

MINUTES OF THE HOUSE TRANSPORTATION.

The meeting was called to order by Chairperson Gary Hazylett at 1:40 p.m. on January 30, 2001 in Room 519-S of the Capitol.

All members were present except:

Committee staff present:

Bruce Kinzie, Revisor  
Hank Avila, Research  
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Thomas Day, Kansas Corporation Commission  
Mike Armour, Director of Aviation for Kansas Department of Transportation  
Mary Gilmore, County Clerk, Morton County  
Scott Moore, City Administrator, Ellsworth  
Cheri Peine, City Clerk, City of Oswego

Others attending:

See attached sheet

Minutes for the Transportation Committee for January 10<sup>th</sup>, January 23<sup>rd</sup> and January 24<sup>th</sup> were presented for approval or corrections. Representative Phelps made a motion to approve the minutes as presented. This was seconded by Representative Levinson and the motion carried.

Chairman Hayzlett called for bill introductions. Thomas Day, Kansas Corporation Commission requested introduction of two bills. The first would delete reference to the Interstate Commerce Commission, which was abolished, update USC codes, updates to hazardous materials and deleting registrations duplications. The second would define household goods, clarify reference to the interstate commerce commission, and redefine private motor carrier. Representative Vickery made a motion to introduce this legislation, seconded by Representative Humerickhouse and the motion carried. (Attachment 1)

Representative Vickery requested introduction of a bill which would require drivers to drive with their headlights on at all times. This was seconded by Representative Osborne and the motion carried.

Representative McKinney made a motion to introduce a bill which would reinstate in the Comprehensive Transportation legislation that the county share for federal aid projects not exceed 10%.

Representative Dreher made a motion to introduce a bill to place a decal on the veteran license plate which would designate the branch of the service being honored by the plate. This was seconded by Representative Levinson and the motion carried. Representative Loganbill wished her "no" vote recorded.

The Chair called on Mike Armour, Director of Aviation for the Kansas Department of Transportation, to give a briefing on the Aviation Component of the Comprehensive Highway Plan. He told the committee that the KAIP had exceeded the expectations in both sponsor participation and improvements and attached an outline to briefly review the program's principles. He also showed a video to graphically display the early results of the program. (Attachment 2)

Scott Moore, City Administrator for the City of Ellsworth, stated that the funds provided for the aviation portion of the Comprehensive Transportation Program had allowed their airport to have life-watch services that are utilized by terminally ill individuals from their community as well as individuals involved in major accidents off the interstate. He continued that without the necessary improvements to the airport they could

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 519-S of the Capitol at 1:40 p.m. on January 30, 2001.

have been faced with an increasing number of life threatening situations, which rural communities often encounter due to their proximity to area medical facilities and adequate airports. (Attachment 3)

Mary Gilmore, Morton County, said the Morton County Airport is a lifeline in many ways. Because of the geographical location, they experience a high rate of transfers by air ambulance to Wichita and other large city hospitals. It also allows specialty physicians to fly into Elkhart on a weekly basis to serve patients of the Morton County Health System and provide a higher quality of life. She continued oil and gas companies fly into Elkhart to access and research public records in an attempt to locate additional minerals in Morton County and also the airport is utilized by local business people who fly to Amarillo, Wichita and Colorado to complete business transactions. She concluded that the Kansas Department of Transportation and Morton County make a great team and they are proud of the improvements made to their airport. (Attachment 4)

The City Clerk of the City of Oswego, Cheri Peine, spoke next to the committee. She said with the help of the KDOT airport improvement program, they were finally able to complete an overlay of the existing runway. Since this project has taken place the usage has increased at the airport and they have had to turn people away who wished to house their aircraft there. She stated that as a small, rural community with little resources, they felt very privileged to be one of the first communities to participate in the program and already have experienced a positive outcome since the overlay project was completed. (Statement 5)

Chairman Hayzlett then opened the floor for questions by the committee.

Chairman Hayzlett adjourned the meeting at 2:30 p.m. The committee will unofficially tour the Motor Vehicle Department on Wednesday, January 31<sup>st</sup>. The next scheduled meeting of the House Transportation Committee will be Thursday, February 1, 2001.

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: Tuesday, January 30, 2001

NAME	REPRESENTING
MIKE ARMOUR	KDOT AVIATION
Bill Watts	KDOT
Mary Gilmore	MORTON COUNTY
Cheri Peino	Oswego City
Scott Moore	City of Ellsworth
Bill Kauer	Manhattan
Roy Taylor	MANHATTAN
Phil Bolter	KFB
Mike Steinfert	Geary Co. Farm Bureau
Dybbie Keener	Farm Bureau
Jail Kauer	Farm Bureau
MARK ENGELH	KHP
Jackie Miller	KCC
TOM DAY	KCC
Tom Whitaker	Ks Motor Carriers Assn
William K. Mackes	KDOT Aviation
Melvin Casey	KFB
Dorey Morgan	KFB
Ernie Troth	KFB Linn Co.



# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: January 30, 2001 *continued*

NAME	REPRESENTING
Brian & Jana Lindley	Barber Co. Farm Bureau
Shirley Allen	Botta Co. & Assoc.
John J. Zurek	The Boeing Company
Terenny Chinn	Butler Co. Farm Bureau
SEFF VARNOL	" " " "
Janice Park	Farm Bureau Anderson Co.
Clyde Park	Farm Bureau Anderson Co.
John Walter Russell	Greenwood Co. Farm Bureau
Marilyn Russell	Greenwood Co. - Farm Bureau
Leroy Russell	Shawnee Co. Farm Bureau





## Kansas Corporation Commission

Bill Graves, Governor John Wine, Chair Cynthia L. Claus, Commissioner Brian J. Moline, Commissioner

January 30, 2001

Honorable Gary Hayzlett, Chairman  
House Transportation Committee  
Statehouse, Room 115-S  
Topeka, Kansas 66612

Dear Representative Hayzlett:

The Kansas Corporation Commission would request the House Transportation Committee to introduce the following legislation. The legislation proposed for introduction has been routed through the Governor's office.

Attached please find a brief synopsis of the statutory change and proposed statutory amendment.

- 1) Amend KSA 66-137, 66-143, 66-1,110, 66-1,112, 66-1,115, 66-1,116, 66-1,128, 66-1,129b, 66-1,139, 66-1,139a, 66-1a01, 66-1314 and add New Sections 1, 2, and 3. (Clarifications of all references to interstate commerce commission, updating USC codes, updates to hazardous materials and deleting registrations duplications.)
- 2) Amend KSA 66-1,108, 66-1,109, and 66-1,129 (Clarify definitions section, get in order, define household goods, clarify references to interstate commerce commission, and redefine private motor carrier)

The Corporation Commission respectfully seeks introduction of the bills through the House Transportation Committee. Should you have questions, please feel free to call me at 271-3190.

Thank You,

A handwritten signature in black ink, appearing to read "Thomas A. Day", written over a horizontal line.

Thomas A. Day  
Legislative Liaison

House Transportation Committee  
January 30, 2001  
Attachment 1

## SUMMARY

**Amend KSA 66-137, 66-143, 66-1,110, 66-1,112, 66-1,115, 66-1,116, 66-1,128, 66-1,129b, 66-1,139, 66-1,139a, 66-1a01, 66-1314 and add New Sections 1, 2, and 3.**

**Brief Summary:**

The purpose of these amendments is to delete references to the Interstate Commerce Commission which was abolished by Congress years ago. Three other federal agencies now perform the functions indicated in the Chapter 66 statutes. The KCC proposes an amendment which will identify those entities only as "federal agency". In addition, updates of the applicable USC codes are necessary, since some have changed over the last couple years. Other changes include updates to definitions of hazardous materials and deleting registration duplications by carriers.

**Amend KSA 66-1,108, 66-1,109, and 66-1,129**

**Brief Summary:**

The purpose of these amendments is to delete references to the Interstate Commerce Commission which was abolished by Congress. Other changes include making changes in definitions to get them in order, more explicitly define household goods and redefine private motor carrier. It has come to the attention of the Corporation Commission that the Kansas Highway Patrol stands to lose three million dollars for the Motor Carrier Safety Assistance Program (MCSAP) because the definition of private motor does not conform to federal definition.

## PROPOSED AMENDMENTS

**Amend KSA 66-137, 66-143, 66-1,110, 66-1,112, 66-1,115, 66-1,116, 66-1,128, 66-1,129b, 66-1,139, 66-1,139a, 66-1a01, 66-1314 and add New Sections 1, 2, and 3.**

**K.S.A. 66-137.** Any person who shall willfully make any false entry in the accounts, books of account, records, or memoranda kept by any common carrier or any public utility governed by the provisions of this act, or who shall willfully destroy, mutilate, alter or by any other means or device falsify the record of any such account, book of accounts, record or memorandum, or who shall willfully neglect or fail to make full, true and correct entries of such account, book of accounts, record or memorandum of all facts and transactions appertaining to such common carriers or public utilities business, or who shall falsely make any statement required to be made to the corporation commission, shall be deemed guilty of a felony, and upon the conviction shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment of not less than one year nor more than three years, or by both such fine and imprisonment: Provided, That the commission may in its discretion issue orders specifying such operating, accounting or financial papers, records, books, blanks, tickets, stubs or documents, of carriers which may after a reasonable time be destroyed, and prescribing a length of time such books, papers or documents shall be preserved: And provided further, That such orders shall be in harmony with those of the ~~interstate commerce commission~~ relevant federal agency.

History: L. 1911, ch. 238, § 37; May 22; R.S. 1923, 66-137.

**K.S.A. 66-143.** Interstate rates; corporation commission intervention in proceedings before the relevant federal agency. The corporation commission shall have power to intervene in any case pending before the relevant federal agency in which interstate rates, service or safety affecting the interests of Kansas motor carriers, common carriers, or shippers are involved, and the commission is hereby empowered and directed to pay all expenses of investigation and prosecution of litigation instituted under this section out of the contingent fund of the commission.

**K.S.A. 66-1,110. Public motor carriers of property, of household goods or passengers declared common carriers.** All "public motor carriers of property, of household goods or of passengers" as defined in this act are hereby declared to be common carriers within the meaning of the public utility laws of this state, and are hereby declared to be affected with a public interest and subject to this act and to the laws of this state, including the regulation of all rates and charges now in force or that hereafter may be enacted, pertaining to public utilities and common carriers as far as applicable, and not in conflict herewith.

History: L. 1931, ch. 236, § 3; July 1.

**K.S.A. 66-1,112. Authority of commission to regulate public motor carriers; rate-making procedures; exemption from state antitrust laws, when.** (a) The commission is hereby vested with power and authority and it shall be its duty to license, supervise and regulate every public motor carrier of property, of household goods, or of passengers in this state, to the full extent not preempted by federal law, including fixing and approving reasonable maximum or minimum, or maximum and minimum rates, fares, charges, classifications and rules and regulations pertaining to the transportation of household goods or passengers as defined in 49 U.S.C. ~~10102~~ 13102. The



commission shall prescribe rules and regulations related to uniform cargo liability, uniform bills of lading, uniform cargo credit and antitrust immunity for joint-line rates and routes, classifications and mileage guides. The commission is hereby vested with power and authority and it shall be its duty to license, supervise and regulate every public motor carrier ~~of property~~ transporting property, household goods or passengers in this state, and to regulate and supervise the accounts, schedules, service and method of operation of same; to prescribe a uniform system and classification of accounts to be used; to require the filing of annual and other reports and any other data; and to supervise and regulate public motor carriers ~~of property~~ transporting property, household goods or passengers in all matters affecting the relationship between such public motor carriers of property, of household goods or of passengers and the traveling and shipping public.

(b) The commission shall have power and authority, by general order or otherwise, to prescribe reasonable and necessary rules and regulations governing all such motor carriers. All laws relating to the powers, duties, authority and jurisdiction of the corporation commission over common carriers are hereby made applicable to all such motor carriers except as herein otherwise specifically provided.

(c) In order to insure nondiscriminatory, nonpreferential and just and reasonable rates, joint rates, fares, tolls, charges and exactions for all shippers, the commission shall establish rate-making procedures for all motor common and contract carriers, including collective rate-making procedures for joint consideration, initiation and establishment of such rates and charges for transporting household goods or passengers as defined in 49 U.S.C. ~~10102~~ 13102. The commission shall prescribe reasonable rules and regulations related to uniform cargo liability, uniform bills of lading, uniform cargo credit and antitrust immunity for joint-line rates and routes, classifications and mileage guides. Joint and collective rate-making shall be limited to:

(1) That which is necessary to formulate one or more joint rates as such term is used in K.S.A. 66-117, and amendments thereto;

(2) general rate increases or decreases if the tariff proposal gives shippers, under procedures approved by the state corporation commission, at least 15 days' notice of the proposal and an opportunity to present comments on it before a tariff is filed with the commission and if discussion of such increases or decreases is related to industry average carrier costs and does not include discussion related exclusively to individual markets or particular single-line rates;

(3) changes in commodity classifications;

(4) changes in tariff structures if discussion of such changes is related to industry average carrier costs and does not include discussion related exclusively to individual markets or particular single-line rates; and

(5) publishing of tariffs, filing of independent actions for individual members and changes in rules and regulations which are of at least substantially general application throughout the area in which such changes will apply.

(d) The provisions of K.S.A. 50-101 et seq., and amendments thereto, shall not apply to the activities and procedures of persons, groups, agencies, bureaus or other entities where such activities and procedures have received approval by order of the state corporation commission under this statute. History: L. 1931, ch. 236, § 5; L. 1933, ch. 229, § 3; L. 1982, ch. 274, § 1; L. 1995, ch. 98, § 2; Apr. 13.

**K.S.A. 66-1,115. Contract motor carriers of property or passengers and private motor carriers of property must secure licenses or permits.** It shall be unlawful for any "contract motor carrier of property or passengers" or "private motor carrier of property" to operate as a carrier of

property or passengers within this state either in intrastate commerce or in interstate commerce without first having obtained from the corporation commission a license or permit or registered pursuant to 49 U.S.C. ~~11506~~ 14504. An application shall be made to the corporation commission in writing stating such information as the commission may request. Upon receipt of such information and on compliance with the regulations and payment of fees, the corporation commission shall issue a license or permit to such applicant.

History: L. 1931, ch. 236, § 8; L. 1959, ch. 258, § 6; L. 1993, ch. 263, § 4; July 1.

**K.S.A. 66-1,116. Public or contract motor carriers operating as common carriers of interstate commerce register in base state; exempt carriers shall provide certain information.** (a) It shall be unlawful for a public motor carrier of property, of household goods or of passengers, or a contract motor carrier of property or of passengers, to operate in interstate commerce regulated by the ~~interstate commerce commission~~ relevant federal agency without registering its motor vehicles in its base state pursuant to 49 U.S.C. ~~11506~~ 14504 in order to operate in Kansas.

(b) It shall be unlawful for a public motor carrier of property, of household goods, or of passengers, a contract motor carrier of property or of passengers, or a private motor carrier of property which is exempt from ~~interstate commerce commission~~ federal regulations, to operate in interstate commerce within this state, without having furnished the corporation commission, in writing such information as the commission may request covering observance of state police regulations and the payments of the fees. This act shall apply to all persons and motor vehicles engaged in interstate commerce only to the extent permitted by the constitution and laws of the United States.

History: L. 1931, ch. 236, § 9; L. 1933, ch. 229, § 11; L. 1993, ch. 263, § 5; July 1.

**K.S.A. 66-1,128. Motor carrier liability insurance requirements; self-insurance, when.** (a) Except as provided in subsection ~~(b)~~ (c) or pursuant to 49 U.S.C. ~~11506~~ 14504, no certificate, permit, or license shall be issued by the state corporation commission to any public motor carrier of property, of household goods, or passengers, contract motor carrier of property or passengers or private motor carrier of property, until the applicant has filed with the commission a liability insurance policy approved by the commission, in such reasonable amounts as the commission determines by rule and regulation is necessary to adequately protect the interest of the public with due regard to the number of persons and amount of property involved. ~~Such amounts shall not be less than \$100,000 for personal injury or death to any one person in any one accident, \$300,000 for injury or death to two or more persons in any one accident and \$50,000 for loss to property of others in any one accident, which~~ This liability insurance shall bind the obligors to pay compensation for injuries to persons and loss of or damage to property resulting from the negligent operation of such carrier.

(b) The liability insurance policy required to be filed by any resident applicant shall be in an insurance company or association authorized to transact business in this state. Such policy of any nonresident applicant may be afforded by an insurance company not authorized to do business in this state which has given the commissioner of insurance of this state a power of attorney authorizing such commissioner to accept service on its behalf of notice or process in any action upon such policy. Such company not authorized to do business in this state shall have on file with such commissioner a form as prescribed by subsection (b) of K.S.A. 40-3106, and amendments thereto. A certificate of any insurance company or association, in a form approved by the state corporation commission certifying that there is in effect the liability insurance required by this section, may be

filed in lieu of the insurance policy itself. In the event such certificate is filed, such company shall furnish to the commission upon its request a duplicate original of the insurance policy and all endorsements thereon. No other or additional bonds or licenses than those prescribed in this act shall be required of any motor carrier by any city or town or other agency of the state.

(b) (c) Any public motor carrier of property, of household goods, or passengers, contract motor carrier of property or passengers or private motor carrier of property in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance from the commissioner of insurance. Upon application of any such carrier, the commissioner of insurance may issue a certificate of self-insurance, if the commissioner is satisfied that such carrier is possessed and will continue to be possessed of ability to pay any judgment obtained against such carrier arising out of the ownership, operation, maintenance or use of any motor vehicle registered in such carrier's name.

(d) Upon notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, the commissioner of insurance may cancel a certificate of self-insurance upon reasonable grounds. Failure to pay any judgment against a self-insurer, arising out of the ownership, operation, maintenance or use of a motor vehicle registered in such self-insurer's name, within 30 days after such judgment shall have become final, shall constitute reasonable grounds for the cancellation of a certificate of self-insurance.

History: L. 1931, ch. 236, § 21; L. 1949, ch. 337, § 1; L. 1953, ch. 296, § 1; L. 1959, ch. 258, § 11; L. 1975, ch. 341, § 1; L. 1978, ch. 268, § 1; L. 1982, ch. 276, § 1; L. 1988, ch. 356, § 241; L. 1993, ch. 263, § 6; July 1.

**K.S.A. 66-1,129b. - Intrastate transportation of certain hazardous materials; authorizing federal exemption.** (a) The provisions of 49 C.F.R. 173.5-agricultural operations; 49 C.F.R. 173.6-materials of trade; and 49 C.F.R. 173.8-exceptions for nonspecification packagings used in intrastate transportation, in effect on the effective date of this act, are hereby adopted. The state corporation commission may update these adoptions as necessary.

(b) The following materials are authorized to be transported by intrastate farmers in nonspecification bulk packagings:

- (1) Agricultural products specified in 49 C.F.R. 173.5 (b)(2); and
- (2) flammable liquid petroleum distillates.

(c) Nonbulk packagings permanently secured to a transport vehicle and protected against leakage or damage in the event of an overturn, having a capacity of less than 450 liters (119 gallons) or less are authorized for the transportation of flammable liquid petroleum distillates.

(d) Except as authorized in subsections (b) and (c), the packagings must otherwise comply with the applicable requirements of 49 C.F.R. 171 through 180.

History: L. 1998, ch. 157, § 1; May 21.

**K.S.A. 66-1,139. Registration of interstate carriers in base state; registration of intrastate carriers with cooperation corporation commission; regulatory fees; disposition; exemptions; application requirements; certain interstate carriers may display identification on side.** (a) All interstate regulated public motor carriers of property, of household goods, or of passengers or contract motor carriers of property or of passengers who operate a motor vehicle in Kansas shall register their motor vehicles in their base state pursuant to 49 U.S.C. ~~14506~~ 14504, unless exempted under the provision of K.S.A. 66-1,109, and amendments thereto.

(b) All intrastate public motor carriers of property, of household goods, or passengers,



contract motor carriers of property or passengers, and private motor carriers of property shall register with the state corporation commission all trucks or truck tractors as defined by K.S.A. 8-126, and amendments thereto, and all other passenger vehicles used to transport persons for hire, used in the operation of their business as such, except those used in operations exempted under the provisions of K.S.A. 66-1,109, and amendments thereto.

(c) Interstate motor carriers which have been granted authority by the commission to transport commodities exempt from the jurisdiction of the ~~interstate commerce commission~~ relevant federal authority and who operate for hire or who operate as private motor carriers shall register all trucks or truck tractors as defined by K.S.A. 8-126, and amendments thereto, and all other passenger vehicles used to transport persons for hire, used in the operation of their business as such, except those used in operations exempted under the provisions of K.S.A. 66-1,109, and amendments thereto. For the purpose of assisting in paying the cost of supervision and regulation of motor carriers, every such carrier shall annually pay to the commission for each calendar year a regulatory fee of \$10 for each truck, truck tractor or passenger vehicle registered with the commission. No fee shall be charged for a trailer or semitrailer. Interstate motor carriers that are already registered pursuant to (a) shall not be required to also register pursuant to (c).

(d) All applications for registration shall be made on forms furnished by the commission. Applications for registration of interstate common or contract motor carriers shall include on the application the quantity of trucks, truck tractors or passenger vehicles used by the motor carriers on which a fee is required to be paid. Applications for registration of intrastate common or contract motor carriers, private motor carriers, and interstate exempt motor carriers shall include the complete vehicle identification numbers and the year and make of all trucks, truck tractors or passenger vehicles used by the motor carrier, on which a fee is required to be paid, and the application shall be accompanied by the required fee. The fees shall be due January 1 and shall be paid not later than January 15. Upon receipt of the application and fee, the commission shall issue to the carrier appropriate credentials for each vehicle registered.

(e) The commission shall remit all moneys received by it or for it in payment of fees imposed under this section to the state treasurer daily. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the motor carrier license fees fund.

History: L. 1955, ch. 297, § 2; L. 1956, ch. 50, § 2; L. 1957, ch. 350, § 2; L. 1968, ch. 159, § 1; L. 1976, ch. 288, § 2; L. 1982, ch. 277, § 1; L. 1985, ch. 224, § 3; L. 1989, ch. 207, § 1; L. 1992, ch. 26, § 1; L. 1993, ch. 263, § 8; July 1.

**K.S.A. 66-1,139a. Base state registration clearing fund.** All amounts collected under K.S.A. 66-1,139, and amendments thereto, for the purpose of registration of motor vehicles, pursuant to 49 U.S.C. ~~11506~~ 14504, shall be remitted by the state corporation commission to the state treasurer daily. The state treasurer shall deposit the entire amount in the state treasury and credit such amount to the base state registration clearing fund which is hereby created. Payments due and owing to participating states pursuant to 49 U.S.C. ~~11506~~ 14504 and refunds for overpayment shall be made from such fund. The state corporation commission shall reconcile such clearing fund monthly with balances remitted monthly.

History: L. 1993, ch. 263, § 1; July 1.

**K.S.A. 66-1a01. Fees for regulation of securities and motor carriers and for document copies; public service regulation fund and motor carrier license fund created.** (a) The state corporation commission shall charge and collect fees for the purposes and in the amounts as prescribed in this section. Such fees shall be paid to the state corporation commission at the time of filing the original papers or application in the case.

(b) (1) For the purposes of certificates issued under K.S.A. 66-125, and amendments thereto, to authorize the issuance of stock, bonds or other evidences of indebtedness, except as otherwise provided in this paragraph (1), the commission shall charge and collect an application fee of \$10 to accompany each application and processing fees which shall be set by rules and regulations adopted by the commission and shall reflect the costs incurred by the commission to process such application.

Notwithstanding the foregoing provisions of this paragraph (1), whenever an application is made for a certificate to authorize the issuance of stocks, bonds or other evidences of indebtedness and the relevant federal authority interstate commerce commission has authorized the issuance of the same issue of such stocks, bonds or other evidences of indebtedness, the commission shall charge and collect an application fee of \$10 to accompany each application and a processing fee of \$25 which shall be paid on or before issuance of such certificate.

(2) Whenever an application is made for a certificate of convenience and authority to provide interexchange telecommunications services or competitive local exchange carrier services, the commission shall charge and collect an application fee of \$250 which shall accompany the application.

(3) With regard to the regulation of motor carriers, the commission shall charge and collect fees in accordance with the following schedule:

For application for motor common carrier certificate.....\$25

For application for motor carrier permit or license, except no fee shall apply to motor carriers regulated by the ~~interstate commerce commission~~ relevant federal authority.....\$10

For application for extension, rerouting, removal of restrictions or transfer of motor common carrier certificate and motor common carrier license.....\$10

If increases proposed in rates, fares or charges when hearing is required.....\$25

(4) The commission shall charge a fee for copies, other than mimeographed or printed copies, of applications, orders, certificates, schedules and duplicate motor-carrier equipment identification cards and a fee for copies of passenger, household goods, or property motor common carrier lists, both fees in amounts approved by the director of accounts and reports under K.S.A. 45-219, and amendments thereto.

(c) There is hereby created in the state treasury the public service regulation fund. The commission shall remit all moneys received by or for it in payment of the fees imposed for certificates authorizing the issuance of stock, bonds or other evidences of indebtedness under paragraph (1) of subsection (b) to the state treasurer daily. Upon the receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the entire amount thereof shall be credited to the public service regulation fund. All expenditures from the public service regulation fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the state corporation commission or by a person or persons designated by such chairperson.

(d) There is hereby created in the state treasury the motor carrier license fees fund. The commission shall remit all moneys received by or for it in payment of the fees imposed for

regulation of motor carriers under paragraphs (2) and (3) of subsection (b) to the state treasurer daily. Upon the receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the entire amount thereof shall be credited to the motor carrier license fees fund. All expenditures from the motor carrier license fees fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the state corporation commission or by a person or persons designated by such chairperson.

History: L. 1931, ch. 237, § 1; L. 1937, ch. 281, § 1; L. 1976, ch. 288, § 1; L. 1978, ch. 347, § 14; L. 1993, ch. 263, § 9; L. 1995, ch. 4, § 2; L. 1998, ch. 164, § 1; L. 1999, ch. 61, § 1; July 1.

**66-1314. Liability insurance requirements for vehicles not having Kansas motor carrier permits.** Every motor vehicle transporting passengers or property for which no permit has been issued as a motor carrier by the state corporation commission, except those used in operations exempt under the provisions of K.S.A. 66-1,109, and amendments thereto, shall be properly covered by liability insurance policy in amounts determined by the state corporation commission by rule and regulation. ~~Such amounts shall not be less than \$100,000 for personal injury or death to any one person in any one accident, and not less than \$300,000 for injury or death to two or more persons in any one accident and \$50,000 for loss to property of others in any one accident, which~~ This liability insurance shall bind the obligors to pay compensation for injuries to persons and loss of or damage to property resulting from the negligent operation of such carrier. The liability insurance policy required of any resident person or company shall be in some insurance company or association authorized to transact business in this state. Such policy of any nonresident person or company may be afforded by an insurance company not authorized to do business in this state which has given the commissioner of insurance of this state a power of attorney authorizing such commissioner to accept service on its behalf of notice or process in any action upon such policy. Such company not authorized to do business in this state shall have on file with such commissioner a form as prescribed by subsection (b) of K.S.A. 40-3106, and amendments thereto. The insured under a policy of liability insurance issued by an insurance company not authorized to do business in this state shall execute, before operating any motor vehicle in the state of Kansas, a registration card required by law irrevocably appointing and constituting the secretary of state of this state, process agent, for the insured, upon whom service of summons may be made in any action filed in the proper court in the state of Kansas in the same manner as service is made upon a foreign corporation in the state of Kansas by serving process upon the secretary of state.

No motor vehicle transporting passengers or property shall be allowed to proceed from any motor carrier inspection station into the state of Kansas upon the highways thereof until and unless it has been duly registered and inspected at such station and a clearance certificate issued therefor. No such motor vehicle shall be allowed to proceed into the state of Kansas upon the highways thereof under any circumstances unless in the interests of the safety and convenience of the public the same shall be found by a member of the Kansas highway patrol to be in a safe and roadworthy condition, properly equipped with all lights, brakes and other appliances required by any statutes of this state, and such condition as to be safe for operation upon the public highways of this state, properly loaded, not overloaded and of the size, dimensions and other specifications required by the statutes of this state.

If the person in charge of such station shall find that the registration card required by law has been properly made out and delivered, that the motor carrier and motor vehicle is in full compliance with the statutes of Kansas, such inspector shall issue to the driver of such vehicle a clearance



certificate which shall show the station at which it was registered and inspected, the date, destination, license number, motor carrier permit number if any, and such other information as the superintendent of the Kansas highway patrol may require.

History: L. 1955, ch. 297, § 5; L. 1959, ch. 258, § 14; L. 1975, ch. 345, § 2; L. 1982, ch. 276, § 2; L. 1988, ch. 266, § 7; July 1.

**New Section 1.** The Commission is hereby authorized to adopt safety fitness procedures delineated in 49 C.F.R. Part 385 as in existence October 1, 2000, and any amendments thereto the commission deems appropriate, for the safety fitness rating of motor carriers operating within the state of Kansas. The superintendent of the Kansas highway patrol and the commission are hereby authorized and empowered to enter into any contracts or agreements with the relevant federal agency that are appropriate to allow qualified investigators of the commission and officers of the highway patrol to accomplish safety fitness ratings on behalf of the relevant federal authority. The heads of the agencies may enter into any contracts or agreements necessary to provide the relevant federal agency with additional resources to accomplish the safety fitness ratings of interstate carriers operating within the state of Kansas.

**New Section 2.** (a) Any motor carrier violates any portion of this act, or any rules or regulation or order adopted pursuant to this act, or any statute or rules and regulations relevant to motor carriers adopted by the commission and in effect on July 1, 2001, shall be subject to a civil penalty not to exceed \$5,000 for such offense.

(b) In construing and enforcing a civil penalty in accordance with this section, any act, omission or failure of any officer, agent or other person acting for or employed by any motor carrier while acting within the scope of such person's employment, shall in every case be deemed the act, omission or failure of the motor carrier.

(c) Every day during which the motor carrier fails to comply with any order or direction of the commission, or any applicable statute, rule or regulation, shall constitute a separate and distinct violation.

(d) Civil penalties shall be paid to state treasurer. Upon receipt of any such sum, the state treasurer shall credit the entire amount to the motor carrier license fee fund.

(e) The commission is granted the power, by general order or otherwise, to prescribe reasonable rules and regulations for the assessment of administrative civil penalties and sanctions for violations of this act or any rule, regulation or order adopted or issued pursuant to this act.

**New Section 3.** Any civil penalty may be compromised by the commission. In determining the amount of the penalty or the amount agreed in compromise, the appropriateness of the penalty to the size of the business, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the state of Kansas to the person charged or may be recovered, together with costs and the reasonable attorney fees of the commission staff or retained counsel in a civil action in the appropriate district court. In lieu of all or part of the civil penalty, the commission may consider and approve, before or at hearing, a requirement, negotiated with the commission's transportation division, that the person charged make payments to or expenditures for a project that is related to motor carrier safety regulation and benefits the industry or community as a whole.

**Amend KSA 66-1,108, 66-1,109, and 66-1,129**

**K.S.A. 66-1,108.** Transportation by motor carriers; definitions. The following definitions shall apply as used in this act :

(a) ~~The term "motor vehicle" when used in this act shall mean any automobile, truck, trailer, semitrailer, tractor, motor bus or any other self-propelled or motor-driven vehicle used upon any of the public highways of the state for the purpose of transporting persons or property. The term "commission" means the corporation commission of the state of Kansas.~~

(b) ~~The term "public highways" when used in this act shall mean every public street, alley, road or highway or thoroughfare of any kind used by the public. The term "contract motor carrier of property" means any person engaged in the transportation by motor vehicle of property for hire and not included in the term "public motor carrier of property" as hereinafter defined.~~

(c) ~~The term "commission" shall mean the corporation commission of the state of Kansas. The term "contract motor carrier of passengers" means any person engaged in the transportation by motor vehicle of persons for hire and not included in the term "public motor carrier of passengers as hereinafter defined.~~

(d) ~~The term "person" means and includes any individual, firm, copartnership, corporation, company, association or their lessees, trustees, or receivers. The term "household goods" means property and personal effects used or to be used in a dwelling, when a part of the equipment or supply of that dwelling, and similar property if the transportation of such effects or property is:~~

~~(1) arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his or her dwelling; or~~

~~(2) arranged and paid for by another party.~~

(e) ~~The term "public motor carrier of property" when used in this act shall mean any person who holds himself out to the public as willing to undertake for hire to transport by motor vehicle, from place to place, the property of others who may choose to employ him. The term "motor carrier" means any person operating as a for-hire motor carrier or a private motor carrier, and any of their agents, officers, representatives, as well as employees responsible for hiring, supervising, training, assigning or dispatching of drivers and employees concerned with the installation, inspection and maintenance of motor vehicle equipment or accessories or both.~~

(f) ~~The term "public motor carrier of passengers" when used in this act shall mean any person who holds himself out to the public as willing to undertake for hire to transport by motor vehicle, from place to place, persons who may choose to employ him. The term "motor vehicle" means any automobile, truck, trailer, semitrailer, tractor, motor bus or any other self-propelled or motor-driven vehicle used upon any of the public highways of the state for the purpose of transporting persons or property.~~

(g) ~~The term "contract motor carrier of property" when used in this act shall mean any person engaged in the transportation by motor vehicle of property for hire and not included in the term "public motor carrier of property" as herein defined. The term "person" means any individual, firm, partnership, limited liability partnership, corporation, company, limited liability company, association or their lessees, trustees or receivers.~~

(h) ~~The term "contract motor carrier of passengers" when used in this act shall mean any person engaged in the transportation by motor vehicle of persons for hire and not included in the term "public motor carrier of passengers" as hereinbefore defined. The term "private motor carrier" means a person who provides transportation of property or passengers, by commercial vehicle, and is not a for-hire motor carrier.~~

(i) The term "private motor carrier of property" when used in this act shall mean any person engaged in the transportation, by motor vehicle, of property sold or to be sold by him in the furtherance of any commercial enterprise other than transportation, but not as a public motor carrier of property, or a contract motor carrier of property. Provided, That the term "private motor carrier of property" shall also include a person who transports the property of others by motor vehicle when such transportation is not for hire but is incident to or in furtherance of a commercial enterprise of such person other than transportation.

~~—Evidence of ownership of the property being transported shall not be accepted as sufficient proof of a private carrier operation if the carrier is in fact engaged in the transportation of property for hire, and not merely as incident to or in furtherance of a commercial enterprise other than transportation.—~~ The term "public highways" means every public street, alley, road or highway or thoroughfare of any kind used by the public.

(j) The term "public motor carrier of household goods" means any person who undertakes for hire to transport by motor vehicle from place to place, the household goods of others who may choose to employ the motor carrier.

(k) The term "public motor carrier of passengers" means any person who undertakes for hire to transport by motor vehicle, from place to place, persons who may choose to employ the motor carrier.

(l) The term "public motor carrier of property" means any person who undertakes for hire to transport by motor vehicle, from place to place, the property other than household goods of others who may choose to employ the motor carrier.

History: L. 1931, ch. 236, § 1; L. 1933, ch. 229, § 1; L. 1959, ch. 258, § 1; Jan. 1, 1960.

**K.S.A. 66-1,109. Regulation of motor carriers; exemptions of certain carriers, certain transporters and certain uses from act.** This act shall not require the following carriers to obtain a certificate, license or permit from the commission or file rates, tariffs, annual reports or provide proof of insurance with the commission:

(a) Transportation by motor carriers wholly within the corporate limits of a city or village in this state, or between contiguous cities or villages in this state or in this and another state, or between any city or village in this or another state and the suburban territory in this state within three miles of the corporate limits thereof, or between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial zone by the ~~interstate commerce commission~~ relevant federal authority, except that none of the exemptions specified in this subsection (a) shall apply to wrecker carriers and none of such exemptions shall apply to motor carriers of passengers, other than motor carriers of passengers operating as a part of the general transit system serving any such city or village in this or another state, operating on regular routes and time schedules between any city or village in this or another state, and the suburban territory in this state;

(b) a private motor carrier who operates within a radius of 25 miles beyond the corporate limits of its city or village of domicile, or who operates between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial zone by the ~~interstate commerce commission~~ relevant federal agency;

(c) the owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer in a motor vehicle of

such owner or producer, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment;

(d) persons operating motor vehicles used only to transport property when no common carrier is accessible, but when common-carrier service is available then this last exemption is limited to the transportation of such property from origin to the nearest practicable common-carrier receiving or loading point, or from a common-carrier unloading point by way of the shortest practicable route to destination, providing such motor vehicle does not pass a practicable delivery or receiving point of a common carrier equipped to transport such load, or when used to transport property from the point of origin to point of destination thereof when the destination of such property is less distant from the point of origin thereof than the nearest practicable common-carrier receiving or loading point equipped to transport such load;

(e) (1) the transportation of children to and from school, or (2) to motor vehicles owned by schools, colleges, and universities, religious or charitable organizations and institutions, or governmental agencies, when used to convey students, inmates, employees, athletic teams, orchestras, bands or other similar activities;

(f) a new vehicle dealer as defined by K.S.A. 8-2401, and amendments thereto, when transporting property to or from the place of business of such dealer;

(g) motor vehicles carrying tools, property or material belonging to the owner of the vehicle and used in repair, building or construction work, not having been sold or being transported for the purpose of sale;

(h) persons operating motor vehicles which have an ad valorem tax situs in and are registered in the state of Kansas, and used only to transport grain from the producer to an elevator or other place for storage or sale for a distance of not to exceed 50 miles;

(i) the operation of hearses, funeral coaches, funeral cars or ambulances by motor carriers;

(j) motor vehicles owned and operated by the United States, the District of Columbia, any state, any municipality or any other political subdivision of this state, including vehicles used exclusively for handling U.S. mail;

(k) any motor vehicle with a normal seating capacity of not more than the driver and 15 passengers while used for vanpooling or otherwise not for profit in transporting persons who, as a joint undertaking, bear or agree to bear all the costs of such operations, or motor vehicles with a normal seating capacity of not more than the driver and 15 passengers for not-for-profit transportation by one or more employers of employees to and from the factories, plants, offices, institutions, construction sites or other places of like nature where such persons are employed or accustomed to work;

(l) motor vehicles used to transport water for domestic purposes or livestock consumption;

(m) transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, calcium chloride, bituminous or concrete paving mixtures, blacktop, dirt or fill material to a construction site, highway maintenance or construction project or other storage facility and the operation of ready-mix concrete trucks in transportation of ready-mix concrete;

(n) the operation of a vehicle used exclusively for the transportation of solid waste, as the same is defined by K.S.A. 65-3402, and amendments thereto, to any solid waste processing facility or solid waste disposal area, as the same is defined by K.S.A. 65-3402, and amendments thereto;

(o) the transporting of vehicles used solely in the custom combining business when being transported by persons engaged in such business;

(p) the operation of vehicles used for servicing, repairing or transporting of implements of husbandry, as defined in K.S.A. 8-1427, and amendments thereto, by a person actively engaged in



the business of buying, selling or exchanging implements of husbandry, if such operation is within 100 miles of such person's established place of business in this state;

(q) transportation by taxi or bus companies operated exclusively within any city or within 25 miles of the point of its domicile in a city;

(r) a vehicle being operated with a dealer license plate issued under K.S.A. 8-2406, and amendments thereto, and in compliance with K.S.A. 8-136, and amendments thereto, and vehicles being operated with a full-privilege license plate issued under K.S.A. 8-2425, and amendments thereto;

(s) any person operating a motor vehicle with a gross vehicle weight rating of 10,000 pounds or less, transporting to or from an arts or craft show, hand-crafted products produced for resale by the owner or operator of such motor vehicle property sold or to be sold by the owner or operator of such vehicle, except vehicles transporting hazardous materials which require placards.

As used in this subsection, "gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle. The gross vehicle weight rating of a combination (articulated) vehicle commonly referred to as the "gross combination weight rating" is the gross vehicle weight rating of the power unit, plus the gross vehicle weight rating of the towed unit or units;

(t) the operation of vehicles used for transporting materials used in the servicing or repairing of the refractory linings of industrial boilers; and

(u) transportation of newspapers published at least one time each week.

History: L. 1931, ch. 236, § 2; L. 1933, ch. 229, § 2; L. 1935, ch. 239, § 1; L. 1938, ch. 56, § 1; L. 1947, ch. 333, § 1; L. 1951, ch. 367, § 1; L. 1959, ch. 258, § 2; L. 1971, ch. 218, § 1; L. 1974, ch. 263, § 1; L. 1975, ch. 340, § 1; L. 1977, ch. 225, § 1; L. 1977, ch. 304, § 20; L. 1978, ch. 267, § 1; L. 1980, ch. 202, § 1; L. 1981, ch. 258, § 1; L. 1984, ch. 25, § 8; L. 1985, ch. 44, § 1; L. 1985, ch. 54, § 6; L. 1985, ch. 226, § 1; L. 1990, ch. 241, § 2; L. 1992, ch. 206, § 1; L. 1993, ch. 263, § 3; L. 1995, ch. 98, § 1; L. 1996, ch. 164, § 1; July 1.

**K.S.A. 66-1,129.** (a) The commission shall adopt rules and regulations necessary to carry out the provisions of this act. No public motor carrier of property, of household goods, or passengers, contract motor carrier of property or passengers or private motor carrier of property shall operate or allow the operation of any motor vehicle on any public highway in this state except within the provisions of the rules and regulations adopted by the commission. Rules and regulations adopted by the commission shall include:

(1) Every vehicle unit shall be maintained in a safe and sanitary condition at all times.

(2) Every driver of a public motor carrier, operating as a carrier of intrastate commerce within this state, shall be at least 18 years of age. Every driver of a contract motor carrier or private motor carrier, operating as a carrier of intrastate commerce within this state, shall be at least 16 years of age. All such drivers shall be competent to operate the motor vehicle under such driver's charge.

(3) Minimum age requirements for every driver of a motor carrier, operating as a carrier of interstate commerce, shall be consistent with federal motor carrier regulations.

(4) Hours of service for operators of all motor carriers to which this act applies shall be fixed by the commission.

(5) Accidents arising from or in connection with the operation of motor carriers shall be reported to the commission within the time, in the detail and in the manner as the commission requires.

(6) Every motor carrier shall have attached to each unit or vehicle distinctive marking

adopted by the commission.

(7) Motor carrier transportation requirements that are consistent with continuation of the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous materials.

(b) No rules and regulations adopted by the commission pursuant to this section shall require the operator of any motor vehicle having a gross vehicle weight rating or gross combination weight rating of not more than 10,000 pounds to submit to a physical examination, unless required by federal laws or regulations.

(c) Any rules and regulations of the commission, adopted pursuant to this section, shall not apply to the following, while engaged in the carriage of intrastate commerce in this state:

(1) The owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer in or producer,

(2) The transportation of children to and from school, or to motor vehicles owned by schools, colleges, and universities, religious or charitable organizations and institutions, or governmental agencies, when used to convey students, inmates, employees, athletic teams, orchestras, bands or other similar activities.

~~(3) Motor vehicles carrying tools, property or material belonging to the owner of the vehicle, and used in repair, building or construction work, not having been sold or being transported for the purpose of sale, except vehicles transporting hazardous materials which require placards.~~

~~(4) (3)~~ Persons operating motor vehicles which have an ad valorem tax situs in and are registered in the state of Kansas, and used only to transport grain from the producer to an elevator or other place for storage or sale for a distance of not to exceed 50 miles.

~~(4) (5)~~ The operation of hearses, funeral coaches, funeral cars or ambulances by motor carriers.

~~(6) (5)~~ Motor vehicles owned and operated by the United States, the District of Columbia, any state, any municipality or any other political subdivisions of this state.

~~(7) (6)~~ Any motor vehicle with a normal seating capacity of not more than the driver and 15 passengers while used for vanpooling or otherwise not for profit in transporting persons who, as a joint undertaking, bear or agree to bear all the costs of such operations, or motor vehicles with a normal seating capacity not more than the driver and 15 passengers for not-for-profit transportation by one or more employers of employees to and from the factories, plants, offices, institutions, construction sites or other places of like nature where such persons are employed or accustomed to work.

~~(8) (7)~~ Motor vehicles used to transport water for domestic purposes or livestock consumption.

~~(9) (8)~~ The operation of vehicles used for servicing, repairing or transporting of implements of husbandry, as defined in K.S.A. 8-1427, and amendments thereto, by a person actively engaged in the business of buying, selling or exchanging implements of husbandry, if such operation is within 100 miles of such person's established place of business in this state.



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**KANSAS DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY OF TRANSPORTATION**

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Bill Graves  
Governor

**PRESENTATION TO THE HOUSE TRANSPORTATION COMMITTEE**

**Regarding the status of the Kansas Airport Improvement Program**

January 30, 2001

Mr. Chairman and Committee Members:

I am Mike Armour, Director of Aviation for the Kansas Department of Transportation. We appreciate the opportunity to apprise you of the progress of the recently authorized Kansas Airport Improvement Program (KAIP). As you know, this program was instituted as a part of the Comprehensive Transportation Program (CTP) and the \$30 million over ten years for airports, accounts for approximately one quarter of one percent of the total CTP. However, we are pleased to inform you that the KAIP has exceeded our expectations in both sponsor participation and improvements. I will incorporate the attached outline to briefly review the program's principles and then graphically display for you the early results of the program.

attachments

House Transportation Committee  
January 30, 2001  
Attachment 2

## When Time is of the Essence

### Air Transportation

The time sensitive conveyance

## Role of State Transportation Agencies in Aviation

To fill the gap in the state's airport infrastructure that the federal government is unable to fund

All other states combined - \$450 million



## Pavement Condition Index

### Numerical Rating

86-100	Excellent
71-85	Very Good
56-70	Good
41-55	Fair
28-40	Poor
12-25	Very Poor
0-11	Failed

← Kansas

## Program Strategies

- Preservation of system
- Addresses only basic needs
- Would assist sponsors willing to commit to a significant matching fund

## Program Objectives

- Improve runway rating to "Very Good"
- Reduce surface travel time to Air Ambulance pick-up points
- Augment safety by facilities and equipment improvements
- Enhance community economic development appeal



### **Airport Eligibility**

By statute, open to all public-use airports except those designated as "Primary Airports" (boarding more than 10,000 passengers per year)

### **Project Eligibility**

- Limited to three types of projects;
  - Runways
  - Taxiways and ramps
  - Facilities & Equipment
- Must be sponsor's primary need
- Capable of completion in one year
- Cannot leverage federal funds

### **Sponsor Participation**

- 50/50 sponsor/state matching requirement for sponsors with population of 10,000 or more
- 25/75 sponsor/state requirement for population of 3,000 to 10,000
- 10/90 for sponsors with population of 3,000 or less\*

\*Effective FY2003

### **State Participation Limits**

- Maximum state participation is \$500,000 for any single project
- Maximum state participation for the construction of a "totally new primary runway" is \$1,000,000\*

\* Effective FY2003

### **Kansas Airport Improvement Program**

- Funding - \$3 million per year
- With local match, estimated to be \$4.5 million in total improvements

### **Priority Rating System**

100 points possible

1. Safety 25%
2. Pavement Condition 20%
3. System Enhancement 10%
4. Based Aircraft 10%
5. Sponsors Top Priority 10%
6. Geographic Remoteness 5%
7. Discretionary 20%

## **Standards and Specifications**

- **Maintenance Projects**
- **Geometric Improvements**
- **Facilities & Equipment**

## **Maintenance Projects**

- **Projects not requiring changes in length, width or alignment or physical layout**
- **Incorporates standard KDOT maintenance procedures**
- **Usually completed in 60 days**

## **Geometric Improvements**

- **Changes in length, width, alignment, line of sight problems and obstruction clearances**
- **Comply with FAA design standards**
- **Usually require consultant engineering**

## **Facilities & Equipment**

- **Electronic equipment to enhance safety and utility of the airport**
- **Off the shelf products manufactured and installed in accordance with FAA guidelines**

## **Kansas Airport Improvement Program**

- **Funding - \$3 million per year**
- **With local match, estimated to be \$5 million in total improvements**

## **KAIP Early Results**

- **Overlays**
- **New Runways**
- **Lighting & Marking**
- **Automated Weather**

## Kansas Airport Improvement Program

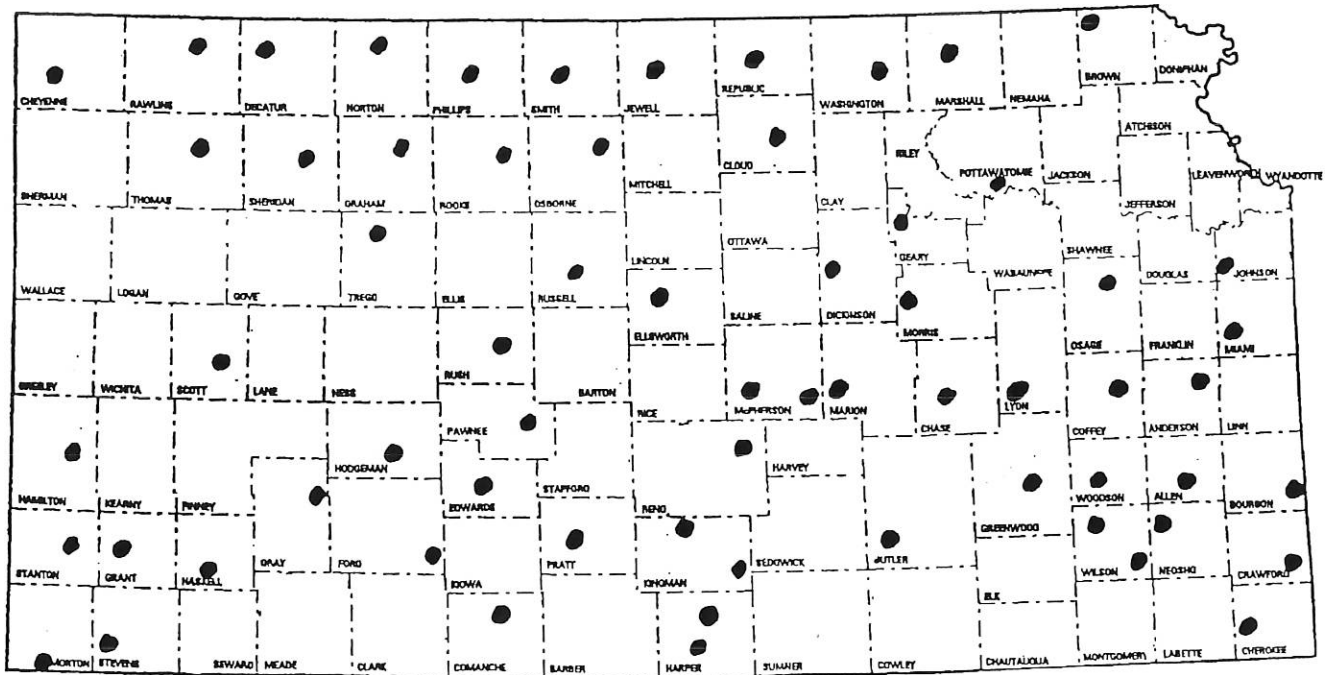
### Applications Received

FY	No.	Amount
FY2000	33	\$12,321,445
FY2001	44	\$11,536,073
FY2002	33	\$ 8,905,582

## KAIP FY 2000 - 2002 Scope of Projects

	FY2000	FY2001	FY2002
Maintenance	14	14	11
Geom. Improv.	1	1	9
Facilities & Eqpt.	6	11	5
<b>State funds</b>	<b>\$2.885m</b>	<b>\$3.171m</b>	<b>\$3.207m</b>
<b>Local funds</b>	<b>3.435m</b>	<b>1.785m</b>	<b>1.891m</b>
<b>Total</b>	<b>\$6.320m</b>	<b>\$4.956m</b>	<b>\$5.098m</b>

## Kansas Public-use Airports



## Project Locations

FY 2000-02

**Project Summary**

**Construction Years**  
1999 - 2000

**Anthony**  
Slurry Coat

Sponsor -	32,445
State -	99,334
	<b>\$129,779</b>

**Atwood**  
Crack seal and seal coat

Sponsor -	9,000
State -	26,000
	<b>\$35,000</b>

**AWOS**

Sponsors -	228,000
State -	456,000
	<b>\$684,000</b>

Pittsburg  
Ft.Scott  
McPherson  
Pratt  
Scott City  
Ulysses  
Johnson  
Elkhart  
Iola

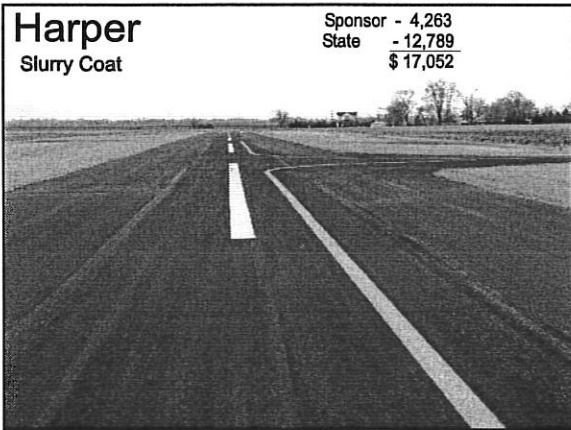
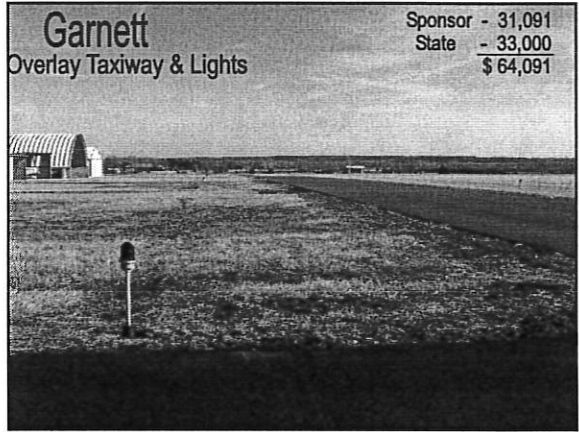
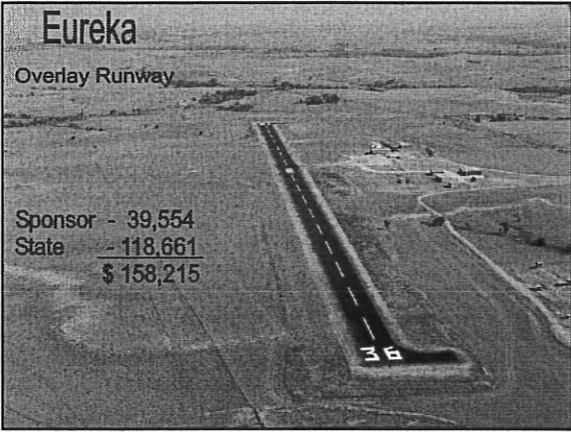
**Concordia**  
Slurry coat

Sponsor -	22,000
State -	66,000
	<b>\$ 88,000</b>

**Elkhart**  
New Runway 4-22

Sponsor -	689,162
State -	300,000
	<b>\$ 989,162</b>





**Hoxie**  
Slurry Coat

Sponsor - 17,739  
State - 53,216  
\$ 70,955

**Hutchinson**  
Reconstruct Ramp & Crack Seal 17-35

Sponsor - 60,042  
State - 60,000  
\$ 120,042

**Hutchinson**  
Ramp Lights & New Beacon Mast

Sponsor - 13,976  
State - 13,976  
\$ 27,952

**Hutchinson**  
Reconstruct Rwy 4-22

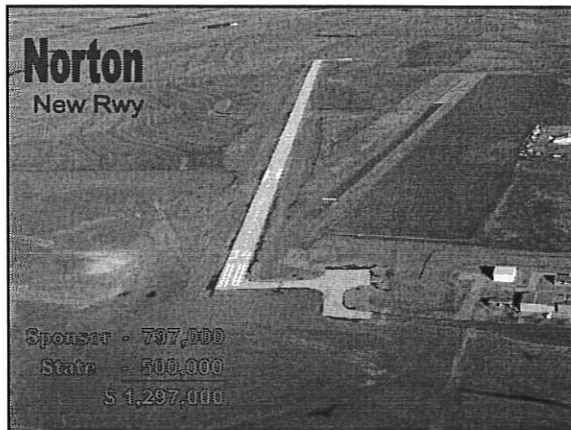
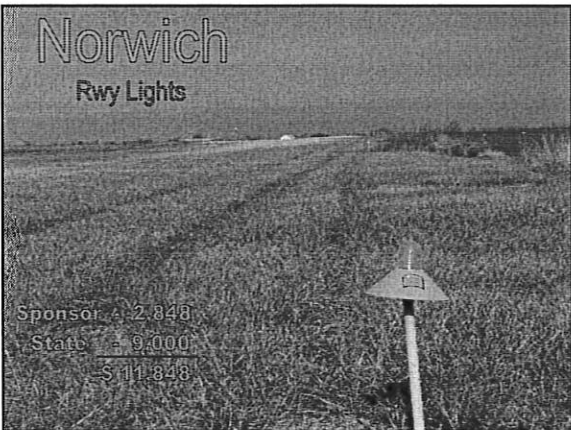
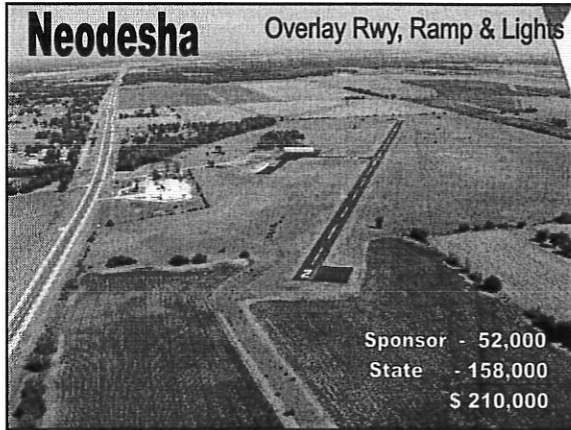
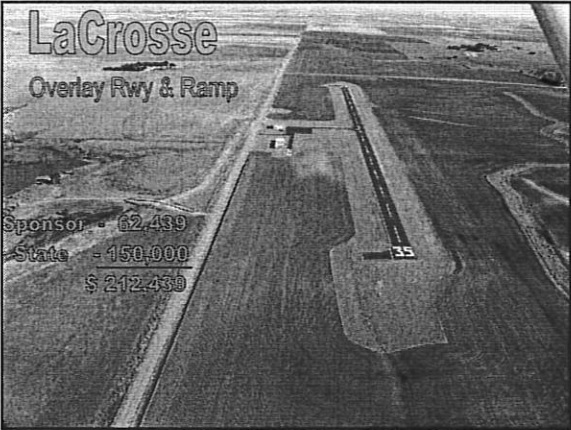
Sponsor - 470,000  
State - 400,000  
\$ 870,000

**Jetmore**  
Overlay Rwy & Ramp

Sponsor - 50,353  
State - 151,080  
\$ 201,433

**Junction City**  
Overlay Rwy

Sponsor - 117,211  
State - 88,030  
\$ 205,241



**Osborne**  
Seal Coat

Sponsor	- 5,625
State	- 6,875
	<b>\$ 22,500</b>

**Oswego**  
Reconstruct Rwy

Sponsor	- 37,267
State	- 111,802
	<b>\$ 149,069</b>

**Phillipsburg**  
Extend, Overlay & Lights

Sponsor	- 265,000
State	- 402,000
	<b>\$ 677,000</b>

**Pittsburg**  
New Beacon

Sponsor	- 11,250
State	- 11,250
	<b>\$ 22,500</b>

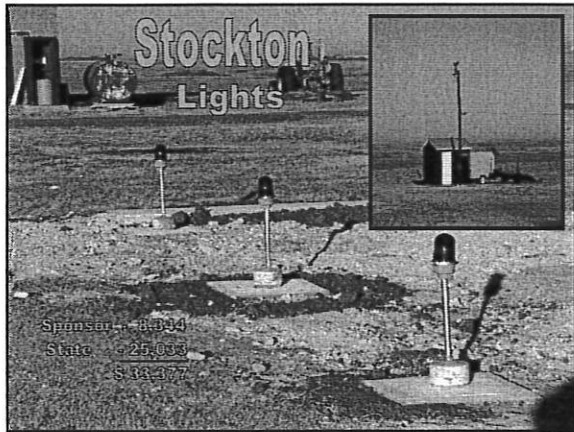
**Satanta**  
Overlay Rwy & Ramp

Sponsor	- 53,987
State	- 160,763
	<b>\$ 214,350</b>

**Smith Center**  
Overlay Rwy & Ramp

Sponsor	- 67,519
State	- 148,000
	<b>\$ 215,519</b>







# Kansas Airport Improvement Program

## Funding Recommendations FY 2001

	Sponsor	Project	Project Estimate	Match	Amount requested	Recommendation FY2001
1	Allen Co. Iola	AWOS	\$76,000	50	\$38,000	\$38,000
2	Belleville	New NDB	\$10,000	75	\$7,500	\$7,500
3	Cheyenne Co./St	Recycle Rwy	\$275,000	75	\$206,250	\$180,000
4	FtScott	AWOS	\$76,000	75	\$57,000	\$57,000
5	Grant Co/Ulysses	AWOS	\$76,000	75	\$57,000	\$57,000
6	Harper	Seal Runway	\$26,000	75	\$19,500	\$19,500
7	Hutchinson	Rehab X/wind Rwy	\$870,000	50	\$435,000	\$400,000
8	Jetmore	O L Rwy	\$272,448	75	\$204,336	\$200,000
9	Kinsley	O L & Extn Rwy	\$350,000	75	\$262,500	\$53,000
10	Mankato	O L 1/2 Rwy	\$263,300	75	\$197,475	\$198,000
11	Marysville	Widen Rwy&extn	\$612,381	75	\$459,286	\$400,000
12	McPherson	AWOS	\$76,000	50	\$38,000	\$38,000
13	Neodesha	O L Rwy & lites	\$210,000	75	\$157,500	\$158,000
14	Oberlin	O L Rwy & lites	\$296,326	75	\$222,245	\$200,000
15	Osborne	Sael Rwy	\$23,000	75	\$17,250	\$17,000
16	Oswego	O L Rwy amend	\$150,000	75	\$112,500	\$112,000
17	Pittsburg	New beacon	\$35,000	50	\$17,500	\$17,500
18	Pittsburg	AWOS	\$76,000	50	\$38,000	\$38,000
19	Pratt	AWOS	\$76,000	75	\$57,000	\$57,000
20	Rawlins Co. Atwo	Seal Rwy	\$35,000	75	\$26,250	\$26,000
21	Sabetha	Rehab Rwy	\$394,200	75	\$295,650	\$205,000
22	Satanta	O L Rwy and Ramp	\$247,845	75	\$185,884	\$186,000
23	Stanton Co, John	AWOS	\$76,000	75	\$57,000	\$57,000
24	Stockton	Lights and Beacon	\$42,693	75	\$32,019	\$32,000
25	Wamego	O L Rwy	\$137,000	75	\$102,750	\$100,000
26	Yates Center	Lights and Beacon	\$22,098	75	\$16,574	\$16,500
27	Morton Co.	AWOS	\$76,000	75	\$57,000	\$57,000
28	Scott City	AWOS	\$76,000	75	\$57,000	\$57,000
29	Norton	AWOS	\$76,000		\$57,000	\$57,000
		Totals	\$5,032,291		\$3,490,969	\$3,041,000

# Kansas Airport Improvement Program

## Funding Recommendations FY2002

	Sponsor	Project	Project Estimate	Match	Amount requested	Recommendation FY2002
1	Abilene	O L Rwy and Taxi	\$428,390	75	\$321,293	\$300,000
2	Augusta	Seal Ramp	\$69,650	75	\$52,238	\$52,250
3	Benton Air Park	Reconst RW, TXW&lite	\$304,344	75	\$228,258	\$144,000
4	Cimarron	Reconstr Ramp	\$245,775	75	\$184,331	\$184,400
5	Coffey Co	New TXW	\$166,000	75	\$124,500	\$124,500
6	Colby	Allnew lites	\$391,860	75	\$293,895	\$150,000
7	Comanche Co.	Constr New RW	\$1,028,500	75	\$771,375	\$500,000
8	Concordia	Reconst TXY	\$181,455	75	\$136,091	\$136,000
9	Cottonwood Falls	RWY lites	\$34,550	75	\$25,913	\$26,000
10	Emporia	Crack seal TXY	\$22,300	50	\$11,150	\$11,000
11	Eureka	Reconstr Ramp	\$150,000	75	\$112,500	\$120,000
12	Gardner	Constr. Taxiways	\$264,500	75	\$198,375	\$165,000
13	Hamilton Co	Rehab Runway	\$240,000	75	\$180,000	\$180,000
14	Hillsboro	O L Runway	\$165,000	75	\$123,750	\$124,000
15	Hugoton	AWOS	\$80,000	75	\$60,000	\$57,000
16	Hutchinson	Crack seal TWY	\$30,000	50	\$15,000	\$15,000
17	Junction City	O L Taxiway	\$109,000	50	\$54,500	\$54,500
18	Kingman	Constr Xwind RW	\$771,650	75	\$578,738	\$492,000
19	Larned	Extn RW	\$145,000	75	\$108,750	\$75,000
20	Miami Co	Constr. Ramp	\$112,500	50	\$56,250	\$56,250
21	Morton Co.	Constr taxi&Rwylites	\$222,280	75	\$166,710	\$167,000
22	Pratt	Crack seal RWY	\$15,000	75	\$11,250	\$11,250
23	Sheriden Co	Lighting	\$92,000	75	\$20,000	\$24,000
24	Smith Center	Constr. taxiway	\$40,700	75	\$30,525	\$30,500
		Totals	\$5,310,454		\$3,865,391	\$3,199,650



# City of Ellsworth Ellsworth, Kansas

CITY HALL – 121 WEST 1<sup>ST</sup> STREET  
P.O. BOX 163 – 67439  
(785) 472 – 5566  
(785) 472 – 4145 Fax

January 26, 2001

**ROBERT S. HOMOLKA**  
MAYOR  
**DON PANZER**  
COUNCIL MEMBER  
**ALAN M. STEFEK**  
COUNCIL MEMBER  
**DANIEL RAY**  
COUNCIL MEMBER  
**STEPHEN M. BAHAN**  
COUNCIL MEMBER  
**MURRAY A. MARSTON**  
COUNCIL MEMBER

**Scott Moore**  
City Administrator  
**Margaret P. Shepherd**  
City Clerk  
**Angela Mueller**  
Treasurer  
**David C. Smith**  
Chief of Police  
**John Kerschner**  
Water/Sewer Supt.  
**Dale D. Bettenbrock**  
Supt. Street  
**Bill Warnock**  
Supt. Golf Course  
**Ronnie Tenbrink**  
Recreation Director  
**Ron Svaty**  
City Attorney  
**Greg Hoffman**  
City Attorney  
**Dale Urbanek**  
Municipal Judge

Representative Gary K. Hayzlett, Chairman and  
Members of the House of Representatives Transportation Committee  
Capitol Building  
Topeka, Kansas 66612

## RE: 2000-2009 Comprehensive Transportation Program

Mr. Chairman and Committee Members:

On behalf of the City of Ellsworth and the citizens of Ellsworth County, we would like to express our appreciation for both the House of Representatives and Senate for approving the 2000-2009 Comprehensive Transportation Program. It has allowed communities like Ellsworth to utilize this program as it was intended, to help preserve small municipal airports that do not meet Federal Aviation Administration system enhancement funding requirements.

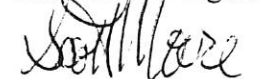
Developing a working relationship with KDOT's Department of Aviation, the Ellsworth City Council and Ellsworth County Commissioners were able to identify our airport's immediate needs, which allowed us to utilize the Comprehensive Transportation Program funds in an effective manner.

Our airport enhancement has allowed life-watch services to be utilized by terminally ill individuals from our community as well as individuals involved in major accidents off the interstate. Without the necessary improvements to our airport, we could have been faced with an increasing number of life threatening situations, which rural communities often encounter due to their proximity to area medical facilities and adequate airports.

Ellsworth community leaders have pledged to keep our airport a viable asset to the community and have voiced their support for other rural communities to utilize the State's Comprehensive Transportation Program. This will continue to ensure the safety of our rural transportation system and the quality of life for our citizens.

Thank you for your time and support regarding this matter.

With sincere regards,

  
Scott Moore  
City Administrator  
City of Ellsworth

House Transportation Committee  
January 30, 2001  
Attachment 3

## TESTIMONY BEFORE THE HOUSE TRANSPORTATION COMMITTEE

Mr. Chairman and Committee Members:

This is my first time to speak before such a distinguished group and I sincerely appreciate the opportunity to testify on behalf of Morton County.

As you well know Morton County is one of the most remote counties in the State. We are a county with a population of only 3440 citizens. I admit I was skeptical when I first received information on the Kansas Airport Improvement Program stating it was designed to help airports such as in Morton County, but became more excited each time I reviewed the grant information. At that time our existing runways had been deactivated since they were not expandable in their present location. Changing FAA safety criteria and residential development around the airport rendered these runways virtually unusable. Morton County had a dream and a plan to improve our airport and was willing to commit a significant amount to the project. However, because our gas and oil valuation had decreased drastically since 1997 it became evident that the dream for a new runway would not be realized without some help, and that help came to us in the form of the Airport Improvement Program. So, in June of 1999 I applied for our first grant and it was approved; runway 4-22 became a reality. I have to say, however, that without the help of Mike Armour in the Aviation Division, I would have been lost. Mr. Armour suggested catalogs and companies who could give me estimates and ideas for the various items needed for the grant.

The Morton County Airport is a lifeline to the County in many ways. Because of our geographical location, Morton County experiences a high rate of transfers by air ambulance to Wichita and other large city hospitals. Not only is it vital to transport critically ill patients, but it also allows specialty physicians to fly into Elkhart on a weekly basis to serve patients of the Morton County Health System and provide a higher quality of life. When physicians use the airport it also allows the taxpayers to keep their money at home, thus adding to our economy.

House Transportation Committee  
January 30, 2001  
Attachment 4

Our Economic Development program is currently in the process of improving the infrastructure of Morton County in an attempt to attract new businesses. The airport is a major factor of this process. We are finding that businesses considering development in Morton County look at the availability of schools, hospitals, airports, and recreation.

Oil and Gas companies and Landmen fly into Elkhart to access and research our public records in their attempt to locate additional minerals in Morton County. Hopefully, their efforts will soon result in an increase in drilling activity.

Many of our local business people also utilize the airport by flying out of Elkhart to Amarillo, Wichita, and Colorado to complete business transactions. One of the pilots from Liberal who comes to Elkhart quite frequently said the new runway is the "best he has been on".

Two years ago Morton County purchased the rundown golf course owned by the City of Elkhart and proceeded with plans to renovate the nine hole course. Not only did the designer of the course utilize the airport but so did the contractors and the consultants. And, because they were able to utilize the airport, the contractor completed the project within the estimated time frame, much to the delight of our many golfers.

More recently Morton County has experienced hunters flying into Elkhart to hunt for a day, a weekend, and, occasionally, a week. This past year bird watchers from various parts of the United States have flown into Elkhart to document species found on the National Grasslands; I even met and visited with a group of six from New Jersey while in our grocery store.

Both County and City officials have flown together from Elkhart to Topeka for several meetings with both appointed and elected officials regarding the construction of the approved by-pass to be constructed in Morton County in the near future. It would have been impossible for these meetings to take place if everyone had to drive the long distance. Thus, to our great advantage, the airport has bridged the gap between Morton County and Topeka.

After receiving our first Airport Improvement grant I was encouraged to apply for another grant, which we received and Morton County is now in the process of constructing a new taxiway from the new runway 4-22. This grant will also allow us to light the taxiway as well as purchase a badly needed new rotating beacon for the airport. Again, without Mr. Armour's help in directing me towards resource materials I wouldn't have begun to know where to start.

I would like to invite each of you to visit Morton County and tour our Airport. We feel the Kansas Department of Transportation and Morton County make a great team and we are proud of the improvements already made to our Airport with your help.

Thank you.



To: Testimony before the Kansas House Transportation Committee  
From: Cheri Peine, City Clerk, City of Oswego  
Date: Tuesday, January 30, 2001 1:30 p.m.

Good Afternoon Mr. Chairman and Committee Members and thank you for the opportunity to tell you about our experience with the Kansas Airport Improvement Program sponsored by the Kansas Department of Transportation.

Oswego, Kansas originally built their airport in the early 1960's with monies from the Federal Aviation Agency. There has been extensive use of the airport through most of this time and recently there has been a resurgence of use. The city maintained the airport over the last 40 years as much as possible with the limited funds available. In the late 1980's the city began setting aside matching funds to obtain a grant from the Federal Aviation Agency for a Master Plan Study, which was conducted by Bucher, Willis & Ratliff from Kansas City, MO. The study was completed in 1993. Major items that were proposed within the study included acquiring additional land to construct a 60 by 3,400 foot new runway to safely accommodate larger twin engine corporate planes, enlarge the parking area and provide additional hanger space. Two years ago our present runway was in a serious state of deterioration and we were faced with the possibility of closing the facility down if funds were not found in the near future.

When the long hoped for airport improvements became a reality, we solicited support from numerous businesses, industries and individuals in the area to assist us in our campaign. They contributed over \$10,000 to achieve the matching funds necessary to obtain this grant. The president of Diamond Coach, one of the major employers in Oswego, flies from his home to Oswego every day that weather permits. One of the other principals in the company also utilizes the airport on a regular basis. More recently, Claythorne Lodge, a local hunting and fishing operation, has had numerous customers fly in at the airport to visit their facility. The airport offers us the ability to expand our economic and tourism opportunities in our area. Currently all the hanger space is filled, with seven based aircraft.

With the help of the KDOT airport improvement program, the City of Oswego finally was able to complete an overlay of the existing runway. Since this project has taken place the usage has increased at the airport and we have had to turn away three persons who would like to house their

aircraft there. We are now currently building our capital improvement fund to construct a new hanger. Additionally, with the new improvements our Airport Board has agreed to sponsor an annual fly-in, with the first one scheduled for September 29, 2001. This will provide us an opportunity to advertise the improvements to our airport.

This project would not have been possible without the Kansas Airport Improvement Program. We are a small, rural community with little resources. We feel very privileged to be one of the first communities to participate in the program and already to have experienced a positive outcome since the overlay project was completed this past fall.

Thank you from the Oswego Airport Board and the City of Oswego for the help you provided in keeping our airport in operation.