

MINUTES OF THE HOUSE TRANSPORTATION

The meeting was called to order by Chairperson Gary Hayzlett at 1:40 p.m. on January 22, 2002 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:

Robert Alderson, Legislative Counsel, Mid State Port Authority
Alan Alderson, Legislative Counsel, Kansas County Treasurer's Association
John Peterson, Segway
Ford Burkhart, Newton

Others attending:

See attached list

Chairman Hayzlett welcomed the committee and staff to the 2002 Transportation Committee with a special welcome to Representative Bruce Larkin who was assigned to the committee, replacing Representative Marti Crow.

The Chair called for introduction of bills. John Peterson asked for introduction of a bill concerning an electric personal assistive mobility device. Representative Howell made a motion to introduce this bill, seconded by Representative Humerickhouse and the motion carried.

Bob Alderson, Counsel for Mid State Port Authority, stated that currently all the counties that created the Authority must approve the issuance of bonds even though they have withdrawn and no longer participate in the Authority. He requested introduction of a bill stating that only those counties which participate in the Authority would need to give approval before bonds are issued. Representative Pauls made a motion to introduce this bill, seconded by Representative Powell and the motion carried.

Alan Alderson, speaking for the Kansas County Treasurer's Association, asked for introduction of a bill concerning the service fee for placards issued to disabled persons. Representative Phelps made a motion to introduce this bill, seconded by Representative Levinson and the motion carried. (Attachment 1)

Chairman Hayzlett called on Ford Burkhart of Newton, Kansas to give his presentation on a railroad-highway crossing safety system. Mr. Burkhart said this system was conceived to be used at the approximately 200,000 passive crossings in the United States where there are only crossbucks to tell motorists that they are approaching a railroad crossing but not whether a train is approaching. He told the committee his system, which he has a patent for, consists of an oscillating light mounted on the front of the locomotive, probably atop the cab. A reflector would be installed at the crossing at the same height as the light on the locomotive. As the very intense light oscillates from side to side, the light beam hits the reflector for just a second with each pass, creating the appearance of a flashing red light. The reflector bounces the signal at more than 90 degrees down the highway, in both directions, so that any approaching motorist can see the flashing red light and be alerted to the train's approach.

He concluded his system is designed to provide railroads, municipalities, departments of transportation, etc. a very economical method of installing a signal at many thousands of passive crossings and thereby preventing many hundreds of car/train collisions. (Attachment 2)

Chairman Hayzlett opened the floor for discussion. Mr. Burkhart responded to a question from Representative Powers that each system, he estimated, would cost less than \$1,000 including the installation. In answer to a question regarding who decides which crossings have signals and who pays for them, Al Cathcart, KDOT, said there are a list of priorities in determining which crossings have signals, one of which is the number of trains and the funds come from the Federal Highway Administration.

Chairman Hayzlett adjourned the meeting at 2:10 p.m. The next meeting of the House Transportation Committee will be Wednesday, January 23, 2002 in Room 519-S.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: January 22, 2002

NAME	REPRESENTING
Brian Cox	Kansas Dept. of Revenue
Sheila Walker	KDOR-DMV
Bill Watts	KDOT
Marcia Stambaugh	KDOT
Al Cathcart	KDOT
John Peterson	Segway LLC
Don Lindsey	UTV
Janet McPherson	Ks. Farm Bureau
Tom Whitaker	Ks Motor Carriers Assn.
Deann Williams	KS MOTOR CARRIER ASSOC.
Christi Stewart	KS Motor Carriers Assoc.
Matthew Bergmann	Pat Hubbell Assoc. Inc.
ACAN ANDERSON	KS COUNTY TREASURERS ASSN.
Sarah Kenyon	HNS
BOB ANDERSON	MSPA
Ed N Burkhardt	Rail Crossing safety

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MEMORANDUM

TO: Members, House Transportation Committee
FROM: Alan F. Alderson, Legislative Counsel, Kansas County
Treasurer's Association
DATE: January 22, 2002
RE: Request for Bill Introduction; Service Fee for
Placards Issued to Disabled Persons

I thank you for the opportunity to appear today for the purpose of requesting introduction of a bill which would eliminate the service fee currently charged by county treasurer's under KSA 2000 supp. 8145d.

A suit brought against the state under the American's With Disabilities Act in the United States District Court for the District of Kansas (*Marcus vs. State of Kansas*, 96 4140 DES) has just been settled. Although the counties have not been involved in this suit, we have been advised that it is entirely possible that a similar suit will be brought against the various county treasurers on the same basis -- claiming discrimination against disabled persons by the charging of a service fee. I was not involved in this suit, but was kept informed by Brian Cox, an attorney for the Kansas Department of Revenue.

The County Treasurer's Association is recommending to the legislature that the service fee for placard identification cards be removed from the list of services for which a \$3.00 fee may be charged by the counties. There may be other options -- Mr. Cox does not believe the plaintiffs in the state suit would bring action against the counties if temporary disability placards were allowed to remain subject to the service fee -- but we will leave it to the wisdom of this committee to determine the best approach to dealing with this issue.

I am no expert on this issue and I am probably going to be unable to answer very many questions about what is possible or necessary in order to avoid a lawsuit. I would suggest that Brian Cox be invited to testify before the Committee when this

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bill is heard. We simply want to get this issue before your Committee so you can be fully informed and make an appropriate decision.

One of the possibilities if the county treasurer's are sued is that the plaintiffs will seek reimbursement of fees previously collected. This would have a substantial negative revenue impact in all counties, although it would probably be much greater in larger counties than in smaller, rural counties. I assume, however, that the budgets in those smaller counties is also smaller, so the effect may well be the same in all counties.

I have attached to this memorandum a rough draft copy of a proposed bill draft, to show you what would need to be done to eliminate the service fee on disabled persons' identification cards. If there are any questions, I would be glad to try to answer them.

Sincerely,

Alan F. Alderson
ALDERSON, ALDERSON, WEILER,
CONKLIN, BURGHART & CROW, L.L.C.

AFA:fm\tla

HOUSE BILL NO. _____

BY _____

AN ACT concerning motor vehicle registration fees; amending K.S.A. 2000 Supp. 8-145d and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2001 Supp. 8-145d is hereby amended to read as follows: 8-145d. In addition to the annual vehicle registration fees prescribed by K.S.A. 8-143, 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-167, 8-172 and 8-195 and amendments to any of such sections any applicant for vehicle registration or renewal thereof for registration [~~or any applicant for a placard of identification card issued under K.S.A. 8-1, 125, and amendments thereto~~] shall pay a service fee in the amount of \$3 to the county treasurer at the time of making such application. In addition to such service fee, the county treasurer may charge any applicant for vehicle registration or renewal thereof for registration, a satellite registration fee in an amount not to exceed \$5 per vehicle registration or renewal thereof for registration, when such application is made at a satellite registration facility established by the county treasurer. The county treasurer shall deposit all amounts received under this section in the special fund created pursuant to K.S.A. 8-145, and amendments thereto, and such amounts shall be used by the county treasurer for all purposes for which such fund has been appropriated by law, and such additional amounts are hereby appropriated as other amounts deposited in such fund.

Section 2. K.S.A. 2000 Supp. 8-145d is hereby repealed.

Section 3. This act shall take effect and be in force from and after its publication in the statute book.

Presentation by Ford N. Burkhart

on

Railroad-Highway Crossing Safety System

Good afternoon. I want to thank Representative Hayzlett for giving me the opportunity to meet with all of you today to tell you, and show you, my idea for a railroad crossing signal system.

I conceived this system many years ago, but did not have the resources to follow up with research and development. In the past few years I have refined and built a prototype, which I will demonstrate presently. I have also applied for and have been granted a patent by the United States Patent and Trademark Office. I did not apply for, nor did I receive, a patent on an assembly of materials, such as an electric motor, light, reflector, housing, nuts and bolts, etc. I applied for and was granted a patent on a PROCESS for creating the appearance of a flashing red light at the railroad crossing to warn oncoming motorists of the approach of a train.

Yes, you already have flashing red lights at crossings, but not at ALL crossings. As you are well aware, the present alternating lights are extremely expensive, costing upwards of \$100,000, and often much more, per crossing. That's why there are in excess of 200,000 passive crossings in the U.S. where there are only crossbucks to tell motorists that they are approaching a railroad crossing, but not whether or not a train is approaching.

The cost to equip these crossings with the present conventional signals would be prohibitive, and it will never happen. This system is designed to provide railroads, municipalities, departments of transportation, etc. a very economical method of installing a signal at many thousands of these passive crossings, and thereby preventing many hundreds of car-train collisions.

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This system consists of, first, an oscillating light, mounted on the front of the locomotive, probably atop the cab. Then, secondly, a reflector, installed at the crossing at the same height as the light on the locomotive. (Turn light on) As the very intense light oscillates from side to side, the light beam hits the reflector for just a split second with each pass, creating the appearance of a flashing red light. The reflector bounces the signal at more than 90 degrees down the highway, in both directions, so that any approaching motorist can see the flashing red light and be alerted to the train's approach.

This is a prototype for demonstration only. The production model will be much more powerful and effective. These shades are for the purpose of shielding the reflector from sunlight, putting the reflector in relative darkness, so that the signal can be seen in the daytime as well as at night. (Turn light off)

I believe this system, if implemented, will prevent many car-train collisions, and would be well worth the money. Some of you may be thinking that this is not a new idea. It is true that, back in the steam locomotive era, several patents were issued on systems that employed lights and reflectors. But all of those ideas used the locomotive's headlight, not an oscillating spotlight. And none of them produced the appearance of a flashing red light. That's why the Patent Office granted me a patent on this process.

I believe that this very economical system will work and will save lives. I tested it on an actual railroad, while riding in the locomotive myself. And it works.

I will be around for a while, and would very much appreciate having the opportunity to talk with some of you regarding your comments and input. I need advice. I need connections. And I need criticism, even if you only want to say "Forget it. They'll never buy it". Do you have any questions that I could answer right now?

Ford N. Burkhart, Inventor