

Approved: February 22, 2005
Date

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on February 9, 2005 in Room 527-S of the Capitol.

Committee member absent: Anthony Hensley

Committee staff present:

Hank Avila, Kansas Legislative Research Department
Bruce Kinzie, Revisors of Statutes
Maggie Breen, Committee Secretary

Conferees appearing before the committee:

Dan Ramlowk, Kansas Contractors Association
Nelson Olinger, Concerned Citizen
Lt. John Eichkorn, Kansas Highway Patrol
Terry Heidner, KDOT
Ron Butts, Kansas Public Transit Association
T.W. Anderson, Kansas Association of Airports

Others attending:

See attached list.

SB 81 - Traffic regulation, use of headlamps, windshield wipers

Proponents:

Dan Ramlowk, Executive V.P. Kansas Contractors Association, said that **SB 81** was a piece of common sense legislation that has positive safety features for the motoring public. It would also benefit and protect his industry's workers in construction work zones during inclement weather. Almost 20 states have such a law, with our neighbor Missouri having passed their law in 2004. ([Attachment 1](#))

Mr. Ramlowk read testimony by James R. Hanni, of AAA who could not be present. They, a membership organization represent 143,175 motorist throughout Kansas endorse **SB 81**. The content of the bill is also supported by national AAA policy. ([Attachment 2](#))

Nelson Olinger, Concerned Citizen, thanked the committee for providing him the opportunity to speak on the bill. Often during inclement weather, headlights are not used by motorist during daylight hours. He believes this is hazardous because of lack of sufficient visibility, especially on narrow highways and treacherous roads. He urged the committee to pass **SB 81**. ([Attachment 3](#))

Lt. John Eichkorn, appeared on behalf of Colonel William Seck and the Kansas Highway Patrol in support of **SB 81**. The bill will enable drivers to see oncoming traffic better and to be seen better by other drivers. The Patrol supports most of the bill, but making this legislation a secondary offence hinders the ability of law enforcement officials to encourage the use of headlights during adverse conditions. They can only issue a citation after observing and issuing a citation for a separate violation, such as speeding or improper lane change. They propose elimination of the secondary language. ([Attachment 4](#))

Tom Whitaker, Kansas Motor Carriers Association - Written Only ([Attachment 5](#))

Chairman Donovan ask Ken Gudenkauf what KDOT's position was. Ken said they do endorse the bill and will send the Chairman something in writing.

SB 184 - Repealing K.S.A. 75-5010, the division of aviation

Proponents:

Tery Heidner, KDOT, Director, Division of Planning and Development, said KSA 75-5010 was enacted on

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on February 9, 2005 in Room 527-S of the Capitol.

August 15, 1975, establishing the Division of Aviation within KDOT. Repealing it will not impact the powers and responsibilities the Secretary of Transportation currently has regarding aviation. They are requesting the repeal because it will enable them to enhance the Agency's efficiency in managing aviation and other non-highway transportation modes. It would improve transportation planning and provide greater support by focusing resources in one group for non-highway modes of transportation; improve efficiencies by combining KDOT's multi-modal resources that are currently scattered throughout the Agency; and better position the Agency to address changing demographic trends and dramatic growth anticipated in freight movement. They understand that aviation is pleased with the success of KDOT'S aviation program under the Comprehensive Transportation Program and that there is some uneasiness with the change. He assured the committee that it is their intent to increase the effectiveness of program for all modes, not for some modes to benefit at the expense of others. (Attachment 6)

Ron Butts, Executive Director, Kansas Public Transit Association, appeared in support of **SB 184**. He represents 140 members of the Kansas Public Transit Association and 195 public transportation providers in the state. The fastest growing services provided by public transportation are to individuals who are elderly and to individuals with disabilities. Meeting the future needs of just those two populations will require greater cooperation and coordination throughout the state. A new multi-modal division will bring about a greater emphasis on and attention to the needs and services provided by each of the modes. (Attachment 7)

David Kensinger, K&O and SK&O Railroads, Written Only (Attachment 8)

Opponent:

T.W. Anderson, President, Kansas Association of Airports (KAA), and Manager, Newton City/County Airport, requested that his entire written testimony be made a part of the record (Attachment 9) and said he would summarize it for the committee. The Kansas Association of Airports opposes passage of **SB 184**. It's the first step in the Secretary of Transportation's goal of creating a multi-modal transportation division to oversee all Kansas transportation concerns except highways. After much deliberation, his organization has come to the conclusion that although they applaud the Secretary's goal to maximize the efficiency of her department, and they would endorse the inclusion of the other concerns of transportation in a multi-modal division, KAA opposes the inclusion of Aviation. In the opinion of the members of the KAA, the Secretary has not made a sufficient case of assuring Kansans, especially the aviation users, that the same level of service and access will be maintained if Aviation is included. KAA members feel that the state that advertises being home to the Air Capitol of the World, the state that has had a richer aviation history than perhaps any other state in the union, and that is still today at the forefront of private as well as commercial aviation advancements in design, education and application, should have a first class Division of Aviation autonomous and staffed to address the needs of today, and the plans for tomorrow. He urged the committee to retain the division. KAA will ask legislators to consider methods to guarantee funding for airport improvements past the 2009 end of the current program. They urged the legislature to consider assuring future funding by designing the revenues collected under state sales tax on the retail sale of Aviation fuel. The Division of Aviation has done fantastic things with a small budget of \$3 million a year. Preliminary analysis indicates that the funding from such a sales tax could possibly fully fund the Division.

Final Action

SB 94 - Roads and highways, contracts

Chairman Donovan said there was an additional proposed amendment for **SB 94**. (Two amendments were approved on February 3.) To strike "as defined in the project contract documents" on line 37.

Senator O'Connor moved to adopt this amendment to **SB 94** and to pass the amended bill out favorable. Senator Petersen seconded the motion. Motion Carried.

The meeting adjourned at 9:21 a.m.

The date of the next meeting is unknown at this time.

**SENATE TRANSPORTATION COMMITTEE
GUEST LIST**

DATE: February 9, 2005

NAME	REPRESENTING
Dan Ramlow	KS Contractors Assn.
T.W. Anderson	KS Association of Airports
Nelson Olinger	Concerned Citizen
Matt Hickam	Kensinger + Assoc. - ShortLine RRs
April Buchanan	self
Janet Allton	self
Brian Bauano	Self
by H/D	SELF
Deann Williams	KmCA
Row Butts	KS PUBLIC TRANSIT ASSOC
Terry Heidner	KDOT
Ken Eudenkaut	KDOT
Randan Allen	KS. Assn. of Counties
Tom Gaches	GBBA
Woody Mau	KMCA

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TESTIMONY BEFORE THE SENATE TRANSPORTATION COMMITTEE ON SENATE BILL 81

Dan Ramlow, Executive Vice President
Kansas Contractors Association
February 9, 2005

Mr. Chairman and members of the committee. My name is Dan Ramlow and I am here this morning representing the Kansas Contractors Association. Our members build and supply the majority of the highway, road and bridge projects in our state.

I am here to respectfully request that you pass out favorably Senate Bill 81, a bill of common sense legislation that has positive safety features for the motoring public, and which would also benefit and protect our industry's workers in construction work zones during inclement weather.

I hope you can except the fact that if a driver has his or her windshield wipers on in a continuous mode, it is usually for the reason they cannot see out their windshield, due to rain, sleet, snow, or other atmospheric conditions obscuring their view. The need to have one's head and tail lights on under these same conditions, even during daylight hours, is not to light their way, but to signal their location to other drivers.

I understand the hesitancy to legislate common sense. In the perfect world, the best case scenario would be for every driver to have perfect common sense. However, common sense is almost a misnomer, as such sense is not common

SENATE TRANSPORTATION
2-09-05
ATTACHMENT 1

among different drivers. What is common sense for one, may not be common sense for another. If this "sense" were universally perfect, we would not need this legislation. But it is not. In fact, this committee has seen the need to legislate other common sense issues, a perfect example shown right here in the current statute, where you had to legislate that a driver must have his or her head and tail lights on from sunset to sunrise.

The next best case scenario would to have all motor vehicles perform the same certain function as motorcycles manufactured after 1978, and that is to have motor vehicles' head and tail lights be displayed at all times, to come on automatically when the ignition is turned on. But this is not yet a reality.

In fact, in a purely unscientific study, I called the sales offices of 19 car makes, representing more than twice that number of models, and discovered that not one American manufacturer made a vehicle that performed this function. True, GM vehicles, as an example, activate their daytime running lights when you turn the vehicle on, but this is a different animal. Daytime running lights are an excellent safety feature, but neither the full head lights nor tail lights are activated. I found that only the Subaru car, always an innovator in safety features, performs this function of activating head and tail lights, and a certain high-end Nissan vehicle offers this function as an option.

So, to give drivers that little extra nudge to use their common sense, and turn on their full head and tail lights when vision is obscured and their windshield wipers are on in a continuous mode, we sometimes have to use regulation to require this action. And this regulation can be passed on to new drivers during driver's education courses and through publication in the driver's manual before they take their license test, and for experienced drivers through the informational newsletters of associations representing such drivers, the major ones, the AAA of Kansas and the Kansas Motor Carriers Association, which endorse this legislation.

From our viewpoint, we would see immediate benefit from the provisions of this bill if it were to be enacted, on the major turnpike project that started the winter of 2004 and will run through the winter of 2005, to make the highway six lanes from Topeka to the Lecompton exit, at all times keeping a minimum of two lanes open for traffic. If inclement weather, or certain atmospheric conditions, were to hit the

project site during work, how nice it would be if drivers had their full lights on as they cleared their windshields to see out on the work zone lanes. I am sure they would feel as relieved to be able to see the car coming towards them in the other lane, as the workers would be to see traffic in both ways, as they suspend their work until conditions clear.

We therefore respectfully request your favorable passage of Senate Bill 81 from this committee to the full Senate, for that body's discussion and debate. If you do, we promise our resources to help educate your peers on the legislation's benefits and safety features.

Legislative Research may have already informed you, but almost 20 states have such a law, with our neighboring state Missouri having passed their law in its 2004 session.

There is no fiscal note to this bill. It will not cost the state any money. In fact, we see it as having savings for the state. I have no statistics to back this statement up, but to make conditions safer on the highways, and in work zones, with the provisions of this "wiper law," we see the potential of accidents being reduced and lives being saved. And what it might save in just one human life can make you proud to have been part of its enactment for the benefit of drivers throughout our state.

Thank you for your time and I stand for any questions the committee members might have.

**Testimony before the Senate Transportation Committee
On Senate Bill 81
February 9, 2005**

**By James R. Hanni, Executive Vice President
Kansas Region and Public Affairs
Automobile Association of America of Kansas**

The AAA of Kansas, a membership organization representing 143,175 motorists throughout Kansas, **endorses Senate Bill 81** as a way to promote safe driving habits among the Kansas motoring public. We respectfully request the committee's favorable action on the bill to pass it out to the full Senate. This bill is **supported by a national AAA policy** that states: *"State laws should require motorists to activate headlights when operating the windshield wiper."*

We thank you for your consideration of our request.

Nelson Olinger
Route 2, Box 220-C
Independence, KS 67301

Chairman and members of the committee, thank you for providing me with this opportunity to speak on Senate Bill 81. I believe this bill is important as a safety issue. Often during inclement weather, like the weather yesterday and this morning, headlights are not used by motorists during daylight hours. I believe this is a hazard because of the lack of sufficient visibility, especially on narrow highways and under highway speeds. In inclement weather, during daylight hours, cars may begin to blend in with the surroundings. Without visible taillights it is hard to recognize a breaking vehicle which can cause serious accidents especially on already treacherous roads. It is my belief that the use of headlights and taillights will help motorists to better recognize a vehicle in this kind of weather.

I urge the committee to pass Senate Bill 81. I again thank you for the opportunity to address this committee.

SENATE TRANSPORTATION
2-09-05
ATTACHMENT 3



KANSAS

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

Testimony on SB 81 Senate Transportation Committee

Presented by
LT John Eichkorn
Kansas Highway Patrol

February 9, 2005

Good morning, Mr. Chairman and members of the committee. My name is LT John Eichkorn, and I appear before you on behalf of Colonel William Seck and the Kansas Highway Patrol to support Senate Bill 81.

Kansas is no stranger to adverse conditions such as rain, fog, snow or sleet. As members of the law enforcement community, we are responsible for ensuring the motoring public reaches their destination safely, even during unfavorable conditions. Therefore, the Patrol sees merit in the proposed amendment.

Requiring motorists to turn on head and taillights during adverse conditions (when the continuous use of windshield wipers is necessary) will allow drivers to better see oncoming traffic and most importantly, be seen by other drivers. I think most of us can relate when I say that it can be a hair raising experience to miss seeing a vehicle while driving in adverse conditions such as snow. White colored vehicles often blend in with the snowy background making them difficult to see. This is also true with many other colors of vehicles during other driving conditions.

Senate Bill 81 provides a relatively easy step that has the potential to prevent injuries and save lives. For instance, when driving at night, we are able to avoid crashes by seeing the headlamps of the oncoming cars. And, just as we wouldn't want to drive at night without our headlights on, we shouldn't drive with them off during adverse conditions requiring the continuous use of windshield wipers.

While the Patrol supports most of Senate Bill 81, making this legislation a secondary offense hinders the ability of law enforcement officials to encourage the use of headlamps during adverse conditions. As in the case of safety belts, officers in Kansas can only issue a citation for a safety belt violation after observing and issuing a citation for a separate violation, such as speeding or improperly changing lanes.

For example, an officer stops a driver for a broken taillight, which would usually result in a warning, and notices that the front seat occupants are unbuckled. Under current law, the officer cannot issue a warning for the taillight and a citation for the safety belt violation. In order to issue a ticket for the safety belt violation, he or she must cite the driver for both violations.

When the officer is very aware of the dangers unbuckled occupants face, he or she may feel reluctant to issue two tickets to someone who is now looking at the expense of fixing a broken taillight. The officer is likely to give the driver two warnings instead of two citations. Situations like this weaken traffic safety and ultimately lead to lower safety belt usage rates for Kansas.

The same effect of a secondary safety belt law could be found when enforcing the provision of SB 81. It would be harder for law enforcement officers to acknowledge the importance of this measure and would make it more difficult to enforce. Unfortunately, we would not be helping to eliminate the problem. Instead, it would be more like putting on a "band-aid." Ultimately, the Patrol suggests the committee consider eliminating this provision.

Just as we as drivers want to see the presence of oncoming cars at night, the Patrol wants to make sure that motorists can see oncoming traffic during adverse conditions. And while secondary language has proven to make good legislation somewhat ineffective, the Kansas Highway Patrol supports SB 81 because of its potential benefits to the motoring public. The Patrol appreciates the opportunity to address you today and urges this committee to give Senate Bill 81 (with the proposed elimination of secondary language) a favorable report.

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KANSAS MOTOR CARRIERS ASSOCIATION

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Member Emeritus

TOM WHITAKER
Executive Director

February 9, 2004

Senator Les Donovan
Chairman
Senate Transportation Committee
State Capitol – Room 120-S
Topeka, KS 66612

Mr. Chairman:

The Kansas Motor Carriers Association supports passage of Senate Bill No. 81. Our support is a result of action taken by the KMCA Board of Directors on Tuesday, February 1, 2005.

Senate Bill No. 81 will require the display of headlights when windshield wipers are in use as a result of smoke, fog, rain, sleet or snow. Issuance of a citation for violating this statute would only occur if another citation is issued.

KMCA believes Senate Bill No. 81 will enhance safety when inclement weather is affecting travel. We ask for your support of Senate Bill No. 81.

Sincerely,

Tom Whitaker
KMCA Executive Director



KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY BEFORE THE SENATE TRANSPORTATION COMMITTEE

REGARDING SENATE BILL 184 RELATING TO THE DIVISION OF AVIATION

FEBRUARY 9, 2005

Mr. Chairman and Committee Members:

Good morning. I'm Terry Heidner, Director of the Division of Planning and Development for the Kansas Department of Transportation (KDOT). I appreciate the opportunity to testify on Senate Bill 184 which would repeal K.S.A. 75-5010. This statute established the Division of Aviation. On August 15, 1975 the legislature enacted K.S.A. 75-5011 pursuant to which all of the powers, duties, and functions of the Secretary of Economic Development relating to aviation were transferred to the Secretary of Transportation.

Repealing K.S.A. 75-5010 will not impact the powers and responsibilities that the Secretary of Transportation currently has regarding aviation. We are requesting the repeal of this act because it will enable us to enhance the Agency's efficiency in managing aviation and other non-highway transportation modes.

Under K.S.A. 75-5015 the Secretary of Transportation is provided the authority to organize the department in a manner deemed most efficient. This organizational change is recommended based on input from transportation stakeholders across the state and investigation into how other DOTs across the nation are organized.

The state's multi-modal transportation network includes: aviation, highways, rail lines, public transportation, bicycle/pedestrian facilities, and, to a limited degree, waterways. Establishing a multi-modal division, which would include aviation, provides several advantages over our current organizational structure. It would:

- improve transportation planning and provide greater support by focusing resources in one group responsible for non-highway modes of transportation,
- improve efficiencies by combining KDOT's multi-modal resources that are currently scattered throughout the Agency, and
- better position the Agency to address changing demographic trends and the dramatic growth we anticipate in freight movement.

Overall our partners have indicated that they support the creation of a multi-modal division; however, there isn't 100 percent support among stakeholders. We understand that aviation

SENATE TRANSPORTATION

2-09-05

ATTACHMENT 6

February 9, 2005

interests are pleased with the success of KDOT's aviation program under the Comprehensive Transportation Program.

The Kansas Airport Association has voiced concerns that aviation interests do not stand to benefit from this organizational change. We recognize that there will be some uneasiness with this change and we assure you Mr. Chairman, and members of the committee, it is our intent to increase the effectiveness of programs for all modes, not for some modes to benefit at the expense of others.

From our largest cities to our smallest communities and rural areas, this multi-modal transportation network is important in maintaining an improved quality-of-life and the ability to sustain our economy, and increase economic development opportunities. With this change, KDOT has determined that aviation, and all the other modes, will have a bigger place at the table as a single entity when we sit down to decide priorities. Repealing K.S.A. 75-5010 will allow us to include aviation in this new multi-modal division.

Thank you Mr. Chairman, I will be glad to answer any questions.



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Member:
American Public Transportation Association
Community Transportation Association of America
South West Transit Association

State of Kansas
Senate Committee on Transportation
Les Donovan, Chairman

Testimony by:
Ronald D. Butts
Executive Director
Kansas Public Transit Association

Mr. Chairman:
Members of the Senate Committee on Transportation:

My name is Ron Butts and I serve as executive director of the Kansas Public Transit Association. I thank you for this opportunity to appear before you today in support of Senate Bill 184.

I am pleased to have this opportunity to represent over 140 members of the Kansas Public Transit Association and the 195 public transportation providers in the State of Kansas.

We take great pride in the service we provide in the 117 Kansas communities we serve. Many individuals in each of these communities use public transportation for their access to their community – to go to work, to go to school, to go to the doctor, to go shopping or simply for social and recreational activities. The fastest growing services provided by public transportation are to those individuals who are elderly or to individuals with disabilities. To meet the future needs of just these two populations will require greater cooperation and coordination throughout the State of Kansas. The placement of public transportation within a multi-modal division in KDOT should provide increased opportunities for this required cooperation and coordination.

Some of you were involved with the Transportation 2000 Task Force meetings and heard the many expressions of need for and support of public transportation; indeed, for each of the modes of transportation. The Kansas Legislature recognized the needs of each of the modes in passing the Comprehensive Transportation Program in 1999. This recognition of each mode of transportation is extremely important and can be further enhanced with the development of a multi-modal division within the Kansas Department of Transportation. A new multi-modal division will bring a greater emphasis on and an attention to the needs and services provided by each of the modes.

We, in public transportation in Kansas, support Senate Bill 184 and we request your support.

Thank You.

K&O and SK&O Railroads
Support SB 184
Creation of Multi-Modal Division

February 9, 2005
Senate Transportation Committee

Good Morning Mr. Chairman, my name is David Kensinger, with Kensinger and Associates and I am here on behalf of two of Kansas' shortline railroads to support the favorable recommendation of SB 184. Combined our railroad network is the largest shortline network in Kansas and we move more than on-third of the annual what crop from country elevators to terminal elevators in Kansas or directly to their final North American destination.

Our railroads view this as a very positive by the Kansas Department of Transportation to address the incredible freight growth that is projected in the next ten years. By any measurement the amount of freight that is projected to move in Kansas is expected to double in that time period and in fact those estimates could be conservative.

KDOT needs to have the organizational structure to recognize that how freight moves 10-years from now, may not be how it moves today. We see rail as a vital component of a Kansas Transportation System, and those needs should be evaluated through a holistic approach of a multi-modal system, versus the various separate divisions that KDOT has today.

We believe KDOT has accurately described the three primary benefits that this structure offers: better planning, improved efficiencies, and most importantly the ability to position Kansas' transportation system to meet our economic needs in the years ahead.

One final point Mr. Chairman, is that transportation is most often measured in years and decades, not the days and months that most of us are use to. In order to make the best recommendations to the Legislature on how transportation should be spent, all non-highway modes of transportation should be elevated and given a stronger and more coherent voice within the Department.

Kansas and its shortline railroads have one of the best models for working together in the United States. We believe SB 184 only makes it better. Thank you.



February 9, 2005

Testimony before the Kansas State Senate Transportation Committee

Re: Senate Bill number 184

T.W. Anderson
President
Kansas Association of Airports

And

Airport Manager
Newton City/County Airport
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RE: Opposition to Senate Bill number 184 which seeks to repeal KSA 75-5010 establishing the Division of Aviation within the Kansas Department of Transportation.

**Testimony 2/9/05 by: T.W. Anderson, President, Kansas Association of Airports
Manager, Newton City/County Airport, 810 North Oliver Road, Newton, Kansas 67114**

1. The repeal of KSA 75-5010 is the first step toward the Secretary of Transportation's goal of creating a Multi-Modal Transportation Division to oversee all Kansas transportation concerns except highways. In the opinion of the membership of the Kansas Association of Airports (KAA) the secretary has not made a sufficient case for consolidating aviation into this all inclusive division and yet assure the citizens of Kansas, particularly the aviation users that the same level of service and access will be maintained. The KAA opposes including Aviation within the proposed Multi-Modal Transportation Division, opposes any steps to repeal KSA 75-5010 and therefore opposes passage of Senate Bill 184.
2. The Kansas Association of Airports (KAA) represents the management of the majority of public airports within our state. Our membership includes local, state and federal officials as well as consultants, planners and engineers involved with our state aviation system.
3. Over the last two years our membership has been involved in the consideration of a proposal by the Secretary of Transportation regarding incorporating various transportation concerns (except highways) into one division in order to maximize efficiencies and share resources.
4. After much consideration our membership have come to the conclusion that although we applaud the Secretary's goal to maximize the efficiency of her department, and we would endorse inclusion of the other concerns of transportation into a Multi-Modal division, we feel the effectiveness of the Kansas Airport Improvement Program (KAIP) and the other services performed by the very small, and already efficient staff of the Division of Aviation would not be enhanced, and would in fact be degraded by the proposed inclusion into a Multi-Modal Transportation Division.
5. We find no advantage in adding another level of intervening bureaucracy between the state department handling all matters concerning aviation and the Secretary of Transportation.
6. The Kansas Department of Transportation has admitted to the KAA membership that KDOT is aware that aviation has many separate and different issues.
7. The Division of Aviation has done a remarkable job of administering a very effective and efficient division. The Secretary herself has stated that the accomplishments of the Division of Aviation should be a model to the other divisions and bureaus within her Department.
8. KSA 75-5010 was enacted to establish the Division of Aviation as a separate entity under the Kansas Secretary of Transportation after decades during which aviation users and providers were left to fend for itself. Without a formal state airport program the majority of airports in the state, which did not qualify for federal improvement grant funding, were left to deteriorate. Airport development was left solely up to local desires and designs with no one to provide counsel, direction or support.
9. Prior to enactment of this law there was no one to turn to as an advocate for aviation within the state. Aviation was lumped into the category of "other transportation concerns" other than highways. KSA 75-5010 helped to rectify that situation and brought aviation out of the "other" category to the importance it deserves in a state with such a rich aviation history and an expansive dependence on the aviation industry.
10. Establishment of a separate division level state office to counsel and lead the airports of our state provided much needed guidance, while also providing a conduit through which the users of our state aviation system could provide input to state departments and officials. Division personnel have since been active in communicating with the state's various aviation user groups. Prior to my position with the Newton Airport I served the Commercial Aerial Applicators of this state as an aviation insurance broker. I met Division of Aviation personnel at every state meeting of the association representing those crop dusters. The Division personnel took an active interest in how the various forms of aviation in our state worked together to enhance our economy.
11. Even after KDOT gained a separate Division of Aviation that division did not reach its full potential because it was manned in the 80's and 90's by political appointees with little or no experience or interest in aviation. The bottom line is that during that period neither the Secretary of Transportation nor the Division of Aviation Director did much to promote and improve aviation in our state. This points out that not only is a separate division important, but that the leadership of that division has to be knowledgeable and active in the aviation industry.
12. As proposed Aviation would be moved one more step away from the Secretary of Transportation. The KAA fears that with the Multi-Modal Transportation Division proposal that relegates Aviation to be led by a Bureau manager who then answers to a division director handling all aspects of state transportation other than highways, Aviation will have absolutely NO VOICE to be heard.
13. Finally in the late 1990's under Division of Aviation Director Mike Armour the users of the state aviation system were able to provide effective input to KDOT and the state comprehensive transportation plan.

- Championed by active division representation in the plans development, aviation was able to obtain the Kansas Airport Improvement Program allocating up to \$3 million dollars a year to bring our state airports back up to the safety and efficiency standards needed to serve the state's communities.
14. KDOT Secretary Miller has complimented Mike Armour, former director of aviation and his small division staff for creating a plan for the Kansas Airport Improvement Program that has created an investment of over \$30.8 million in capital improvements to the air transportation system in Kansas that would not be addressed by federal grant programs. The Division of Aviation staff has found practical ways of handling requests for airport improvements that the Federal Aviation Administration has been unable or unwilling to address.
 15. The backlog of project applications on file with KDOT for the KAIP program is 64 projects requiring an investment of over \$17 million. I have been advised that the KAIP has obtained approval to address 16 of those projects in 2006 with an investment of \$3.253 million. There is no doubt that the economic impact of the KAIP program has been great, and its administration has been successful.
 16. The KAA obtained the counsel of municipal and county management who have dealt directly with the Division of Aviation for KAIP projects over the years. We sought out the counsel of airport management and aviation consultants from all sizes of operations from the largest in the state, to the smallest.
 17. We agree with Secretary Miller that there are common interests, concerns and methods to address those concerns in rail, public transit, bike and pedestrian accommodations and possibly even in freight analysis since KDOT's primary challenge is the effect of short line railroads on other modes of transportation in the state. We DO NOT find many, if any, common interests, concerns and methods between airport planning, construction and maintenance and the other modes of transportation. Aviation has little if any interaction with these other modes.
 18. We understand that in the case of freight there is a push to put more freight in the air than on the roads or railways, but freight aircraft are restricted by weight, size and security concerns to the state's commercial service airports. Those airports have little, if any, interaction with KDOT other than perhaps the planning of their airport entrance highway connections.
 19. And the freight tonnage and economic impact are already being tracked by interests studying economic development and therefore seeking to put Aviation in the same division as Freight Analysis has no advantage.
 20. The KDOT Secretary pointed out that Mike Armour and his staff at the Division of Aviation created a culture and legacy that is a model for other departments and divisions. The Secretary called the results yielded by the Division of Aviation "My favorite good news stories in transportation". The Secretary has admitted that it has worked well. We agree with that analysis and do not agree that the proposed change in the way in which the airports of this state deal with KDOT will enhance that program or benefit the users.
 21. The Secretary has stated that one of the reasons she seeks to combine Aviation with the other modes of transportation is so that the small Aviation department could use the resources of the other modes of transportation. I have been advised by interviewing the acting director and the executive secretary for the Division of Aviation that they already enjoy full access and support of the various other transportation modes when needed which is the manner in which departments and divisions should work together.
 22. **In conclusion:** the Kansas Association of Airports cannot support the proposal to include the Division of Aviation or the concerns of the state aviation system within a Multi-Modal Transportation Division. The KAA will not support SB-184 as legislation to repeal KSA 75-5010 which successfully created the Division of Aviation as a separate entity under KDOT.
 23. The membership of the KAA feel that the state that advertises being home to the Air Capitol of the World, the state that has had a richer aviation history than perhaps any other state in the union, and that is still today at the forefront of private as well as commercial aviation advancements in design, education and application, should have a world class Division of Aviation autonomous and staffed to address the needs of today, and the plans for tomorrow. It is our sincere hope that you will agree with our analysis and support retaining the Division of Aviation as it now exists.
 24. And in addition, KAA will ask legislators to consider methods to guarantee funding for airport improvements past the 2009 end of the current program. We would urge the legislature to consider assuring the future funding of the Kansas Airport Improvement Program and the Division of Aviation by designating the revenues collected under state sales tax on the retail sale of Aviation Fuel, which is already tracked and accounted for in compliance with KSA 75-5152 to be set aside in a separate trust fund and dedicated to Aviation uses within our state and to be administered by the Secretary through the Division of Aviation much like our Federal Aviation Trust Fund allocates federal taxes collected on aviation activities to federal aviation programs. Designating state sales tax on aviation fuel to be used for aviation programs would provide the minimum funding to assure state programs in aviation are continued even in lean years as we are now experiencing. The Division of Aviation has done fantastic things with a small budget of \$3 million a year. Preliminary analysis indicates that the funding from such state sales tax, derived from aviation uses, and dedicated for aviation purposes could possibly fully fund the KAIP as it is now designed and hopefully past the 2009 end of the current state comprehensive transportation plan.
- Sincerely, T.W. Anderson, C.M., President, Kansas Association of Airports