

MINUTES OF THE SENATE TRANSPORTATION & TOURISM COMMITTEE.

The meeting was called to order by Chairperson Senator Ben Vidricksen at 9:05 a.m. on February 9, 1999, in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Dept.
Bruce Kinzie, Revisor of Statutes
Marian Holeman, Committee Secretary

Conferees appearing before the committee: Rep. Ed Kechnie
Jim Woolf, Amtrak Dir. Of Governmental Affairs
Sen. Gary Boston
Michael Byington, Envision

Carol J. Keedy, Ks. Assn. For Blind & Visually Impaired
Craig Kaberline, KS. Council on Developmental Disabilities
Brenda Eldridge, Topeka Independent Living Center

Others attending: See attached list

Members received a copy of "KTA Board Bulletin" Fatality Report on the Turnpike. Victim was not wearing a seat belt (Attachment 1).

HCR 5004: A Concurrent Resolution establishing a task force to study rail passenger service

Rep. Ed McKcKechnie who called special attention to the map in his written testimony (Attachment 2), Mr. Jim Woolf, Director of Governmental Affairs, Amtrak Inter-city (no written testimony), and Sen. Gary Boston (Attachment 3) all testified in support of such a task force and the urgent need for the recommended study in order to tie in with proposed rapid transit rail service between Missouri and Oklahoma. It is urgent that Kansas take rapid action to become involved in this system. Mr. Woolf is the Amtrak resource person for working with governmental systems at all levels and offered information regarding their state support systems such as they already have in Illinois, Michigan, Wisconsin, Missouri, etc. He sees **HCR 5004** as an encouraging first step in this process.

SB 154: Public transportation - access to public accommodations

Members were provided copies of the Fiscal Note on **SB 154** (Attachment 4).

Michael Byington, Director, Envision Governmental Affairs Office, provided background for requesting such a bill; explained what the bill is designed to do and requested members support for the measure (Attachment 5). Mr. Byington explained that Mary T. Adams, Kansas. Association. for Blind & Visually Impaired is not only blind but also uses a wheelchair is ill today and just could not get to the meeting. However, she has submitted written testimony (Attachment 6).

Carol J. Keedy, Kansas Association for Blind & Visually Impaired discussed the problems of all handicapped persons in not having ready access to the mall entrances and the problems involved in having access to only the perimeters of the malls. Delivery and pick up at mall entrances would greatly enhance their safety. (Attachment 7).

Craig Kaberline, Kansas Council on Developmental Disabilities, appeared before the committee as an advocate for the agencies who provide services for all the disabled and urged support for **SB 154** (Attachment 8). Brenda L. Eldridge, L.B.S.W., Public Policy Advocate representing Topeka's Independent Living Resource Center also appeared in support of the issue (Attachment 9). Sharon Huffman, Legislative Liaison Department of Human Resources also submitted written testimony in support of this bill (Attachment 10).

Committee members raised several questions regarding safety factors in strip malls, how bus companies

CONTINUATION SHEET

MINUTES OF THE SENATE TRANSPORTATION & TOURISM COMMITTEE, Room 254-E
Statehouse, at 9:05 a.m. on February 9, 1999.

would handle this. Mr. Ron Butts of the Topeka Transit System said they had no problem with the bill as they would not take buses into places where it would be a violation of current law and/or buses could not operate safely, and that "full access" would not exempt bus companies from traffic regulations. Members felt more information is needed, and that if it is a problem restricted to just a couple of cities that perhaps this matter could be worked out with cities rather than requiring a statewide law. Information is needed from mall owners. The Chair requested staff to make necessary contacts to acquire additional information and the bill will be looked at further.

Minutes - approval of

Senator Jordan moved to approve the minutes of January 28, February 1, February 2. And February 4, 1999. Senator Tyson seconded the motion. Motion carried.

Chairman Vidricksen reminded members of today's Joint Senate and House Transportation Committee meeting at noon today in Room 313-S.

Meeting adjourned at 10:05 a.m.

The next regularly scheduled 9:05 a.m. meeting will be Wednesday, February 10, 1999, followed by a noon meeting of the Joint Committee in 313-S.

**SENATE TRANSPORTATION & TOURISM COMMITTEE
GUEST LIST**

DATE: FEBRUARY 9, 1999

NAME	REPRESENTING
CRAIG KABERLINE	KS COUNCIL ON DD
Anthony A. Fodale	KS AOA COOR. Dept of Admin
Ed McKechnie	State Representative
Jim Wolfe	Amtrak
Erik Sartorius	Johnson Co. Board of Realtors
Mike Kelley	KMCA
L Ferguson	AP
Shane Hagnelin	Sen. Stephens staff
Don Lindsey	UTU
Pat Hukelle	Kansas Railroads
RON BUTTS	KANSAS PUBLIC TRANSIT ASSOC
GARRY BOSTON	7 th DIST HOUSE
Dick Bauman	KDOT
Michael Bijington	Emmerson
Cowle Hands-Reedy	KABVI

KTA Board Bulletin

DATE: February 5, 1999

TO: KTA Board Members

FROM: Michael L. Johnston

SUBJECT: Fatality Report

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The Kansas Turnpike recorded its first fatality in 1999 at approximately 8:30 p.m., Thursday, February 4, when an eastbound vehicle went off the roadway for unknown reasons, overturned, and hit a tree between Mileposts 210 and 211. Driver was not wearing a seat belt and sustained chest injuries. The Leavenworth County Coroner was called to the scene and we were advised that an autopsy will be performed. Trooper's report indicates this was possibly related to a medical condition as medication was found on the seat of the vehicle.

Vehicle was driven by a 46-year old white female, Cecilia Provence, Topeka, Kansas. No further details are available at this time.

ED MCKECHNIE
 REPRESENTATIVE, THIRD DISTRICT
 224 W JEFFERSON
 PITTSBURG, KANSAS 66762
 (316) 231-1669

OFFICE
 JAN - APRIL
 ROOM 502-S
 STATEHOUSE
 TOPEKA, KS 66612
 (785) 296-7699



TOPEKA

HOUSE OF
 REPRESENTATIVES

February 9, 1999

COMMITTEE ASSIGNMENTS

VICE CHAIR	RULES AND JOURNAL
MEMBER	APPROPRIATIONS
	BUDGET COMMITTEE ON
	CORRECTIONS AND PUBLIC
	SAFETY
	JOINT COMMITTEE ON LEGISLATIVE
	POST AUDIT
	COUNCIL OF STATE GOVERNMENT
	EXECUTIVE COMMITTEE
	MIDWEST LEGISLATIVE CONFERENCE
	HIGH SPEED RAIL TASK FORCE

Senator Ben Vidrickson
 Chairman, Senate Committee on Transportation

Senator Vidrickson and members of the committee, thank you for allowing a hearing on HCR 5004, a resolution that will create a task force to study passenger rail service in Kansas. This resolution is currently in the House Transportation Committee, but we certainly appreciate the chairman allowing a hearing to ease the schedule of our out-of-state guests.

This resolution was recommended by the Special Committee on Rail Transportation during the 1998 summer interim. It stems from the activities of the Midwest Regional Rail Initiative and efforts currently underway in the state of Oklahoma to restore passenger rail service to that state.

These two separate and independent activities place Kansas in an opportune position to connect with these entities to provide daylight passenger service to our state. The Midwest Regional Rail Initiative has long-term plans to bring high-speed passenger rail service to Kansas City's Union Station. Oklahoma is currently working to start passenger rail service, what Kansas needs to do is to tie in between the two and benefit from the work of others.

HCR 5004 allows Kansas to do just that. It charges a task force of six legislators and three members of the executive branch to "study the preservation, enhancement or establishment of rail passenger service." The task force is directed to make an interim report to the 2000 legislature and a final report to the 2001 legislature.

There are several specific opportunities:

- 1) With the recent announcement of Amtrak moving back into Kansas City's Union Station, we now have the metro hub necessary to make a regional rail system operate.
- 2) Oklahoma is seeking ways to connect Oklahoma and Tulsa Counties to the national rail system. Service to Oklahoma County is expected to begin in May 1999. Service to Tulsa County is somewhat more complicated and may end up needing to connect either to Kansas City or Newton. Whatever the case it will provide the return of daylight passenger service to the state.
- 3) Missouri currently has two trains a day operating from St. Louis to Kansas City. It

SEN. TRANSPORTATION & TOURISM COMM.

February 9, 1999

ATTACHMENT #2

would be simple to extend those trains further west to Topeka or Salina.

4) or, Kansas may choose to develop a regional passenger rail project that would provide a network along four corridors:

- A) Omaha through Kansas City along the eastern border to Tulsa
- B) Kansas City west through Topeka, Salina to Denver
- C) Kansas City west/southwest through Topeka to Newton, Wichita and Oklahoma City
- D) A southwest spur from Newton west to Garden City

There are many benefits to the taxpayers aside from the nostalgia of passenger rail service. With the new authorized ability of Amtrak to carry fast freight, one can imagine intermodal trucking facilities in Garden City, Newton, Topeka and Kansas City to move heavy trucks off the road and on to rail. This not only saves our roads, but saves costs to the trucking industry of labor and fuel.

There are also savings to the environment. Kansas continues to be a border state on EPA air quality standards. The data supports the argument that in order for a mass transit system to work in a metro-area like Kansas City, an inter-city rail system needs to be in place to support it.

As our population ages, passenger rail service is a reliable way to connect rural Kansans with the needed services of our urban areas.

This task force could do the preliminary work necessary to answer some of the questions around the viability of passenger rail service in Kansas.

Attached you will also find a letter from Senator David Herbert, D-Midwest City, Oklahoma, who is sponsoring similar legislation in Oklahoma. Rep. Ron Clark, R-Gainsville, Texas, is sponsoring the Texas effort.

Your support of HCR 5004 is greatly appreciated.

House Concurrent Resolution No. 5004

By Special Committee on Rail Transportation

1-5

9 A CONCURRENT RESOLUTION establishing a task force to study
10 rail passenger service in Kansas.

11

12 *Be it resolved by the House of Representatives of the State of Kansas,*
13 *the Senate concurring therein:* That a task force on rail passenger service
14 in Kansas be established to study the preservation, enhancement or es-
15 tablishment of rail passenger service, including the possibility of entering
16 into rail passenger compacts with other states; and

17 *Be it further resolved:* That the task force on rail passenger service
18 may cooperate with other states and specifically with the state of
19 Oklahoma, in connection with the purpose of the task force study; and

20 *Be it further resolved:* That the task force shall consist of nine mem-
21 bers appointed as follows: Two members appointed by the President of
22 the Senate, two members appointed by the Speaker of the House of
23 Representatives, one member appointed by the minority leader of the
24 Senate, one member appointed by the minority leader of the House of
25 Representatives, and three members appointed by the Governor; and

26 *Be it further resolved:* That the first meeting of the task force shall
27 be called by the first person appointed by the Governor and shall meet
28 at least quarterly thereafter; and

29 *Be it further resolved:* That the task force shall elect the chairperson
30 and vice-chairperson from among the legislator members of the task
31 force; and

32 *Be it further resolved:* That staffing shall be available from the leg-
33 islative research department and the revisor of statutes office if authorized
34 by the Legislative Coordinating Council; and

35 *Be it further resolved:* That members of the task force shall receive
36 reimbursement for attending meetings of the task force authorized by the
37 Legislative Coordinating Council consistent with the provisions of K.S.A.
38 46-1209 and amendments thereto; and

39 *Be it further resolved:* That the task force prepare and submit an
40 interim report and recommendations to the 2000 Legislature and to the
41 Governor and shall submit a final report and recommendations to the
42 2001 Legislature and to the Governor.

Oklahoma State Senate

STATE CAPITOL
2300 N. LINCOLN BLVD
OKLAHOMA CITY, OKLAHOMA 73105-4808

SENATOR DAVE HERBERT

Room 426 - State Capitol
Office - (405) 524-0126

P.O. Box 30793
Midwest City, OK 73140
Office - (405) 732-2263
Res - (405) 733-3345



January 26, 1999

CHAIRMAN
Tourism and Recreation

COMMITTEES:
Appropriations
General Government
Transportation
Military Affairs
Sunset Review

Representative Gary Hayzlett
Chairman, Kansas House Transportation Committee

Senator Ben Vidrickson
Chairman, Kansas Senate Transportation Committee

Dear Chairmen:

Thank you for the opportunity to testify in support of HCR 5004, the Kansas Passenger Rail Task Force. I regret I cannot be with you in person to share the exciting developments that are happening in our region, but I appreciate your consideration of this letter.

The state of Oklahoma has for the last five years worked to restore rail passenger service. We have been successful in establishing a funding source from motor fuel tax that has produced over \$8 million through 1998, and we have also received \$23 million from the feds to restore service. We are now in the process of putting together our rail passenger task force to work with our friends from Kansas and Texas. We feel that by creating this three state compact we will be able to extend the High Speed Rail Corridor from Kansas City through Oklahoma to Dallas. This will allow all three states access to hundreds of million dollars we cannot get as individual states.

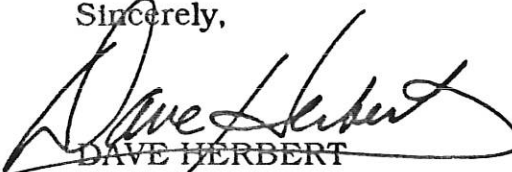
On January 22, Representative Ed McKechnie, along with me and the Director of the Railroad Division of O.D.O.T. visited with two house members and one senator from Texas to report on our progress toward task force and compact status. Representative Ron Clark headed the delegation in Gainesville, Texas. Both Representative McKechnie and I spoke publicly and privately with the Texas delegation and two members of the Texas D.O.T. The meeting was very positive and received good coverage. Both House members from Texas agreed to take our information to the House and Senate Transportation Committees to review and try, at this late date in their session, to get their task force legislated.

I know you will be briefed on the activities of the Midwest High Speed Rail Task Force, and this again is another key opportunity for our states. I believe the best way for us to maximize these opportunities is with the organizational structure found in HCR 5004.

January 25, 1999
Representative Gary Hayzlett
Senator Ben Vidrickson
Page 2

This gives our two states, and hopefully soon Texas, the ability to work with rail companies and get the best deal for our constituents. The Oklahoma Legislature is currently working on mirror legislation that I believe will be approved later this month.

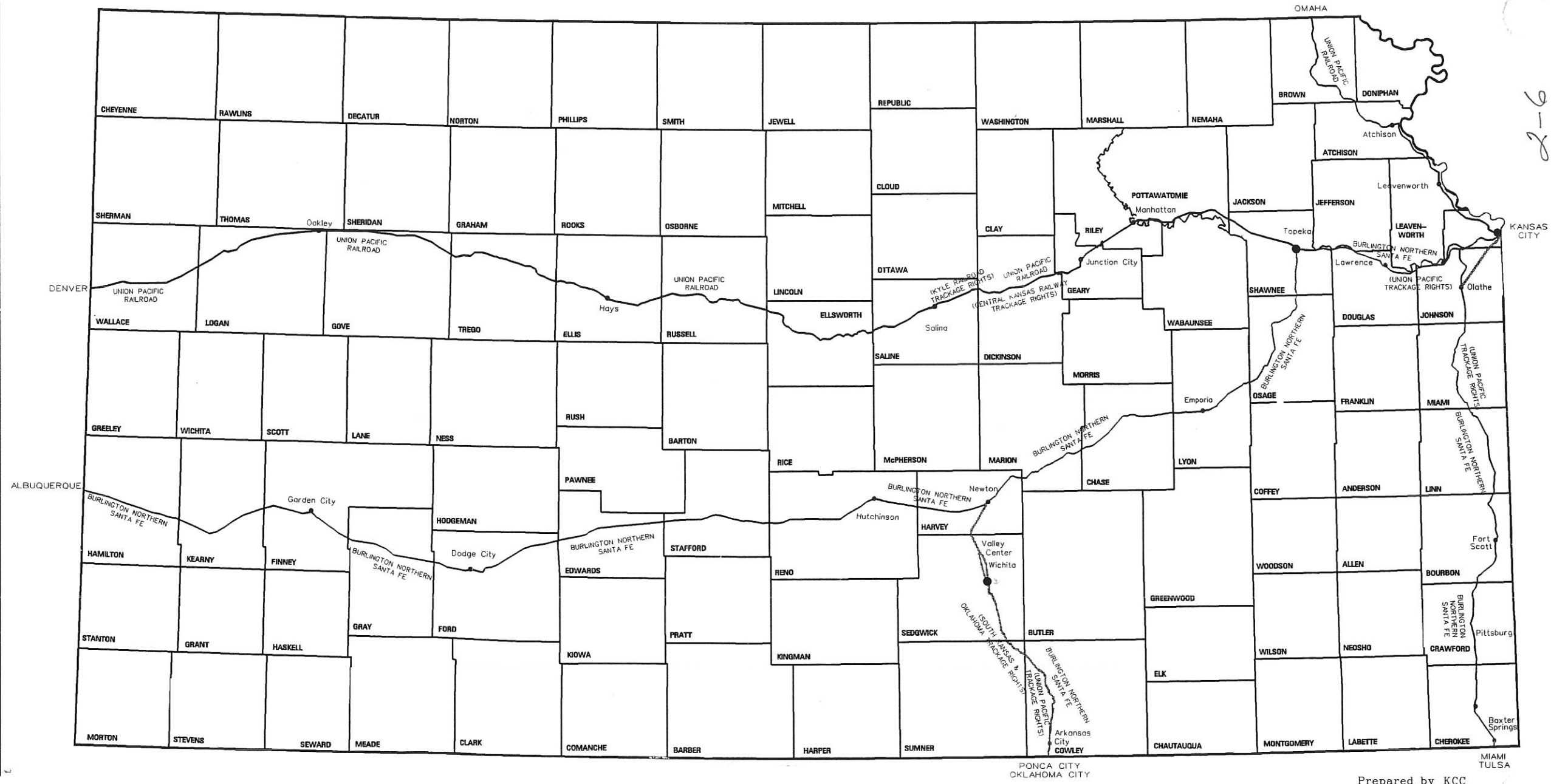
Sincerely,



DAVE HERBERT
State Senator
District 42

DH/fl

POTENTIAL PASSENGER RAIL TRANSPORTATION



2-6

2-6

PONCA CITY
OKLAHOMA CITY

Prepared by KCC
Jan. 13, 1999

GARRY G. BOSTON
 REPRESENTATIVE, SEVENTY-SECOND DISTRICT
 14 CIRCLE DRIVE
 NEWTON, KANSAS 67114-1328



TOPEKA
 HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 CHAIR: HEALTH & HUMAN SERVICES
 MEMBER: INSURANCE COMMITTEE
 MEMBER: FINANCIAL INSTITUTIONS
 MEMBER: FISCAL OVERSIGHT COMMITTEE

February 9, 1999

Chairman Vidricksen and members of the Committee:

Thank you for allowing me to testify as a proponent on HCR 5004 - Establishing a rail passenger service task force. I am in favor of endorsing expanded passenger rail service into Kansas.

The railroad literally created Newton, Kansas, 128 years ago. In July 1871 the Atchison, Topeka and Santa Fe railroad arrived at Newton in its westerly course destined for Santa Fe, New Mexico. Newton was named for many of the railroad's investors who lived in Newton, Mass.

Sand Creek provided softer water which became a factor in the Santa Fe relocating their locomotive repair shops, refitting and car repair facilities along with a turntable from Nickerson, Kansas back to Newton. The soft water was used in the boilers of the steam engines and in some cases the water was so hard that the boiler had to be flushed after a run. The soft water allowed the engine to be used upward to a month without having to be flushed so the water in the area was a major consideration.

One year after the track reached Newton the line to the south was built, this was called the Wichita and Southwestern and trackage was laid into Oklahoma. The Wichita and Southwestern was more of a construction company than a railroad as they had no rolling stock. The Santa Fe leased the line and eventually took the line over in 1901 when the Wichita and Southwestern ceased to exist.

Newton's history has been intertwined with the railroad throughout the years. Newton supported one of the "Harvey Houses" located along the line. Fortunes were made by the Moorlands who supplied food for dining cars and other merchants who provided tools and equipment for the "Company store."

Today at any high school event you will note that the student body is the "Railroaders" complete with a mascot "the Railerman", and the opponents have, over the years, noted the Railer fight song set to the music of "I've been working on the railroad", complete with the whistles and steam gushing out of the drivers.

Newton is very ready, willing and able to play a significant part of luring passenger rail service from Dallas/Fort Worth, and Oklahoma City to Kansas. The value of that service is appreciated today by Newtonians who reflect proudly on our past as a bold and creative endorsement of future passenger rail service in Kansas.

Garry Boston
 Representative 72nd District

GB:je

SN. TRANSPORTATION & TOURISM COMM.

February 9, 1999

ATTACHMENT #3

3-1

STATE OF KANSAS



DIVISION OF THE BUDGET

Room 152-E

State Capitol Building

Topeka, Kansas 66612-1575

(785) 296-2436

FAX (785) 296-0231

Bill Graves
Governor

Duane A. Goossen
Director

February 9, 1999

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

Dear Senator Vidricksen:

SUBJECT: Fiscal Note for SB 154 by Senate Committee on Transportation and Tourism

In accordance with KSA 75-3715a, the following fiscal note concerning SB 154 is respectfully submitted to your committee.

SB 154 would make it illegal for any public organization to prohibit or restrict any public transportation bus from access to parking lots, if the bus is able to enter and exit. This crime would be punishable by a fine of \$500 to \$5,000.

Passage of the bill could add to the responsibilities of law enforcement officers in cities and counties, and therefore have a fiscal effect on local governments. Additionally, if there is a significant number of criminal cases filed under the act, the courts would experience increased expenditures in the areas of judges' time to hear cases and clerical time in processing them. The fiscal effect of SB 154, in any case, would be negligible for city, county and state operations.

Sincerely,

A handwritten signature in cursive script that reads "Duane A. Goossen".

Duane A. Goossen
Director of the Budget

cc: Bill Watts, Transportation
Judy Moler, Ks. Association of Counties

Don Moler, League of Municipalities
Jerry Sloan, Judiciary

SN. TRANSPORTATION & TOURISM COMM.

February 9, 1999

ATTACHMENT #4

4-1

Choices & resources for people who are blind or low vision



EnvisionSM

**FOR MORE INFORMATION, CONTACT: Michael Byington, Director
Envision Governmental Affairs Office
924 S. Kansas Ave
Topeka, Kansas 66612
(785) 354-4747 (Topeka Office)
(785) 575-7477 (pager)
(785) 354-4646 (FAX)
mbyingto@ink.org or
michael.byington@envisionus.com**

LEGISLATIVE PRIORITIES FOR ENVISION
1999

STRENGTHEN THE KANSAS USE LAW: This is a State law which says that, if organizations which employ large numbers of people who are blind or disabled manufacture products which the State of Kansas or a local school district need to buy, these governmental entities must give the organization who employs the blind or disabled the first option to sell the product to them. There is a list of approved products called PRODUCTS AND SERVICES MANUFACTURED AND OFFERED BY SEVERELY DISABLED KANSANS. Products distributed through this law, and the resulting program have to be competitive in both quality and price with those available commercially. Currently, six Kansas manufacturers, including Envision, sell products under this law. The problem is that there is no enforcement provisions in the law. When a State agency or school system violate it, usually nothing happens to them. There are a few State agencies and many school districts in Kansas which flagrantly violate the law, and these violations in tern prevent many blind or disabled Kansans from being employed. Envision is attempting to get some enforcement teeth into the Kansas Use law.

SN. TRANSPORTATION & TOURISM COMM.
February 9, 1999
ATTACHMENT #5

5-1
801 East Lincoln • Wichita, KS 67211
Tel 316.267.2244 • Fax 316.267.4312
Web <http://www.envisionus.com>

PROTECT STATE SERVICES FOR PEOPLE WHO ARE BLIND: The main rehabilitation service and administrative center for the Kansas Division of Services for the Blind is located at the corner of 6th and Mac Vicar in Topeka. Kansas Industries for the Blind is also located on that corner. This property adjoins the now closed, Topeka State Hospital grounds. At somewhere around midnight on the last day of the 1996 Legislative session, the Kansas Legislature adopted a measure that officially makes the Division of Services for the Blind buildings a part of Topeka State Hospital. This means that when the Topeka State grounds are sold, the Services for the Blind buildings are slated to go with them. State officials are saying that when the Services for the blind buildings are vacated, sometime during the next year, Kansas Industries for the Blind will close or privatize. They are also saying that the other blindness related services which have been offered at the same location for the past 50 years will be re-located and "re-invented." Many blind Kansans do not trust this process. Envision certainly does not want to see Kansas Industries for the Blind risk closure. In our view, the best solution to this set of circumstances would simply be for the Services for the Blind buildings at 6th and Mac Vicar to remain open and operational on that corner. There is no particular reason that these building should have to close and be sold just because the adjoining Topeka State Hospital buildings are sold. Legislation is thus being introduced which would make the corner of 6th and Mac Vicar in Topeka dedicated to serving people who are blind. It would separate this property from Topeka State Hospital and make sure that it is not considered a part of Topeka State Hospital.

INSURE THAT BLIND STUDENTS ARE GAINING LITERACY SKILLS: It has been the view of the Kansas blindness community for several years now that significant numbers of blind students are graduating from Kansas schools with inadequate literacy skills, and that literacy levels among blind Kansans are thus generally on the decline. There are also national statistics which suggest that literacy levels are declining. In Kansas, however, we do not have a handle on how severe the problem may be. House Concurrent Resolution 5010 urges the Kansas State Board of Education to do a State-wide survey of literacy levels of blind students. The survey proposed would also look at whether the most appropriate reading media are being used (Braille, large print, etc.) The Resolution then calls upon the Board of Education to take such corrective action as may be necessary to resolve any literacy deficits identified. Literacy, and for people who are blind, Braille

literacy, are very important to employment and self-sufficiency. The rate of unemployment among working age blind remains very high (about 74% nation-wide.) As more and more jobs require literacy this frightening percentage will only increase if the next generation of blind adults have lower literacy levels than the current generation. This occurs at a time when computerized Braille translation and printing, and paperless or refreshable computer Braille displays make Braille a more practical and easy to store media than ever before. In other words, we have the technology now to put more and more people who are blind and severely visually impaired to work, but we need to insure that the blind and visually impaired population remains sufficiently literate to take advantage of the technology.

INSURE PUBLIC TRANSPORTATION ACCESS TO SHOPPING CENTERS:

A trend has developed nation-wide where malls and shopping centers are banning public transportation vehicles from their parking lots. This means that the public transit buses are not allowed to bring customers near entrances of malls or strip shopping centers, but rather must let riders out on public streets with often nearly two blocks of parking lot to be transversed between the shopping entrances and the bus stop. Many of the mall and shopping center owners or management companies claim that the buses are being banned because of actual or potential parking lot damage, but this assertion defies logic. It seems quite unlikely that parking lot damage caused by a bus could be discerned from parking lot damage caused by delivery trucks. The real concern seems to be that mall and shopping center owners and management companies fear that the people who debark buses will be teenagers who will loiter, or will be poor people who will not project an upscale shopping image. To whatever extent this concern is legitimate, it does not change the fact that people who are older and people who have disabilities are major users of public transportation, and many such individuals are physically unable to transverse the wide parking lots in order to get to shopping. Envision has therefore requested introduction of Senate Bill 154. This legislation would make it unlawful to ban public transportation vehicles from parking lots of public accommodations. The Legislation does not require that the parking lots be adapted or rebuilt to accommodate public transportation vehicles, but simply makes it clear that, if a public transportation provider wishes to enter a parking lot, as built, it is unlawful to keep them from doing so.

MAKE GREATER FUNDING AVAILABLE FOR PUBLIC TRANSPORTATION: To date, Kansas has put very little monies into public transportation. The entire State aid package for public transit has been around one million dollars. This summer, Governor Graves convened a blue ribbon panel on transportation issues which he called "Transportation 2000. The purpose of this panel was to develop and propose a comprehensive multi-year transportation plan for the State of Kansas. In the past, such transportation plans have been called "highway plans" and have indeed only dealt with issues relating to roads and bridges. The Transportation 2000 Task Force, however, held public hearings around the State, and these resulted in many advocates for improving public transportation being heard. Envision staff and employees were among those who advocated strongly at these meetings for increased aid to public transit providers. The result is that the Transportation 2000 recommendations, now being considered by both House and Senate Transportation Committees promote about an eight fold increase in public transit State aid. Envision will make every effort to see that this additional State aid to public transit becomes a reality.

IMPROVE COMMUNICATIONS ASSISTANCE AVAILABLE TO MULTIPLY DISABLED BLIND AND DEAFBLIND INDIVIDUALS: The Developmental Disabilities Reform Act is the law which sets forth the system used in Kansas to provide community based services to developmentally disabled Kansans. Though not specifically an entitlement law, the Act does create the expectation that every developmentally disabled individual has rights to security, food, shelter, etc. Many people who are developmentally disabled, however, experience blindness, deafness, or deafblindness in combination with the developmental disability. For such individuals, one of the greatest barriers to living a full and productive life in the community is getting the appropriate communications accommodations. In other words, if a person who is multiply disabled deafblind communicates exclusively through tactile sign language and Braille, and if these accommodations are not provided, then the individual becomes quite isolated, and skills deteriorate. The current law, and regulations implementing it, however, only require that communications consistent with the developmentally disabled individual's capabilities be provided at times when decisions are being made or planning meetings about the person take place. Envision firmly believes that this level of accommodation is inadequate. For an individual who is developmentally disabled sensory impaired to benefit from community placement, discussions, gossip, day to day descriptions of surroundings,

etc. all must be communicated appropriately. Envision is thus supporting legislation which would add communications assistance to the basic fulfillments to which the developmentally disabled person has rights.

UTILITY BILLS SHOULD BE IN MEDIA OF CHOICE: Envision supports legislation which requires that utility bills be available to persons who are blind in their media of choice -ie- Braille, large print, on tape, or on computer disk. In theory this accommodation is already required under provisions of the Americans With Disabilities Act (ADA) but the only way the ADA is enforced is if someone files a complaint. Enforcement then becomes quite adversarial in nature. We feel that it would be a much more positive approach for the State to adopt specific provisions requiring media of choice for utility bills.

SUPPORT STRONGER STATE SERVICES FOR THE BLIND: The threat to the current blind services facilities in Topeka detailed at the beginning of this document as well as moves on the part of the Rehabilitation Services Commissioner to combine supervision over rehabilitation generalists and blind services personnel, have lead the two major consumer groups of blind citizens in Kansas, the National Federation of the Blind of Kansas and the Kansas Association for the Blind and Visually Impaired, Inc., to support legislation which would remove blind services functions from the control and structure of the Kansas Department of Social and Rehabilitation Services, and instead create a free standing agency which serves the blind of Kansas and which answers to the Governor's office directly. Envision will work cooperatively with the State agency which serves blind people no matter where it is positioned within State government, but we do see the advantages of a freestanding agency, and we support the positions of the blind consumers. State agencies which specialize in blindness generally do a better job, and experience higher consumer satisfaction, than do agencies which are berried in a generic bureaucracy. About 50% of states in America have freestanding agencies serving the blind.



Kansas Association for the Blind and Visually Impaired, Inc.

AN AFFILIATE
OF THE
AMERICAN COUNCIL
OF THE BLIND

The Topeka Association of the Visually Impaired for Service

(a service organization made up of blind and visually impaired Topekans)

I was quite thrilled when I found out that wheelchairs could get onto the regular city buses. I thought, well now I will have a way to go out to the outlying business and entertainment opportunities. When it costs \$20.00 to \$25.00 to use cabs or some other form of specialized transportation to get there, then if one can get there at all, there is not money left to spend, so why go?

I then found out that, in Topeka, there used to be six city buses which went right into the Mall parking lot and let people out right by the entrances. Now there are only two buses allowed in the Mall parking lot. They go to fewer entrances, the Mall management is considering ejecting these buses from the mall parking lot as well as the others. The reduction of buses which come into the mall parking lots is not due to decisions made by transit personnel, buses are being thrown out of shopping center parking lots.

In Topeka, for the moment, we still have two of the original six buses which are, to an extent, allowed access to the mall parking lot, but in Wichita, there are three major malls where I understand the mall management threw the buses out all together. I understand that there have been similar problems in Johnson County.

I therefore support Senate Bill 154. The older, blind population which makes up a majority of the membership of the Topeka Association of the Visually Impaired for Services are not asking for any accommodation above the common decency to allow them to shop and enjoy entertainment with John Q. Sighted-public in the malls and shopping center of Kansas. our members, frankly, can not make it across roughly two blocks of parking lots from street-side bus stops, and I really doubt that most of you in-a-hurry drivers want us trying to do so.

Mary T Adams

SN. TRANSPORTATION & TOURISM COMM.
February 9, 1999
ATTACHMENT #6

Post Office Box 292

/

Topeka, Kansas 66601

4-1



**Kansas Association for the Blind
and Visually Impaired, Inc.**

AN AFFILIATE
OF THE
AMERICAN COUNCIL
OF THE BLIND

TO: Senate Transportation Committee

SUBJECT: Support for SB 154

Thank you for considering this bill. The Kansas Association for the Blind and Visually Impaired, Inc. (KABVI) is in support of it.

KABVI is an affiliate of the American Council of the Blind (ACB). At its 1998 Convention, ACB adopted a resolution, 98-33, on the subject of SB 154. This resolution is attached.

You can see that the issue of public transportation access to the entrances of shopping centers and malls is an issue of national concern among blind Americans.

The Kansas Solution as proposed in SB 154 strikes me as rather elegant. Just pass a law and tell the malls and shopping centers, "You can't do that!"

Post Office Box 292

/ Toneka Kansas 66601

SN. TRANSPORTATION & TOURISM COMM.

February 9, 1999

ATTACHMENT #7

RESOLUTION 98-33

Describes a situation where malls are discriminating against persons who must use public transit by not allowing public transit vehicles to enter mall parking lots or to let riders off, or pick them up near mall entrances. The resolution encourages entities who have filed legal actions, and/or administrative complaints with civil rights enforcement agencies, to continue to pursue this line of attack against defacto discrimination on the part of malls despite initial legal setbacks; It also urges State affiliates and local chapters of the American Council of the Blind (ACB) to closely monitor public transportation policies of malls in their areas, and to rigorously try in the court of public opinion, through positive contacts with local press outlets, any attempts at discriminatory practices.

WHEREAS, in many communities certain types of retail outlets are located only in shopping malls; and

WHEREAS, many mall shopping opportunities are marketed largely toward consumers who drive their own personal automobiles to the malls; and

WHEREAS, shoppers who are blind join other public transit dependent persons, including persons with other disabilities, the aged, youth, and other minorities, in experiencing a greater need to use public transit in order to access malls; and

WHEREAS, many mall owners and management corporations, including Simon Property Management, which owns or supervises approximately 70% of all retail malls in the United States, have banned or restricted fixed route transit vehicles from bringing customers into mall parking lots, and letting them off or picking them up at mall entrances; and

WHEREAS, these bans or restrictions normally are implemented because the on-site management of the particular mall property claims that there is evidence that buses are causing the need for an excessive amount of parking lot repairs; and

WHEREAS, it is, to say the least, perplexing, to fathom how such mall on site management personnel can determine parking lot damage caused by a bus as opposed to parking lot damage caused by trucks used in delivering merchandise to mall retail tenants; and

WHEREAS, despite the functional discrimination which public transit restrictions or bans cause to occur, litigation and administratively filed civil rights complaints explored thus far on this subject in several jurisdictions suggest that the Americans with Disabilities Act (ADA), and other prominent civil rights laws, do not apply; and

NOW THEREFORE, BE IT RESOLVED by the American Council of the Blind, in convention assembled, this 11th day of July, 1998, at the

Clarion Plaza Hotel, Orlando Florida, that this organization encourage entities who have filed legal actions, and/or administrative complaints with civil rights enforcement agencies, to continue to pursue this line of attack against defacto discrimination on the part of malls despite initial legal setbacks;

BE IT FURTHER RESOLVED that this organization urge its State affiliates and their local chapters to closely monitor public transportation policies of malls in their areas, and to rigorously try in the court of public opinion, through positive contacts with local press outlets, any attempts at discriminatory practices which in effect barr public transit users from access to malls due to their refusal to allow bus stops near entrances.

adopted: _____
Cynthia Towers, Secretary



Kansas Council on Developmental Disabilities

BILL GRAVES, Governor
DAVE HEDERSTEDT, Chairperson
JANE RHYS, Ph. D., Executive Director

Docking State Off. Bldg., Room 141, 915 Harrison
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"To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities"

SENATE TRANSPORTATION & TOURISM COMMITTEE

February 9, 1999

Testimony in Regard to Senate Bill 154

Mr. Chairman, Members of the Committee, my name is Craig Kaberline and I am appearing today on behalf of the Kansas Council on Developmental Disabilities in support of Senate Bill No. 154, relating to public transportation, providing for access to certain public accommodations.

The Kansas Council is a federally mandated, federally funded council composed of individuals who are appointed by the Governor. At least half of the membership are persons with developmental disabilities or their immediate relatives. We also have representatives of the major agencies who provide services for individuals with developmental disabilities. Our mission is to advocate for individuals with developmental disabilities, to see that they have choices regarding their participation in society.

As you will probably hear from others testifying before you today, creating systems which keep parts of the general public out are considered discriminatory. Limiting those who ride public transportation from going to malls and other places the general public go is not right. It limits people who are elderly, or have physical, cognitive, or sensory impairments from being able to access their community. If the practice of keeping buses out were allowed at the Westridge Mall in Topeka, a person would have to walk about 3 blocks to get inside the mall. This walk would be a walk uphill, across traffic, and walking across the mall parking lot. If you are a person who is blind, in a wheelchair, or unable to walk long distances this is a task and given some drivers a dangerous task.

Public transportation has been and will continue to be a major topic in this Legislative session. It is worthless for the disability advocates to push for affordable, accessible public transportation if this transportation won't take people where they want to go. People who ride public transportation want to go where everyone else goes. We ask you today to support SB154.

I appreciate the opportunity of appearing before you and would be happy to answer any questions that you may have.

Craig Kaberline
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email: kaberlne@midusa.net

February 9th, 1999

Testimony Supporting Senate Bill 154

presented to;

The Senate Committee
on
Transportation & Tourism

by:
Brenda L. Eldridge; L.B.S.W.
Public Policy Advocate

Thank you for the opportunity to testify today on Senate Bill 154, regarding access for public transit to certain public accommodations. My name is Brenda Eldridge and I am a Public Policy Advocate, representing Topeka's Independent Living Resource Center, (TILRC).

TILRC is an advocacy agency which provides services designed to empower individuals to move beyond barriers and participate, fully, in community life. TILRC advocates for disability rights and educates individuals and professional organizations about living fully and independently, working towards shifting societal attitudes about disability away from dependency, pity and charity; towards independence and integration.

SB 154 addresses the disallowance of public access to certain public accommodations by public transit. We would like to submit to the committee that public funds need to be used in public access. Public accommodation law; Title III of the ADA is of this spirit. To bring this down to earth from a generalized application, I'll use a local example;

West Ridge Mall's parking lots have received public subsidies, yet it has been submitted that these lots are private, when it applies to public transit access. I realize that the legislature is in full swing and you've all got a full day ahead, so I'll be succinct. Law supports public access when public funds are involved. I would ask the committee to simply do the math and pass this bill.

If this example isn't enough to address all the tangents of the stated issue, I would raise several more bulleted points;

*Safety Hazards as to "Path of Travel".

*Increased Access & Subsequent Usage by the General Public.

~With public transit access, hazards are decreased. Distance is of import to individuals with disability and this need is represented as witnessed in the State's efficient Disability

Parking Placard System. However, the language of segregation as to access has gone on long enough, let's broaden the definition of issues that can become a "barrier". We would ask the committee to consider the benefits to the "General Public" versus individuals with disability alone and as a "specialized" issue. Mothers with children, elderly persons, anyone that uses the public transit system. The application of the passage of this bill can be seen in the life span as well as community life and usage. Does the question then remain of the increased benefit that these public accommodations would experience? Access is a benefit for the whole of the community, it increases community lifelines. With the increased usage within the community, due to the proximity, that access will provide, in relation to the realistic needs of individuals with disability, coupled with a vision for the future in various legislative proposals such as Welfare to Work, Jeffords/Kennedy Work Incentives Act and the rise in structural accessibility in Kansas, the economic impact of access to such public accommodations, only makes sense. There is a saying about that warns that consistent reliance on reason makes for certain disaster, but I refuse to believe this of the State or of our laws. This Bill makes sense no matter how you slice it, or for whom.

In conclusion and in perspective, with all the issues before the legislature this session, such as the Comprehensive Transportation Plan, let the committee simply pass this bill. After all, wouldn't the efforts be self defeating if Public Transportation is strengthened, yet it couldn't get into the parking lots of statewide businesses when structurally possible? It most certainly would be disconcerting if Public Transportation is strengthened, yet all the needs of the general public weren't integrated, thereby defeating the intentions of such a great undertaking, and indeed, in oversight, thereby strengthening an inherent and endemic "barrier"?

Again thank you for your time in hearing these remarks. As I've sat in committee meetings I've been overwhelmed at the amount of time, effort and consideration that the legislature has committed to the issues at hand. I want to heartily commend all of you for your contributions and thoughtful deliberations. I would stand for questions should the committee have need.

DEPARTMENT OF HUMAN RESOURCES



Bill Graves, Governor

Wayne L. Franklin, Secretary

COMMISSION ON DISABILITY CONCERNS

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February 9, 1999

TO: Senate Transportation and Tourism Committee

FROM: Sharon Huffman
Legislative Liaison

SUBJECT: Senate Bill 154

The Kansas Commission on Disability Concerns was created by statute nearly 50 years ago to listen to the needs of Kansans with disabilities and report those needs to the Governor and the Kansas Legislature. One means of discovering those needs is to participate on various task forces and committees made up of people with disabilities.

One such committee is the Blindness Endeavors Committee at the Topeka Independent Living Resource Center here in Topeka. It was at this committee that the issue of public buses not being allowed to drop off passengers at Westridge Mall first came to our attention. We were told that passengers were being dropped off across the street because the owners of the Mall no longer permitted all of the Topeka Public transit buses to drive into the parking lot and stop to unload passengers. This causes quite a hardship for some of the passengers who are blind and are forced to walk across not only a very busy intersection, but also across the huge parking lot of Westridge Mall. It also makes it extremely difficult for passengers with mobility limitations or cognitive impairments who must navigate through unmarked, dangerous thoroughfares. If you have ever driven a vehicle through the parking lot of a major shopping mall, then you know how difficult and sometimes dangerous it can be. Imagine navigating that same territory without the benefit of the safety of steel-reinforced vehicle doors for protection.

After speaking with a representative of the Topeka Transit I know that it is not the choice of the public transportation providers to not provide service drop-off at the malls. They have been told that it tears up the pavement. Does this mean that delivery trucks are also not allowed, or are rationed? My understanding is that there are no restrictions on numbers of delivery trucks allowed at shopping malls. These delivery trucks most often drive on the same pavement that public buses use to pick up and drop off passengers.

KCDC believes that it would be in the best interest of the public, both for safety reasons and for increasing their independence, that this Committee vote favorably for passage of this bill. Thank you very much.

SN. TRANSPORTATION & TOURISM COMM.

February 9, 1999

ATTACHMENT #10