

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 a.m. on March 16, 2004 in Room 527-S of the Capitol.

All members were present except:

Senator David Adkins - absent

Senator Edward Pugh - absent

Committee staff present:

Hank Avila, Legislative Research Department

Bruce Kinzie, Revisors of Statutes

Marian F. Holeman, Committee Secretary

Conferees appearing before the committee:

Ed Klumpp, Topeka Chief of Police

Representative Rene Vickery

Representative Bill Feuerborn

John Eichkorn, KS. Highway Patrol

Others attending:

See Attached List.

HB 2633: Impounded motor vehicles, requirements for recovery

Ed Klumpp; Chief of Police, Topeka Police Department requested this bill as a tool to help with the problem of unlicensed automobiles and stolen tags. Mr. Klumpp provided data detailing the growth of the problem. The revenue loss resulting from this is astounding. Another problem is it allows unlicensed and uninsured drivers on our roads. His Department has begun seizing any vehicle displaying a stolen tag. Current law indicates they cannot hold a car until it is properly licensed. While owners cannot illegally "drive" away such vehicle, they can have it towed once they prove ownership. This bill would require any seized vehicle to be properly titled prior to release from impound. He provided information related to loss of revenue and the problem with uninsured motorists (Attachment 1). Members had several questions for Mr. Klumpp. No other conferees appeared on this bill. Hearing closed.

HB 2695: Littering, traffic infraction, criminal littering

Representative Jene Vickrey testified in support of this bill, which is designed to "put teeth" into our efforts to stop careless littering and dumping. It splits the definition into two parts: 1st a traffic violation, and 2nd a definition of criminal dumping. It retains the ability of the court to order someone to pick up trash in the case of criminal dumping but removed the defined hours (Attachment 2). Questions involved courts and costs and what would be involved in "criminal littering." These would be handled in a manner similar to any other traffic violation and the "criminal" category, is Class C misdemeanor which usually involves just a fine. Representative Feuerborn who had joined Representative Vickrey to introduce this bill, advised that in passing this bill Kansas will be following a national trend in dealing with the issue. He presented information regarding steps being taken in several other states (Attachment 3). No other conferees were present. Hearing closed.

HB 2709: Regulating traffic, motorized skateboards

Lt. John Eichkorn appeared on behalf of Kansas Highway Patrol to comment on this bill which defines "motorized skateboard. In this bill they are considered "vehicles" but are excluded from the definition of "motor vehicles." The Patrol and many other agencies receive many questions about these. Clarification would be helpful (Attachment 4). Representative Beggs provided written testimony in support of the bill (Attachment 5). Billy Brown, Redfield, Kansas submitted written testimony urging passage (Attachment 6). Lisa Dehon, Assistant City Attorney, Lenexa, Johnson County, Kansas submitted written testimony only with suggested changes to the proposed legislation (Attachment 7). There were no more conferees. Hearing closed. Discussed background on this bill. Staff explained it applies to all motorized toys now being sold to everyone. The Attorney General issued an opinion that motorized skateboards are motor

CONTINUATION SHEET

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE at 8:30 a.m. on March 16, 2004 in Room 527-S of the Capitol.

vehicles and as such, if they are to be operated on any streets or highways they must have a tag, license and meet all safety requirements a normal vehicle must have. The Department of Revenue must meet certain requirements for a vehicle to be registered, one being that the operator have a driver's license, so they can't license them. Representative Beggs idea was simply to prohibit them. The provisions come largely from the revised Uniform Traffic Code. There are a number of issues in this area. They keep bringing out new things and the bill draft tries to define them. It does not include motorized scooters. Previous clarification legislation included ATVs and motorized wheelchairs which are no longer considered motor vehicles.

SB 506: Repealing statute allowing Dept. Of Administration to terminate the van pool program
HB 2624: Cotton modules, intrastate registration, special permits

Committee members discussed this bill which would have prevented cancellation of the van pool project as the Governor proposes. The House had a companion bill, which it was understood, they would run. Therefore, no action was taken on it in this Committee. However, something happened and the House bill did not pass out of Committee. Working with the Department of Administration and other interested parties, the House had presented and passed some amendments. Senator Jackson presented a proposed amendment to incorporate what the House had done. The key in his proposal is that it must be a self supporting program. Also, the driver can no longer use the van as a personal vehicle. The Department of Administration is to come up with a uniform passenger fee. Further, the Department must come to the Legislature for permission to discontinue the program. Current riders were never given the opportunity to provide input on benefits of the program. They were never asked to contribute more to make it self sufficient. Senator Jackson stated the Chairman of the House Transportation Committee has no problem with his proposed amendment. The Department of Administration, Director of Facilities Management supports this. Discussion determined that an appropriately germane House Bill for the proposed amendment is **HB 2624**. Senator Jackson moved to amend the language in his proposed amendment into **HB 2624**. Senator Schodorf seconded the motion. Motion carried.

Since time is very short, House action on **SB 384** which increases the maximum speed limits on certain highways is also uncertain. Members felt the need for a backup position. Senator Schodorf moved to amend the essential language of this bill into **HB 2624**. Senator Jackson seconded the motion. Motion carried. The same thing is true of **SB 329**, the child passenger safety act. Senator Goodwin moved to amend the essential language of **SB 329** into **HB 2624**. Senator Schodorf seconded the motion. Motion carried. Senator Dave Jackson moved to recommend **HB 2624**, as amended, favorable for passage. Senator Schodorf seconded the motion. Motion carried.

HB 2563: Motor vehicles: increasing amount for reporting accidents

The committee held hearings on this bill on March 10, 2004. The House had amended the bill to further increase the reporting level to \$1,500. Since that time it has been brought to our attention that there could be problems with data acquired at that level and interested parties would really prefer the level to return to \$1,000. Senator Goodwin moved to amend what was a \$500 threshold back to \$1000 level rather than \$1,500 level. Senator Schodorf seconded the motion. Motion carried. Chair called for further discussion. There was none. Senator Goodwin moved to recommend the bill, as amended, favorable for passage. Senator Schodorf seconded the motion. Motion carried.

Approval of minutes

Senator Salmans moved to recommend approval of minutes for meeting of February 24, 2004 and March 9, 2004. Senator Goodwin seconded the motion. Motion carried.

The meeting adjourned at 9:28 a.m.

The next meeting is scheduled for March 17, 2004.



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TESTIMONY BEFORE THE
SENATE COMMITTEE ON TRANSPORTATION
IN SUPPORT OF HB 2633
MARCH 16, 2004

PRESENTED BY
ED KLUMPP, CHIEF OF POLICE
TOPEKA POLICE DEPARTMENT

I appreciate the opportunity to provide testimony on this bill. This is a simple bill that we are asking to be considered as a tool to help address a growing problem of unlicensed automobiles and the problem of stolen license tags. The people who are violating these laws are doing so for three basic reasons.

1. To avoid paying property taxes.
2. To avoid paying for insurance.
3. To avoid being able to trace a car back to them, especially when used in a crime.

Attached to my testimony are some charts showing the increasing problem of stolen license tags in Topeka. Last year, 8% of all reported part one crime in Topeka was stolen license tags. We had 827 tags reported stolen to us during 2003. There are surely more than that stolen since some vehicle owners merely buy a replacement tag and do not report it to police. If each of those tags represented an average of \$100 in property taxes and license fees, that amounts to a loss of over \$82,000 in lost revenue support for state and local governments just in the City of Topeka alone. Worse yet, that represents one in every 63 households were victims of a stolen tag. In 2003 we charged 143 people with displaying a stolen tag on their vehicle.

I recently obtained information from the Kansas Department of Motor Vehicles indicating that during 2003 there were 46,864 tags state wide replaced due to the originals being "lost or stolen." We know in reality that a very small percentage of tags are truly lost, most of these are stolen. In Shawnee County, 5104 tags were replaced due to the original tag being "lost or stolen." As you can see only a small percentage of the stolen tags are reported to the police. In Sedgwick County 8868 tags were replaced and only 366 were reported to the Wichita Police Department. If even 90% of all of these are stolen tags, it could amount to over \$4 million dollars in lost registration fees and taxes. Not to mention the loss to our citizens in uninsured motorists involved in accidents and the inability to track a suspect using a stolen tag.

For the past six months we have been seizing any vehicle displaying a stolen tag. Local interpretations of current law indicate we cannot hold a car we have seized until it is properly

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licensed. While we don't have to allow a person to drive it away illegally, we cannot prevent them from having it towed from our lot once they prove ownership. This only offers opportunity and need for the owner to steal yet another tag for their vehicle.

By requiring any vehicle we seize to be properly titled prior to release from impound the owner has no incentive to steal a tag since it would then be properly licensed. In addition, all property taxes would be brought up to date and the vehicle would have to be properly insured.

There is another sidebar problem this would help reduce. Under current Kansas law the titled owner of a vehicle is responsible for that vehicle in many legal matters. If you were to sell your car to an individual, you are at the mercy of the buyer to title that vehicle to have your name removed from the official records showing ownership and responsibility for that vehicle. Any tool we use to get vehicles properly registered reduces the problems this can cause for persons who have sold vehicles which do not get titled by the buyer.

Thank you for your time in considering this important matter and I will stand for questions.



Ed Klumpp
Chief of Police

	ALLEN	88
1	ANDERSON	129
2	ATCHISON	218
3	BARBER	29
4	BARTON	133
5	BOLFBON	102
6	BROWN	90
7	BUTLER	1141
8	CHASE	19
9	CHAUTAQUA	14
10	CHEROKEE	208
11	CHEYENNE	18
12	CLARK	14
13	CLAY	28
14	CLOUD	30
15	COFFEY	66
16	COMANCHE	11
17	COWLEY	520
18	CRAWFORD	345
19	DECATUR	15
20	DICKINSON	212
21	DONIPHAN	65
22	DOUGLAS	1212
23	EDWARDS	21
24	ELK	27
25	ELLIS	246
26	ELLSWORTH	24
27	FINNEY	555
28	FORD	633
29	FRANKLIN	504
30	GEARY	331
31	GOVE	9
32	GRAHAM	17
33	GRANT	69
34	GRAY	21
35	GREELEY	14
36	GREENWOOD	54
37	HAMILTON	13
38	HARPER	63
39	HARVEY	678
40	HASKELL	40
41	HODGEMAN	12
42	JACKSON	179
43	JEFFERSON	143
44	JEWELL	26
45	JOHNSON	10790
46	KEARNY	28
47	KINGMAN	55
48	KIOWA	23
49	LABETTE	159
50	LANE	10
51	LEAVENWORTH	1474
52	LINCOLN	13
53		
54		
55		
56		
57		

1	INN	91
2	LOGAN	6
3	LYON	267
4	MARION	113
5	MARSHALL	40
6	MCPHERSON	230
7	MEADE	29
8	MIAMI	445
9	MITCHELL	32
10	MONTGOMERY	245
11	MORRIS	35
12	MORTON	23
13	NEMAH	39
14	NEOSHO	111
15	NESS	19
16	NORTON	29
17	OSAGE	165
18	OSBORNE	23
19	OTTAWA	55
20	PAWNEE	59
21	PHILLIPS	30
22	POTTAWATOMIE	170
23	PRATT	65
24	RAWLINS	7
25	RENO	985
26	REPUBLIC	24
27	RICE	78
28	RILEY	443
29	ROCKS	36
30	RUSH	23
31	RUSSELL	38
32	SALINE	918
33	SCOTT	44
34	SEBASTIAN	5868
35	SEWARD	183
36	SHAWNEE	5104
37	SHERIDAN	14
38	SHERMAN	16
39	SMITH	30
40	STAFFORD	23
41	STANTON	10
42	STEVENS	52
43	SUMNER	229
44	THOMAS	49
45	TREGG	20
46	WABAUNSEE	39
47	WALLACE	8
48	WASHINGTON	27
49	WICHITA	10
50	WILSON	95
51	WOODSON	20
52	READ CNT	21000
53	TOTAL STATE	46864
54		
55		
56		
57		

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HOUSE OF REPRESENTATIVES

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COMMITTEE ASSIGNMENTS
TRANSPORTATION
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JENE VICKREY
6TH DISTRICT

Testimony - March 16, 2004

HB 2695 - Littering, traffic infraction, criminal littering

Today, Rep. Bill Feuerborn and I are bringing a similar bill to one we introduced last year in the Judiciary Committee. We worked with the members of Judiciary and crafted the bill and is often the case, we ran out of time. We split the definition into two parts: 1st, a traffic violation and 2nd, a definition of criminal dumping. We also retained the ability of the court to order someone to pick up trash in the case of criminal dumping but removed the defined hours.

This is a needed change to strengthen our law to make enforcement more likely.

Many states have been proactive. North Carolina Governor Hunt "asked law enforcement and people of the state to take an active role keeping litter off our highways." In 1999, the North Carolina State Highway Patrol kicked off the "Bag-a-Bug" campaign. In conjunction, the North Carolina Assembly passed a littering law making the fine for the 1st offense increased to \$1,000.00 and requiring 24 hours of community service. The fine for the 2nd offense increased to \$2,000.00 and required 50 hours of community service. They also have a website and a 1-800 number to report littering. Last year, 8000 letters were sent to registered owners signed by the Highway Patrol Commander and the Division of Motor Vehicles Director noting the time and place of the reported littering.

Keep America Beautiful, Inc. sponsors the "Great American Clean up" yearly. Their stated mission: "To engage individuals to take greater responsibility for improving their community environments."

HB 2695 will put teeth in our effort to stop careless littering and dumping.

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DATE 03-16-04
ATTACHMENT: 2

BILL FEUERBORN
 REPRESENTATIVE, 5TH DISTRICT
 ANDERSON, FRANKLIN, MIAMI COUNTIES



TOPEKA
 HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 RANKING DEMOCRAT: APPROPRIATIONS
 MEMBER: AGRICULTURE
 EDUCATION BUDGET
 JOINT COMMITTEE ON SPECIAL
 CLAIMS AGAINST THE STATE

Testimony on HB 2695

By Rep. Bill Feuerborn

Senate Committee on Transportation

Tuesday, March 15, 2004

Mr. Donovan and members of the committee, thank you for providing me with an opportunity to discuss the proposed legislation before you today. HB 2695 is a joint effort by myself and Rep. Vickrey of the Miami County that addresses the increasing act of littering in our beautiful state. The first reaction of many to legislation of this kind is to dismiss it as not being as pertinent a crime and therefore not requiring our immediate attention. In fact Mr. Chairman, Kansas would be following the national trend of dealing with this issue, if this legislation were passed and it became law.

In Arizona, a program stopping roadside littering has been a success, with about 150 calls a week coming to its statewide hotline, after the Arizona Department of Transportation launched the hotline to report drivers who litter. Louisiana and other states have established similar hotlines and have found the rates of littering to be falling. Louisiana also has increased its fines for repeat offenders to no less than \$5000. Washington State put together a Littering Task force that

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SEN. TRANSPORTATION COMMITTEE
 DATE 03-16-04
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recommended the setting of fines at a sufficient level to encourage incentives for compliance and also set up a focus group, which reviewed littering patterns and penalties. Some states have also considered lowering fines, in order to improve the collection of fines. Arkansas recently changed their fines for first time offenders to \$100 and eight hours of compulsory service.

I would also urge the committee to consider the efforts of former mayor Rudy Giuliani of New York City. He came into office facing a severe rise in crime and a city in overall decay. He and other community leaders decided to tackle this threat by using a different approach. Rather than only focusing on responding to serious crimes, the New York City police department was directed to concentrate on the prevention of lesser crimes. Police and neighborhood leaders were directed to crackdown on: loitering, lewd public displays and littering. The results were that not only were these lesser crimes reduced, but more serious crimes ranging from theft to murder were also greatly reduced.

New York City continues to lead the way in dealing with this issue, as Mayor Bloomberg has increased the fine for repeat offenders, while also levying higher fines on graffiti offenders and for those having garbage that is not properly contained. While Kansas is by no means facing challenges New York City has, we can still learn from these efforts and adapt them to the challenges in our own state.

At this time Mr. Chairman, I would be more than happy to take any questions that you and other members of the committee might have.



Rep. Bill Feuerborn
5th District

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K A N S A S

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2709
to
Senate Transportation Committee**

**Presented by
Lieutenant John Eichkorn
Kansas Highway Patrol**

March 16, 2004

Good morning, Mr. Chairman and members of the committee. My name is Lieutenant John Eichkorn, and I appear before you on behalf of Colonel William Seck and the Kansas Highway Patrol to comment on HB 2709.

HB 2709 defines "motorized skateboard" as a self-propelled device that has a motor or engine, a deck on which a person may ride and at least two wheels in contact with the ground. While "motorized skateboards" are considered "vehicles" in this bill, they are excluded from the definition of "motor vehicles."

As such, the bill proposes to make it illegal to operate "motorized skateboards" on any highway, road, street, sidewalk, or sidewalk area. The fine for these violations would be \$30.

The Kansas Highway Patrol, like many agencies in the law enforcement and traffic safety communities, has received several questions about the status of "motorized skateboards." Currently, the answer seems to depend on how one chooses to categorize them. Clarification of this issue would be helpful, and HB 2709 would make the rules regarding "motorized skateboards" clearer.

The Patrol appreciates the opportunity to address you today and urges this committee to consider clarifying the "motorized skateboard" issue. I will be happy to stand for any questions you might have.

SEN. TRANSPORTATION COMMITTEE
- DATE 03-16-04 -
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STATE OF KANSAS

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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE-CHAIRPERSON: EDUCATION
MEMBER: TOURISM AND PARKS
TRANSPORTATION

March 16, 2004

Mr. Chairman and Members of the Senate Transportation Committee:

HB 2709 pertains to motorized skateboards. The bill would make it unlawful for a person to operate a motorized skateboard on any street, road, or highway in the state. The fine for the unlawful operation of these self-propelled devices would be \$30.

The bill would also define a "motorized skateboard" as a self-propelled device which has a motor or engine, a deck on which a person may ride, and at least two wheels in contact with the ground.

I offer the following Testimony to support the regulation which would prevent the operation of a motorized skateboard upon sidewalks, public roads or highways. A motorized skateboard is basically a toy with an engine. It has no licensing entitlement since it is not equipped with any safety equipment such as stop lights, tail lights, turn signals and any other component to qualify as street legal. It also does not furnish registration documents from the manufacturer. There is no means to insure or register ownership. This would prevent its use except on private property.

For your consideration,

A handwritten signature in cursive script that reads "Carol Beggs". The signature is written in black ink and is positioned above the printed name.

Representative Carol Beggs

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SEN. TRANSPORTATION COMMITTEE

DATE 3-16-04

ATTACHMENT: 5

Billy Brown
302 Cedar St.
Redfield, Ks. 66769

Legislators,

Thank you for allowing me to speak regarding House Bill No. 2709.

Due to our own personal experiences with mopeds, ATVs, and freedom scooters, myself and other concerned citizens living in our third class city of Redfield, Ks. are in favor of passing this bill. On September 20, 2003 during a non injury accident, a unlicensed thirteen year old child driving a moped struck my automobile. The sheriff department informed his guardians that a moped is illegal for underage drivers. In December, the same person and his younger brother were driving freedom scooters through Redfield. For several months, numerous ATVs have been driven by unlicensed\underage persons through Redfield streets, alleys, and individual's yards. Some citizens of Redfield and the city council have discussed with local law enforcement how to solve this problem with no adequate answers. I believe if this law is not passed then all of the motorized skateboards (pg 1 line 15-17), motorized bicycle (pg 3 line 30-37), all-terrain vehicle (pg 3 line 38-43 & pg 4 line 1-2) should be operated by a licensed/insured driver.

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SEN. TRANSPORTATION COMMITTEE
DATE 3-16-04
ATTACHMENT: 6

From: "Lisa Dehon" <ldehon@ci.lenexa.ks.us>
To: <donovan@senate.state.ks.us>
Date: Tue, Mar 2, 2004 10:21 AM
Subject: Proposed Motorized Skateboard Legislation

AB 2709

Dear Senator Donovan -

I am an Assistant City Attorney with the city of Lenexa in Johnson County, Kansas. Like many cities, we have been involved in ongoing discussions regarding our concerns with motorized skateboards and how to effectively regulate and enforce their appropriate use. We recently discussed the passage of HB 2709 in the House and its impact on the city's ability to do just that. We agree that specific legislation needs to be enacted but have some thoughts and concerns regarding the legislative proposals. It is our understanding that the proposal has been referred to the Senate Committee on Transportation and, as the Chair of this committee, I wanted to pass these thoughts on to you.

As to the definition of a motorized skateboard contained in New Section 1, the language indicates that a motorized skateboard is a self-propelled device which has a motor or engine with a deck on which a person may ride. Would it be correct to assume that the word "ride" is intended to include a motorized skateboard designed to be stood or sat upon. The importance of this is that some motorized skateboards have simple seats attached to them and cause the same concerns as the devices designed only to be stood upon.

Our most significant concern, however, is with New Section 2 (b) which exempts motorized skateboards from the definition of a motor vehicle and the impact of this change on the ability of cities to enforce the appropriate use of motorized skateboards for children under the age of 14. Currently, the city has jurisdiction over individuals over 14 years of age who violate traffic ordinances. Accordingly, the city would be able to cite these individuals for violations under the new legislation. However, the city is unable to ticket children under 14 years of age. It is our belief that the majority of motorized skateboard users are under the age of 14.

Currently, because motorized skateboards come under the umbrella of the definition of a motor vehicle, cities are able to cite the parents of children under the age of 14 with a violation of either section 196 or 197 of the Standard Traffic Ordinance for Kansas Cities. Section 196 makes it a violation to "authorize or knowingly permit a motor vehicle owned by him or her or under such person's control to be driven upon any highway by any person who has no legal right to do so, or who does not have a valid driver's license." Section 197 states that "[n]o person shall cause or knowingly permit his child or ward under the age of 18 years to drive a motor vehicle upon any highway when such minor person is not authorized under the laws of Kansas to drive a vehicle."

If motorized skateboards are not considered to be motor vehicles, the city loses this ability to hold the parents accountable and only is able to return the child home and inform the parents of legal use of a motorized skateboard. While this may be effective in many circumstances, the city is concerned with those parents who refuse to adequately supervise their children's activities or who disagree with the city's ordinance and knowingly permit their children to ride on the public streets and highways placing their children and others in danger.

As an alternative, we would respectfully suggest that motorized skateboards be reclassified as "nonhighway motor vehicles". It is our understanding that the Kansas Division of Vehicles has indicated that it will not register motorized skateboards to be used on public highways because they fail to meet the necessary requirements for vehicle registration and, thus, fall under K.S.A. 8-197 as a nonhighway vehicle. This proposal still would disallow the use of motorized skateboards on public highways and sidewalks, etc. and allow cities to effectively police their use by children under the age of 14.

I would be happy to assist in way needed and look forward to hearing your thoughts on this matter. Thank you for your time and consideration of this matter.

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