,000 square feet or more, the bill would require that the storage area or mixing strip be located at least one half mile from any residential structure or farmstead. If the storage area or mixing strip is less than 100,000 square feet, the bill would require that the storage area or mixing strip be located at least one fourth mile from any residential structure or farmstead. The bill does not specify a date when the relocations would have to be made. If a storage area or mixing strip is currently located within 600 feet of any residential structure or farmstead, the bill would require that the area be relocated within one year from the effective date of the bill, which is July 1, 1997.

Estimated State Fiscal Impact				
	FY 1997 SGF	FY 1997 All Funds	FY 1998 SGF	FY 1998 All Funds
Revenue	--	--	--	--
Expenditure	--	--	--	\$27,810,000
FTE Pos.	--	--	--	--

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The Honorable Ben Vidricksen, Chairperson

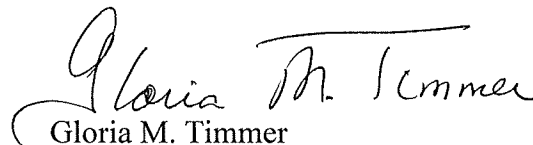
February 13, 1997

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The Kansas Department of Transportation (KDOT) indicates that provisions of SB 134 could result in additional expenditures of \$27.8 million in FY 1998. This amount is calculated by using the number of mixing strips that KDOT would be required to relocate multiplied by the estimated cost of relocation per site and by estimating the number of material storage sites by the estimated cost to move these sites. Currently, KDOT has just over 400 mixing strips throughout the state. While a more definitive examination of all strips would need to be made, the Department estimates that 200 of these strips would need to be relocated. The cost of relocation is estimated to be \$90,000 per site, which includes land acquisition and moving of materials and equipment associated with existing sites. Calculating this amount produces the estimated fiscal impact of \$18.0 million ($\$90,000 \text{ per site} \times 200 \text{ sites} = \18.0 million).

Likewise, KDOT estimates that it would be required to relocate 109 road material storage facilities. The cost of this is estimated to be \$90,000 per site for a total of \$9.8 million ($\$90,000 \times 109 \text{ sites} = \9.81 million). In addition, the Department states that existing sites may have some resale value. However, it is difficult to determine any revenue which may be received from the sale of existing sites. Any additional revenues or expenditures arising upon passage of SB 134 are not included in *The FY 1998 Governor's Budget Report*.

Sincerely,



Gloria M. Timmer
Director of the Budget

cc: Bill Watts, KDOT

Testimony before the Senate Transportation Committee concerning Senate Bill 134

Mr. Chairman and Committee Members. My name is Bob Lowry and I am the Director of Public Works for the City of Overland Park. Thank you for allowing me to appear before you this morning to discuss Senate Bill 134. While I applaud your efforts to ensure that the citizens of Kansas are entitled to the highest quality of life, I am concerned that the proposed legislation may have the opposite effect. The requirement that road material storage areas be located at least one quarter mile from any residential structure would be a burden for Overland Park and many other cities in Kansas. We respectfully request that this bill not be passed – at least not in its present form.

In Overland Park, and in most other Kansas cities, zoning regulations dictate how the land within our corporate boundaries can be used for various activities. The industrial zoning district required for road material storage addresses issues relating to noise, odor, light, smoke, vibration, heat, air pollution, electrical disturbances and appearance. It requires notification of adjacent property owners whose property lies within 200 feet of the proposed zoning if the adjacent property lies within the City limits, or 1000 feet if the adjacent property is unincorporated. The zoning process provides for a public hearing wherein concerned citizens can voice their opinions and concerns regarding any proposed use. By passing this bill, the State would usurp our authority by adding restrictions to activities which are already adequately governed. All of the road material storage areas within the City have the proper zoning, and have withstood the rigors of the zoning process.


I am also concerned that the term “road materials” is not clearly defined in this bill. Many cities store quantities of salt and sand with which to fight winter storms. These materials are used on roads, and by a literal interpretation could be considered “road materials used for any highway project.” We also store small amounts of gravel and bituminous materials which are used for maintenance on unpaved streets and to patch “potholes.” A better definition of just exactly what is meant by “road materials” might help mitigate our concerns.

If this bill is passed in its present form, it would cost the taxpayers of Overland Park hundreds of thousands of dollars to acquire property which would meet the one quarter mile radius requirement and to construct adequate storage facilities. Environmental laws preclude open storage of most materials used in road maintenance and repair. In addition, it would add thousands of dollars to our annual fuel bills and result in much longer response times when involved in snow removal operations.

Overland Park maintains that existing zoning ordinances are more than adequate to protect the rights of landowners and their neighbors in our city. We also feel that passage of a state bill targeting this one land use would bring an unnecessary burden to those agencies entrusted with the maintenance of our street and highway networks. If the Committee chooses to act favorably on this bill, I respectfully request that cities of the first class, and smaller cities as well, be exempted from its provisions. Thank you for your consideration.

SENATE TRANSPORTATION & TOURISM
2/13/97
ATTACHMENT 4

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BUTLER COUNTY
DEPARTMENT OF PUBLIC WORKS
OFFICE OF COUNTY ENGINEER

February 12, 1997

Sen. Ben Vidricksen
Chairman, Senate Transportation Committee
RM 143N
State Capitol Building
Topeka, Kansas 66603

RE: Senate Bill 134
Road Material Stockpiles

Dear Mr. Chairman:

I am testifying in opposition to Senate Bill 134 presently being considered by the Senate Transportation Committee on behalf of the Kansas County Highway Association and Butler County.

This bill, if adopted into law, will have a significant impact on road maintenance operations and be very costly to counties, townships and cities with road material storage facilities. Additionally, this bill would affect the Kansas Department of Transportation and the railroads. Mixing strips and road material stockpiles are essential to the efficient distribution of road maintenance materials along our road systems, whether for salt/sand storage for deicing, for gravel, crushed rock or sand for road surfacing or for cold mix asphalt material for road surface repairs and maintenance.

Road material stockpiles and mixing strip locations are sited to minimize haul distances and to maximize productivity. Other siting considerations are mutual benefit, site security and electricity. Butler County currently utilizes 19 material stockpiles to service and maintain our road system. Under the proposed law, only two of Butler County's stockpiles meet all the proposed requirements for new sites. Eleven of the County's stockpiles would have to be closed and relocated. Relocation to a distance of more than 1/2 mile from a farmstead or residential dwelling could be difficult in suburban counties. Furthermore, no protection is allowed for encroachment of new homes within 600 feet of an existing stockpile.

SENATE TRANSPORTATION & TOURISM
2/13/97
ATTACHMENT 5

Darryl C. Lutz, P.E., County Engineer

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This bill is very broad, very restrictive and will be expensive to comply with. I urge the members of this committee to consider the overall negative impact of this bill on road maintenance agencies and to reject this bill. Thank you for the opportunity to testify.

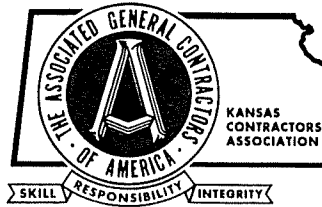
Respectfully,



Darryl C. Lutz, P.E.
Butler County Engineer
President, KCHA

c. Randy Allen, Executive Director, KAC

THE KANSAS CONTRACTORS ASSOCIATION, INC.



OFFICERS

BILL KLAVER, JR., President
Kingman, Kansas

ORVILLE SPRAY, JR., Vice President
Great Bend, Kansas

TED DANKERT, Treasurer
Towanda, Kansas

STAFF

DAN RAMLOW, Executive Director
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316 SW 33RD ST PO BOX 5061
TOPEKA KS 66605-0061
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TESTIMONY BY

THE KANSAS CONTRACTORS ASSOCIATION

REGARDING SENATE BILL 134

BEFORE THE SENATE TRANSPORTATION COMMITTEE

February 13, 1997

Mr. Chairman and members of the Senate Transportation Committee, thank you for the opportunity to appear before you today to provide input on Senate Bill 134.

I am Bob Totten, Public Affairs Director for the Kansas Contractors Association. Our association represents over 390 heavy, highway, utility and municipal utility contractor and associate members in the Kansas construction industry.

This morning, I want to let you know we oppose Senate Bill 134. In the bill, mixing strips for highway projects would be restricted to where they can be placed. If this only applies to highway projects, what does it mean to a mixing strip that is solely used for storage for items used in constructing driveways or parking lots..would the mixing strip be allowed in those cases?

In addition, we believe that if this measure were passed, it would cause some of our members to have to set up job sites miles from the project since normally a mixing strip or plant site is located as close to a project as it possible can. In many cases, this would cause additional hauling to be required and of course that would be passed on to KDOT through the bidding procedure.

Also what if the mixing strip is located within a 1/4 mile of the owner's house however the contractor who wants the strip has already negotiated with the owner to allow the mixing strip to be in existence. This measure seems too restrictive for cases in which the main people involved have agreed to the mixing strip's placement.

There seems to be a lot of unanswered questions. Due to this unclearness and the belief that this is an isolated situation, we are in opposition.

Thank you for your time and I will be glad to answer any of your questions at this time.

SENATE TRANSPORTATION & TOURISM
2/13/97
ATTACHMENT 6

DIRECTORS

EUGENE "CORKY" BEACHNER
St. Paul, Kansas
GARY BROWN
Salina, Kansas
JOHN BRYAN
Overland Park, Kansas
CHUCK GRIER
Wichita, Kansas
CHARLES JARVIS
Hutchinson, Kansas
DICK KISTNER
Marysville, Kansas
DAN SCHEER
Wichita, Kansas
JIM SNOOK
Wichita, Kansas
JOHN WALTERS
Manhattan, Kansas
DAVID WITTEW
Wichita, Kansas

6-1



TESTIMONY TO SENATE TRANSPORTATION AND TOURISM COMMITTEE

RE: Senate Bill 134

Thomas R. Schaefer, Assistant City Administrator

February 13, 1997

Mr. Chairman and Members of the Committee:

Good morning and thank you for the opportunity to speak on this bill today. My name is Tom Schaefer and I am the Assistant City Administrator for the City of Lenexa. I am here this morning to speak in opposition to Senate Bill 134.

As written, SB 134 could prove to be very costly and disruptive for cities in urbanized or metropolitan areas. First, such restrictions could very likely require major city or county facilities to be moved from their present locations. Such a bill could necessitate the moving of a major facilities such as Lenexa's Public Works Department Service Center located just north of 79th and Cottonwood which sits adjacent to residential area on three sides. The cost for such a mandated relocation could be well in excess of \$9 Million in our case.

In a densely populated urban area, if a relocation were necessitated under this bill, the only available sites might be well away from the geographic center of the service area, resulting in greatly increased costs for the movement and placing of materials to areas of the City remote from such a location. The additional costs would only be part of the problem. Lack of a centralized service location would cause increased response time, resulting in a deterioration of services to the public.

Lenexa has always tried to be a responsible, good neighbor with its facilities. When feasible inside storage and screening has been constructed at considerable expense. In addition, sites have been landscaped and natural screening has been utilized to reduce to an absolute minimum the impact on surrounding residential neighborhoods. While it is not clear this bill as written would have direct impact on Lenexa at this time, it will certainly have impact on some or all of the surrounding cities in the urbanized portions of the Kansas City Metro area. As our city grows we will be attempting to locate additional service sites to better and more economically serve the public. We are also in the process of locating a new site for our primary Service Center. The restrictions of this bill greatly limit our ability to locate and develop such sites, thus hampering our efforts to provide top quality, cost effective services to our citizens.

SENATE TRANSPORTATION & TOURISM
2/13/97
ATTACHMENT 7

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In summary, in the urbanized, metropolitan cities of Kansas, this bill, if enacted would serve to increase the cost of providing services to our citizens while at the same time potentially causing a deterioration in the quality and response time of those services. On behalf of the City of Lenexa I urge the Committee to not pass this bill out of committee in its current form. I will be happy to try to answer any questions you may have.



COUNTY COMMISSION

RENO COUNTY
206 West First Ave.
Hutchinson, Kansas 67501-5245
316-694-2929
Fax: (316) 694-2928
TDD: Kansas Relay Center 1-800-766-3777

February 13, 1997

Senator Ben E. Vidricksen, Chairman
State Transportation Committee
State Capitol, Room 143-N
Topeka, KS 66603

RE: Senate Bill No. 134

Dear Senator Vidricksen:

Reno County opposes Senate Bill 134, the regulating of the locations of mixing strips and road material storage areas. This proposed bill will adversely affect Reno County and many other counties within the state. The bill, if passed, will require the County to relocate all of its stockpile areas to a central location in the County. It will also require the county to purchase a large land area that would provide the distance cushion to any residential structure or dwelling or any farmstead.

Reno County's two mixing strips are larger than 100,000 square feet and would require moving these two strips since residences are within the 1/2 mile limit.

All of the stockpile areas in Reno County are located strategically to minimize haul distances. Most of the County's areas have residential dwelling or farmsteads within the 1/4 mile limit, with many of the sites within the 600 feet stated in paragraph "c" of the bill. The majority of present sites in Reno County, under the proposed bill, will have to be relocated. The economic impact of this bill on the County can be disastrous when funds for roadway improvements are at a minimum and there is a lid placed on the county's ability to raise taxes to fund the additional expenses created by this bill.

Some of the roadway work Reno County does from year to year requires the temporary stockpiling of materials in the areas of the project. These temporary stockpile areas are within the 1/4 mile distance, thus this bill will prohibit the use of temporary stockpile areas adjacent to project locations.

SENATE TRANSPORTATION & TOURISM
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ATTACHMENT 8

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Page Two
Senator Ben E. Vidricksen, Chairman
February 13, 1997

Reno County opposes the passing of Senate Bill No. 134 and asked the Transportation Committee to defeat the bill in Committee and not let it go any further than the Transportation Committee.

Sincerely,

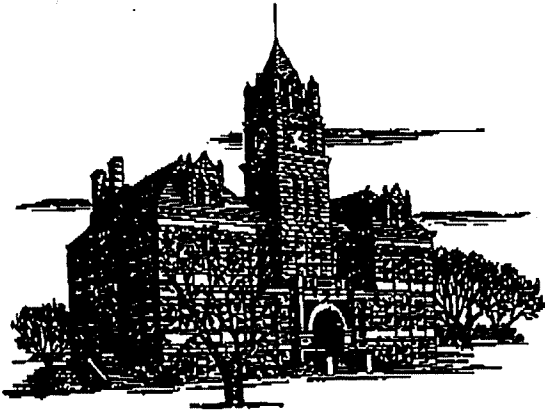
BOARD OF COMMISSIONERS

Larry Sharp For Robert Fisher

ROBERT P. FISCHER, Chairman

jm

c: Kansas Association of Counties



MARION COUNTY COURTHOUSE

FAX NUMBER 316-382-3420

TELECOPIER COVER LETTER

DATE OF TRANSMISSION 02/12/97

TIME OF TRANSMISSION 3:25 p.m.

TRANSMITTING TO:

NAME Senator Ben Udrickson

CO./FIRM Chairman Senate Transportation Committee

FROM General Kelly, Road Bridge Supt

co. Marion Co. Highway Dept.

ADDRESS _____

CITY Marion

TELECOPIER # 316-382-3420

WE ARE TRANSMITTING 2 PAGES INCLUDING THIS COVER LETTER PAGE.

PLEASE CONFIRM OR NOTIFY IF TRANSMISSION IS NOT COMPLETE.

CONFIRMATION NUMBERS: Office _____

Home _____



Marion County ROAD DEPARTMENT



Office of County Engineer

FEBRUARY 12, 1997

TO: SENATOR BEN VIDRICKSON, CHAIRMAN
SENATE TRANSPORTATION COMMITTEE

MARION COUNTY HIGHWAY DEPARTMENT OPPOSES
SENATE BILL NO. 134, IN REGARDS TO LOCATIONS OF
COUNTY'S STOCKPILES.

8:4

ELLIS COUNTY PUBLIC WORKS

Highway Department--Road & Bridge

Environmental

Landfill--Transfer Station

Noxious Weed

1195 280th Avenue
P.O. Box 691
Hays, Kansas 67601-0691

Phone 913-628-9455
FAX 913-628-9457

February 12, 1997

TO: Ben Vidrickson
Chairman, Senate Transportation Committee

RE: Senate Bill #134

Dear Senator Vidrickson:

Upon reviewing the context of SB-134, there are several issues that I feel must be evaluated when discussing this bill in committee.

The first issue relates to the mixing strip and storage area proximity to residential structures. In the case of Ellis County, we currently operate two mixing strips and storage facilities in conjunction with Ellis County shops located in the City of Ellis and east of the City of Hays. In both instances, this bill would require relocating our entire staging operations that have been in place for over 20 years at each location. One location has about 10 acres and the other location has about 7 acres with storage structures and buildings totaling 38,000 square feet. To my knowledge, no complaints have been expressed by the residents adjacent to either facility. The cost to acquire different land for such a use, and to construct comparable storage facility structures could exceed several million dollars based on current costs for land, construction, and utility connection. In my opinion, the language that references "storage area" could include any structure housing any material related to the construction of a highway project.

The second issue focuses on the general intent of the bill. This appears to be another instance of state legislation that dictates an unfunded mandate for compliance by Kansas counties. The cost to relocate these facilities would ultimately be borne by the taxpayer.

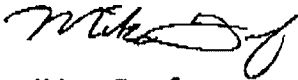
The third issue relates to the facility relocation. During any actual facility relocation, county manpower and equipment resources would be required to focus on moving, rather than the primary responsibility of providing safe and efficient roadways for the traveling public.

Finally, any area that the county utilized for stockpiling road material would be affected. Ellis County operates over 40 borrow pits and stockpile areas throughout the county for use in road construction, which are generally requested by and to the benefit of the property owner. By virtue of this bill, the county would no longer be able to utilize many of these areas, even if the property owner requested we do so.

In summary, this bill should not be passed out of committee and should be tabled due to the effect on both the counties and the taxpayers of the State of Kansas.

If I can provide any additional information or if direct conversation with your committee would be helpful, please let me know.

Sincerely,



Mike Graf
Public Works Director

**JEWELL COUNTY HIGHWAY DEPARTMENT**

Dean Chesnut, P.E. - County Engineer
Lyle "Coke" Wright - Road Superintendent
R.R. #2, Box 42 - Mankato, KS 66956

Phone: (913) 378-4050
Fax: (913) 378-4050

February 12, 1997

Senator Ben Vidrickson, Chairman
Transportation Committee
Rm. 143N
State Capitol Building
Topeka, KS 66603

RE:Senate Bill No 134

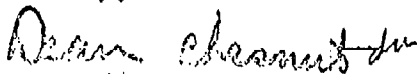
Dear Senator,

Jewell County would like to go on record as opposing this bill.

This bill as written would require the County to relocate not only our mixing strip but also our county shop and storage yards. As you may understand, with our current budget constraints, tax payers would rather this money be spent on repairing roads and bridges.

Please see that your committee members are apprised of Jewell County's position on Senate Bill No. 134.

Sincerely yours,



Dean Chesnut, P.E.
Jewell County Highway Department

DC/dm
cc:commissioners
Senator Lee
file

COUNTY ENGINEERS OFFICE

REPUBLIC COUNTY ✓
702 "K" STREET
BELLEVILLE, KS. 66935
PHONE: (913) 527-2235
FAX # (913) 527-5335

~~JEWELL COUNTY
RR 2 BOX 42
MANKATO, KS. 66956
PHONE: (913) 378-4050
FAX # (913) 378-4051~~

TELECOPIER TRANSMITTAL

TO: Senator VIDRICKSON 913-368-7119
(NAME) (PHONE)

FROM: Dean CHESNUT, P.E. COUNTY ENGINEER

NO. OF PAGES TWO (2) 2/12/97
(INCLUDES THIS COVER) (DATE)

IF NOT PROPERLY RECEIVED CALL Dean AT (913) 527-2235

Please include this information with yours
as you prepare for hearings scheduled
for 9:05 am 2/13/97 on senate Bill 134.

Thanks for your careful consideration

Dean Chesnut

REPUBLIC COUNTY HIGHWAY DEPARTMENT

COMMISSIONERS:
AMOS BLECHA, 1 ST. DIST.
PH. NO. 913-987-3378
MUNDEN, KS. 66909

JOHN NYLUND, 2ND. DIST.
PH. NO. 913-333-2693
SCANDIA, KS. 66906

DOANE SELLS, 3 RD. DIST.
PH. NO. 913-527-5522
BELLEVILLE, KS. 66935

702 K. STREET
BELLEVILLE, KANSAS
66935-1520

REPUBLIC COUNTY ENG.
DEAN CHESNUT, P.E.

HIGHWAY ADMINISTRATOR
CHAS. G. JOY

ROAD SUPERVISOR
GLENN D. MILLINGTON

TELEPHONE:
913-527-2335

February 12, 1997

~~Senator Ben Vidrickson, Chairman
Transportation Committee
Rm. 143N
State Capitol Building
Topeka, KS 66603~~

RE: Senate Bill No. 134

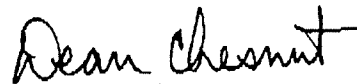
Dear Senator:

Republic County would like to go on record as opposing this bill.

This Bill as written would require the County to relocate not only our mixing strip, but also our county shop and storage yards. As you may understand, with our current budget constraints, tax payers would rather this money be spent on repairing roads and bridges.

Please see that your committee members are apprised of Republic Counties position on Senate Bill No. 134.

Sincerely yours,



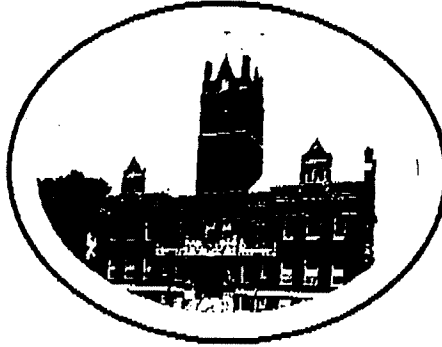
Dean Chesnut, P.E.
Republic County

DC:dmh
cc: commissioners
Senator Lee ✓
file

8-9

Thomas

300 N. Court
Colby, Kansas 67701
Fax: (913) 462-4512



County

COUNTY COMMISSIONERS

Ronald G. Evans
Glen H. Kerscnbrock
Duane F. Dawes

February 12, 1997

The Honorable Ben Vidrickson, Chairman
Senate Transportation Committee
Room 143 North
State Capitol Building
Topeka KS 66603

Dear Mr. Vidrickson:

I would like to express my opposition to Senate Bill No. 134. Thomas County does not have the funds available to move our road mixing strips at least one-quarter mile away from residential structures. Our mixing of asphalt usually takes approximately one month to accomplish.

If we had to haul our material farther to accommodate Senate Bill No. 134, there would be a tremendous financial increase to the taxpayers of Thomas County compared to previous years. We strongly oppose this bill.

Sincerely,

Chris Bieker

Chris Bieker
Road Supervisor

dmg

Post-It™ brand fax transmittal memo 7871		# of pages > 1	
To Hon. Ben Vidrickson	From Chris Bieker		
Co. State Capitol	Co. Thomas County		
Dept. Senate Transp. Comm.	Phone # 913-462-4512		
Fax # 913-368-7119	Fax # 913-462-4512		

Rosalie
Seemann
County Clerk
462-4500

Donita
Applebury
County Treasurer
462-4520

Laurence A.
Taylor
County Attorney
462-4580

Denny M.
Burke
Register of Deeds
462-4535

Tom
Jones
Sheriff
462-4570

Mary
Cech
County Appraiser
462-4525

Chris
Bieker
Road Supervisor
462-4562

Kenneth Ptacek
Noxious Weed
Director
462-4560

8-10

From: Sen Ben Vidricksen (2/12/97)
To: Marian Holeman

[1]Senate Bill #134

2/12/97 1:13 PM

forwarded mail

Date: 2/12/97 2:17 PM
From: Hamilton County Road Dept
Hamilton County Road Department would like for you to oppose this bill.

Thank You

Delmar Hammond
Road Supervisor

RFC-822 Header:
RECEIVED: from PTA6000.PLD.COM by mail.ksleg.state.ks.us ; 12 FEB 97 14:16:57
UT
Received: from tty93.pld.com by pta6000.pld.com (AIX 3.2/UCB 5.64/4.03)
id AA27345; Wed, 12 Feb 1997 14:23:31 -0600
Message-Id: <33022479.317@pld.com>
Date: Wed, 12 Feb 1997 13:13:45 -0700
From: Hamilton County Road Dept <road@pta6000.pld.com>
X-Mailer: Mozilla 2.02Gold (Win95; U)
Mime-Version: 1.0
To: sen_ben_vidricksen@mail.ksleg.state.ks.us
Subject: Senate Bill #134
X-Url: http://www.ink.org/public/legislative/state_sen97.html
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit

8-11

**DEPARTMENT OF PUBLIC WORKS
FORD COUNTY GOVERNMENT CENTER**Road & Bridge
227-4520

100 Gunsmoke

Landfill
227-4528Noxious Weed
227-4525

DODGE CITY, KANSAS

67801

Public Buildings
227-4520

FAX 316-227-4717

February 12, 1997

Sen. Ben Vidrickson, Chairman
Senate Transportation Committee
Room 143 N
State Capitol Building
Topeka, Ks. 66603

FAX: 913-368-7119

Re: Senate Bill No. 134

Dear Senator Vidrickson;

This Bill is extremely detrimental to Ford County. Our entire road and bridge department is located within the corporate limits of Dodge City and has been for a century. The facilities occupy 3 city blocks and are surrounded by residential and commercial activities. The county jail is located immediately west of our facilities.

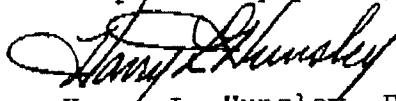
Road material storage is located on these premises and has been located on the premises for many many years without adverse reaction from the surrounding neighbors or the city.

Ford County operates material storage areas and mixing strips at several locations within the county. These are strategically located to insure the best possible economies in road maintenance. We have such areas in excess of 100,000 square feet located in the unincorporated areas of Bellefont and Bloom as well as three other rural locations. We also have such an area at Spearville and Bucklin. I believe the City of Spearville and the City of Bucklin have such areas within their corporate limits. All of these would be in violation of the provisions of this act as concerns distance to residences.

I understand and agree with the intent of the bill. Perhaps it would be more appropriate to regulate "temporary" mixing and storing areas that attend normal road construction contracts. As for our existing facilities; I have personally advised the Board of County Commissioners on numerous occasions of the need to relocate our facilities outside the corporate limits for many reasons. You will find this hard to believe, but they feel the cost of such a move to be prohibitive.

Your consideration of rejecting or modifying this proposed bill will be greatly appreciated.

Respectfully yours,



Harry L. Hunsley, P.E.
Public Works Director

8-12



McPHERSON

Post-It® Fax Note	7671	Date	# of pages ▶
To	Senator B.E. Vidricksen	From	R. Young
Co./Dept.	State Senate	Co.	McPherson County
Phone #	913-296-7390	Phone #	316-241-0466
Fax #	913-268-7119	Fax #	316-241-3594

February 12, 1997

Senator Ben E. Vidricksen, Chairman
 State Transportation Committee
 State Capitol, Room 143-N
 Topeka, KS 66603

Subject: SENATE Bill NO. 134

Dear Senator Vidricksen:

McPherson County vehemently opposes Senate Bill 134, the regulating of the locations of mixing strips and road material storage areas. This proposed Bill will adversely affect McPherson County and many other counties within the state. The Bill, if passed, will require the County to relocate all of its stockpile areas to a central location in the County. It will also require the county to purchase a large land area that would provide the distance buffer to any residential structure or dwelling or any farmstead. Having to consolidate all stockpiles areas to a central location will result in a stockpile area greater than the 100,000 square feet in the Bill thus, requiring the County to purchase almost an entire section of land to store the roadway material to keep from violating the law. Taking a large portion of land from a section for stockpile purposes would render any small portion of the section uneconomical for farm production or living.

All of the stockpile areas in McPherson County are located strategically to minimize haul distances. Haul cost for roadway materials can become more than the cost of the roadway materials. All of the County's areas have residential dwelling or farmsteads within the ¼ mile limit, with the majority of the sites within the 800 feet stated in paragraph "c" of the Bill. All present sites in McPherson County, under the proposed Bill, will have to be relocated. The economic impact of this Bill on the County can be disastrous when funds for roadway improvements are at a minimum and there is a lid place on the county's ability to raise taxes to fund the additional expenses created by this Bill.

For some of the roadway work McPherson County does from year to year requires the temporary stockpiling of materials in the areas of the project. In nearly all cases these temporary stockpile areas are within the ¼ mile distance, thus this Bill will prohibit the use of temporary stockpile areas adjacent to project locations.

McPherson County opposes the passing of Senate Bill No. 134 and asked the Transportation Committee to defeat the Bill in Committee and not let it go any further than the transportation Committee.

Respectfully requested,

Harris Terry
 Harris Terry, Chairman
 McPherson County Board of Commissioners

cc: Don Steffes, McPherson County Senator
 a.letter108134.tl

8-13

**WASHINGTON
COUNTY**

WASHINGTON COUNTY
PO Box 277
1564 Rainbow Rd
Washington, KS 66968

Phone: 913-325-2318
Fax: 913-325-2383

Facsimile

To: Senator Ben Vidrickson
Chairman, Senate Transportation Committee
Room 143N State Capitol Bldg
Topeka KS 66603

@Fax: 913-368-7119

From: Public Works Department

Date: Wednesday, February 12, 1997 @ 12:38 PM

Re: SENATE BILL NO. 134

Pages: 1, including this

Washington County would be required to abandon all its mixing strips and storage areas under the provisions of this act. In fact, it would be necessary to truck all road materials directly from the supplier. That would probably require my department to double its truck fleet at a cost of about \$200,000.00. Most State, County and City mixing strips in the State, whatever size, are predated by a nearby residence. The result of the bill would be financially catastrophic for government units.

What is Senator Lee's intent here? Is a citizen concerned that a mixing strip or storage area will move in nearby his/her residence? Would local zoning ordinances be the more reasonable way to govern such a situation?

As Administrator of Public Works for Washington County, I am opposed to Senate Bill No. 134.

Respectfully,


GLENN LARSON

RUSSELL COUNTY HIGHWAY DEPARTMENT

4288 U.S. HIGHWAY 40

RUSSELL, KS 67665

PHONE (913) 483-4032 FAX (913) 483-4852

February 12, 1997

RE: Senate Bill No. 134

Dear Senator Ben Vidrickson:

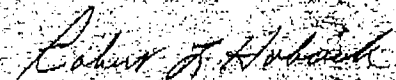
I am writing you in reference to Senate Bill No. 134. Russell County is opposed to this bill. If this bill were to pass, it would put a tremendous hardship on Russell County, let alone the cost.

In approximately 1968, the Russell County Highway Department moved their shop and storage area out of the city to two (2) miles east of the Russell city limit, where we have a fenced area of approximately 20 acres. There were a couple of houses within 600 feet then and now there about 7 within the 600 foot and 10 within 1/4 mile. We also have several stockpile areas and sand pits within the county that fall in the 1/4 mile range.

When the county does chip and seal work we use various areas to stockpile material, because the closer we can stockpile the material to the roads to be sealed the more savings we can realize, when the work is complete. We do not feel this Bill is in the best interest of Russell County.

Thank you for your time and I truly hope that you will oppose Senate Bill No. 134 also.

Sincerely,

RUSSELL COUNTY HIGHWAY DEPARTMENT

Robert L. Hoback
Road and Bridge Superintendent

RLH/cas

cc: Larry Thurston - Sheridan County
Russell County Commissioners

8-15

SHERIDAN COUNTY
Department of Public Works
RT. 2 - BOX 138-A
HOXIE, KANSAS 67740

LARRY L. THURSTON
Public Works Director
Ph.: 913-675-3621
Fax: 913-675-3621

BOARD OF COMMISSIONERS
Norman Kilewer, Commissioner
Stanley Rogers, Commissioner
Dean Thomas, Commissioner

F A X T R A N S M I S S I O N

DATE 2-12-97

FROM Larry L. Thurston

FAX (913) 675-2373

TO Sen. Ben Vidrickson, Chairman
Senate Trans. Committee FAX 913-368-7119

COMMENTS I oppose Senate Bill No. 134 - Mixing signs - storage
in its present form.

Larry L. Thurston

NUMBER OF PAGES (including the cover page) 1

if there is a problem with this transmission, please call
(913) 675-3621.

CLAY COUNTY HIGHWAY DEPARTMENT — P.O. Box 628 - Clay Center, Kansas 67432

(913) 632-3456

STEVEN E. LIBY, County Highway Administrator

February 12, 1997

Senator Ben Vidrickson
Chairman Senate Transportation Committee
Room 143N
State Capitol Building
Topeka, Ks. 66603

FAX: 913-368-7119

RE: Senate Bill No. 134

Dear Sir:

I am writing in regard to being opposed to Senate Bill number 134.

This bill would be a great burden to cities, counties and state street and road departments.

By relocating the storage areas we would have to purchase additional property, rebuild the storage areas, haul longer distances and increase project schedule.

Clay County has 175 miles of black top roads and three (3) to four (4) months in the summer to complete the project in that schedule time.

There has been alot of talk about cutting taxes, if this bill (134) would pass the additional cost would be put back on the tax payers.

Besides, the storage areas in the county, we have five (5) small towns that we try to help with street repairs. Storage areas are located in these small towns to help keep their costs down on street repairs.

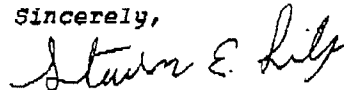
Also, if the storage areas are not affected by this bill at the present time they could be in the future or if they were relocated and a dwelling would be built with in that location we would have to start all over again.

As Clay County Highway Administrator I am very opposed to Senate Bill #134.

Let's keep the taxes down for the people, not increase them.

Thank you.

Sincerely,



Steven E. Liby,
County Highway Administrator

8-17

SEL:jc