

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on February 16, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Jerry Henry- excused
Representative Louis Ruiz- excused

Committee staff present:

Hank Avila, Kansas Legislative Research
Bruce Kinzie, Revisor of Statutes Office
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Tom Whitaker, Executive Director, KS Motor Carriers Association
Pat Haffner, Citizen of Hoxie, KS
Randy L. Rogers, representing the Kansas Sheriffs Association
Larry Baer, Assistant General Counsel for League of KS Municipalities
Representative Ed O'Malley

Others attending:

See attached list.

Chairman Hayzlett opened the meeting with **SB 373**.

SB 373 - Apportioned registration of fleet vehicles, enforcement

The Chairman recognized Tom Whitaker, Executive Director of the Kansas Motor Carriers Association. According to Mr. Whitaker (Attachment #1) this bill will implement the Performance and Registration Information Systems Management (PRISM) program in Kansas. This program allows the state to tie interstate commercial motor vehicle identification numbers to a motor carrier's identification number issued by the Federal Motor Carrier Safety Administration.

There were no other proponents and no opponents. After questions were answered the Chairman closed the hearing on **SB 373** and opened the hearing on **HB 2697**.

HB 2697 - Railroad leasing act, application of act

Chairman Hayzlett recognized Pat Haffner and his wife Jackie. According to Mr. Haffner (Attachment #2) the proposed amendment would clarify that the compensation provisions of the act are not affected by the July 1, 1998, effective date that applies to lease terms. He said the amendment would insure that he was able to negotiate under all the terms of the act to insure fair and just compensation for his improvements.

There were no other proponents and no opponents. After questions were answered, Chairman Hayzlett closed the hearing on **HB 2697** and opened the hearings on **HB 2740**.

HB 2740 - Traffic regulations, restricting all terrain vehicles

Chairman Hayzlett recognized Randy Rogers, Legislative Chair for the Kansas Sheriffs Association. Mr. Rogers said (Attachment #3) the Kansas Sheriffs Association would support legislation that would make the operation of ATV's on any public roadway illegal while recognizing some exemptions.

There were no other proponents and no opponents. The Chairman recognized Larry Baer, Assistant General Counsel for the League of Kansas Municipalities who wanted to present neutral testimony on **HB 2740**. Mr. Baer said The League had long maintained that an ATV is a motor vehicle and as such it should meet the same registration and insurance requirements, have statutorily required safety devises and be operated by an individual with a valid driver's license. (Attachment #4) According to Mr. Baer the proposed legislation should go further and clarify the status of other motorized vehicles of a similar nature, i.e. golf carts,

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on February 16, 2006 in Room 519-S of the Capitol.

motorized skateboards, mini-scooters, "pocket rockets" and so on. He said the clarification should include their classification, safety equipment required, what registration, licensing and age requirements would be required.

After questions were answered, the Chairman closed the hearing on **HB 2740** and opened hearings on **HB 2758**.

HB 2758 - Designating a part of K-177 and US 24 Highways as Coach Bill Snyder Highway

Chairman Hayzlett introduced Representative Ed O'Malley. According to Representative O'Malley this bill would designate K-177 highway, from its junction with Interstate 70 northward to its junction with Highway 24, and Highway 24 northward to its junction with K-13 as the Coach Bill Snyder Highway. (Attachment #5) Representative O'Malley said Coach Snyder brought more positive attention and recognition to Kansas State University than any attempt at a public relations campaign could have ever done.

There were no other proponents and no opponents so the Chairman closed the hearing on **HB 2758**.

It was the Chairman's desire to work **HB 2758** so he opened it up to the Committee for discussion or motions. Representative O'Malley made a motion to favorably pass this bill out of Committee. The motion was seconded by Representative Burgess and the motion carried.

The Chairman drew the Committee's attention to Minutes of the February 1, 2006, Committee meeting. Representative Olson made a motion to approve the Committee Minutes and Representative Beamer seconded the motion. The motion carried.

Representative Faber announced there would be a meeting of the sub-committee on HB 2218 upon adjournment of the Committee meeting.

There being no further business the Chairman adjourned the meeting. The next meeting will be on February 20, 2006, in Room 519-S at 1:30 p.m.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-16-06

NAME	REPRESENTING
Bob Anderson	MSPA
Kathryn Haffner	CITIZEN
Kathryn Haffner	Private Citizen
Pat [unclear]	
Larry R. [unclear]	CKM
Randy Rogers	Kansas Shovel Assn
Jeff Bottenberg	Kansas Shovel Assn
Duane Simpson	KGFA
Tom Tunnell	KGFA
Deann Williams	KinCA
Diane Albert	KDOR
Carmen Aldrift	"
Al Leister	KDOR
Tim Howison	CITIZEN
Pat [unclear]	Ks Rchools
Sue Vaird	K-State
SUE PETERSON	K-STATE
Deann + Fitzsimmons	LLA
Verree Fitzsimmons	KLA

HOUSE TRANSPORTATION COMMITTEE

DATE 2-16-06

NAME	REPRESENTING
Edward DeSoignie	Heavy Constructors Association
Phil Bradley	KLBA
Tom Whitaker	KMCA
Marcy Quason	Rep. Ballard
Estelle Montgomery	Hein Law Firm
Kiel Brunner	intern
Ken Gudenkauf	KDOT



Kansas Motor Carriers Association

Trucking Solutions Since 1936

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Circle K Transport, Inc.
President

Jeff Robertson
J.M.J. Projects
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Miller Trucking, LTD
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TT&T Towing, Inc.
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Criqui Corp.
Corporate Secretary

Jerry Arensdorf
Arensdorf Trucking, Inc.
ATA State Vice President

Ken Leicht
Rawhide Trucking, Inc.
ATA Alternate State VP

Mike Ross
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Kelly Kile
Wal-Mart Stores, Inc.
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Dave Eaton
Cummins Central Power, LLC
Allied Industries Chairman

Tom Whitaker
Executive Director

LEGISLATIVE TESTIMONY

Presented by the Kansas Motor Carriers Association
Before the House Transportation Committee
Representative Gary Hayzlett, Chairman
Thursday, February 16, 2006

MR. CHAIRMAN AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE:

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear here this afternoon representing our 1,250 member-firms in support of Senate Bill No. 373, which will implement the Performance and Registration Information Systems Management (PRISM) program in Kansas. PRISM allows the state to tie interstate commercial motor vehicle identification numbers to a motor carrier's identification number issued by the Federal Motor Carrier Safety Administration.

PRISM has been implemented in 32 states. Senate Bill No. 373 will allow the Kansas Department of Revenue to revoke or suspend the vehicle registration of commercial motor vehicles if the motor carrier responsible for its safety has been prohibited from operating in interstate commerce by the Federal Motor Carrier Safety Administration.

The Department's ability to revoke or suspend motor vehicle registrations through PRISM only applies to those vehicles registered in Kansas under the provisions of the International Registration Plan (apportioned registration) and not to vehicles registered at the county level.

Senate Bill No. 373 is supported by KMCA, the Kansas Department of Revenue and the Federal Motor Carriers Safety Administration. Implementation of PRISM is funded through grants from the federal government.

We respectfully request the House Transportation Committee act favorably on Senate Bill No. 373. Thank you for the opportunity to appear before you today. I would be pleased to respond to any questions you may have.

House Transportation
Date: 2-16-06
Attachment # 1



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Performance and Registration Information Systems Management (PRISM)



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BACKGROUND

The Performance and Registration Information Systems Management Program (PRISM) originated as a pilot project mandated by Congress under section 4003 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). The goal of the project was to explore the potential benefits of using State commercial vehicle registration sanctions as an incentive to improve motor carrier safety.

The PRISM pilot demonstration project was developed through a cooperative agreement between the Federal Motor Carrier Safety Administration (Former FHWA, OMC) and the Iowa Department of Transportation (DOT). In addition to Iowa, four other States-- Colorado, Indiana, Minnesota and Oregon, participated in the PRISM pilot demonstration project.

The pilot officially ended on September 30, 1997. A final report assessing the feasibility, costs, and benefits of the PRISM program was submitted to Congress in 1998. The report proved conclusively that the possibility of State commercial vehicle registration sanctions could, indeed, serve as a powerful enforcement tool in Federal and State motor carrier safety improvement efforts.

In 1998 Congress authorized additional funding through the Transportation Equity Act for the 21st Century (TEA-21) to implement the PRISM program nationwide.

THE PRISM IMPLEMENTATION PROCESS

- Step 1 **Initial Briefing** - At the State's request, an initial briefing of the PRISM program will be conducted for State officials by FMCSA staff. This briefing is meant to give State officials an outline of the PRISM program and its benefits to the State's safety initiatives.
- Step 2 **Letter of Intent** - If as a result of the initial briefing, a State decides to join the PRISM program, they must state their intentions to implement the program in a "Letter of Intent" to FMCSA. This letter should be sent to the FMCSA Division Administrator, who then forwards the letter to the FMCSA Office of Enforcement and Compliance in Washington, DC.
- Step 3 **In-depth Training** - Once the Letter of Intent is received, a 2-day in-depth PRISM training session will be scheduled for the

1-2

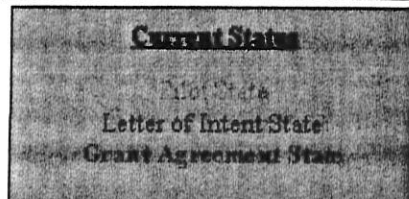
respective State. This training will include a general overview of the program and a thorough review of the grant requirements included in the PRISM Implementation Guide. As part of this process, the FMCSA PRISM Team and Division staff will use the Guide to lead the State through the process of developing their own plan. Group efforts will include the identification of responsible parties, development of implementation timelines, cost estimates, etc. Therefore, State attendees at this training should include IRP, ITS/CVO, and enforcement personnel with the authority to make decisions for the State.

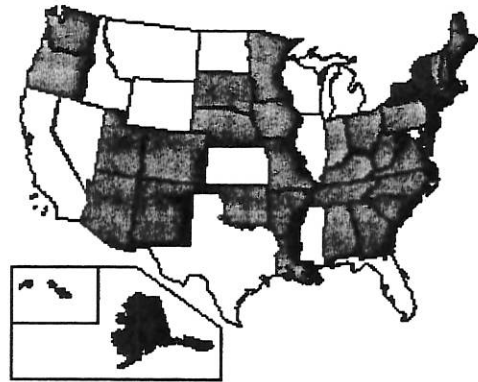
- Step 4 **PRISM Implementation Plan** - Following the 2-day training session, PRISM staff will forward a draft version of the State's Implementation Plan to State officials for completion. If needed, PRISM staff will continue to work with State officials to finalize their Implementation Plan for submission. The Plan must specify how the State will meet the program requirements, time frames for completion, and associated costs.
- Step 5 **Finalize Plan & Award Grant** - Once a State's Implementation Plan has been finalized by the State, it should be submitted to the FMCSA Division Administrator for review and then forwarded to the FMCSA Office of Enforcement and Compliance for final approval. After the Plan has been approved by FMCSA, a grant will be issued to the State agency in the amount specified in the Implementation Plan.
- Step 6 **Implement PRISM** - Following the award of a PRISM Grant, the State is responsible for ensuring the program is implemented in their State according to the procedures, time lines, and costs identified in their Implementation Plan. States will also be required to intermittently report their progress to FMCSA. Funds for PRISM grants are typically established for a two-year period.

PARTICIPATING STATES

As of March 1, 2004, twenty-seven States have joined the original five PRISM pilot States to implement the PRISM program. The States of Alaska and New York have also provided the FMCSA with a Letter of Intent to implement the PRISM program. PRISM States currently collecting MCS-150 forms and issuing USDOT numbers to motor carriers include Arizona, Colorado, Connecticut, Georgia, Indiana, Iowa, Kentucky, Maine, Minnesota, North Carolina, Pennsylvania, South Dakota, and Tennessee. The following information identifies States participating in the PRISM program.

PRISM				
Pilot States	Grant States			Letter Of Intent States
Colorado	Alabama	Missouri	Rhode Island	Alaska
Indiana	Arizona	Nebraska	South Carolina	New York
Iowa	Arkansas	New Hampshire	South Dakota	Hawaii
Minnesota	Connecticut		Tennessee	
Oregon	Georgia	New Jersey	Utah	
	Kentucky	New Mexico	Vermont	
	Louisiana	North Carolina	Virginia	
	Maine	Ohio	Washington	
	Massachusetts	Oklahoma	West Virginia	
		Pennsylvania		





PROGRAM OVERVIEW

The PRISM program includes two major processes - the Commercial Vehicle Registration Process, and the Motor Carrier Safety Improvement Process (MCSIP), which work in parallel to identify motor carriers and hold them responsible for the safety of their operation. The performance of unsafe carriers is improved through a comprehensive system of identification, education, awareness, safety monitoring and treatment.

- **The Commercial Vehicle Registration Process** - A State's commercial vehicle registration process provides the framework for the PRISM program and serves two vital functions. First, it establishes a system of accountability by insuring that no vehicle is plated without identifying the carrier responsible for the safety of the vehicle during the registration year. Second, the use of registration sanctions serves as a powerful incentive for unsafe carriers to improve their safety performance. The vehicle registration process ensures that all carriers engaged in interstate commerce are uniquely identified through a USDOT number when they register their vehicles. The safety fitness of each carrier can then be checked prior to issuing vehicle registrations. Thus, motor carriers that have been prohibited from operating in interstate commerce may then have their ability to register vehicles denied.
- **The Motor Carrier Safety Improvement Process (MCSIP)** - MCSIP is the means by which a motor carrier's safety is systematically tracked and improved. The process is designed to improve the safety performance of motor carriers with demonstrated poor safety performance through accurate identification, performance monitoring and treatment. MCSIP carriers that do not improve their safety performance face progressively more stringent penalties that may result in a Federal "unfit" or "imminent hazard" determination and the possible suspension of vehicle registrations by the State.

BENEFITS OF PRISM

The results of the PRISM pilot far exceeded the FMCSA's expectations in terms of benefits, cost effectiveness and operational feasibility. It also produced major safety, economic and productivity benefits as follows:

Accountability - Identification of the motor carrier (via their USDOT number) responsible for the safe operation of the vehicle(s) being registered has clearly produced a major safety benefit. Accountability means that safety events (e.g. inspections, accidents, driver moving violations) affecting a PRISM registered vehicle can be more accurately tied back to the responsible motor carrier.

A Performance-Based Approach to Safety Management - The primary means of identifying potentially poor performing carriers is through an accumulation of carrier, vehicle, and driver specific safety events that are linked to the motor carrier through the

carrier's USDOT number.

Safestat - By far, one of the most important safety benefits resulting from the PRISM pilot has been the development of the SafeStat prioritization methodology. SafeStat is a data-driven, performance-based algorithm used to identify potentially high-risk motor carriers for inclusion in the PRISM improvement process (MCSIP).

Improved Productivity - The PRISM program was developed to meet the challenge of reducing the number of commercial vehicle crashes of a rapidly expanding motor carrier population. It has increased both the efficiency and effectiveness of Federal and State safety efforts through:

- A more accurate process for targeting the highest risk motor carriers, which allows for a more efficient allocation of scarce Compliance Review (CR) and roadside inspection resources.
- The use of "Warning Letters" as an ineffective, yet inexpensive, alternative to a Compliance Review for carriers with less severe safety performance problems.

Improved Data Quality - The PRISM program has shown that an improvement in the accuracy and timeliness of data will result in better resource allocation and heightened efficiencies in the administration of major Federal and State safety programs. The data improvement initiatives in this project have significantly improved the accuracy and timeliness of critical accident and inspection data collected and uploaded by State motor carrier safety personnel. Several of the most notable data improvement initiatives resulting from the PRISM program are listed below.

- The development of a procedure for obtaining current census and operational data on motor carriers as part of the State's annual vehicle registration renewal process.
- The development of a procedure for using plate numbers as a means to more effectively assign inspection and accident data to the responsible motor carrier.
- The incorporation of a data correction element within the Motor Carrier Safety Improvement Process.
- The development of a nationally accepted procedure for correcting safety data errors.
- The funding of bar-code technology for registration documents and roadside inspectors to reduce data entry errors on accident and roadside inspection reports.

Improved Motor Carrier Safety - The PRISM program pioneered the use of a "Warning Letter" as an alternative to an on-site Compliance Review for motor carriers with less severe safety problems. Alternatives such as this have taught us that the vast majority of motor carriers in the PRISM program improve their performance long before registration sanctions are applied. Thirty percent of the motor carriers that receive warning letters improve their safety performance on their own.

Customer Service - The PRISM program improves customer service by allowing State registration agencies to issue U.S. DOT numbers. This process promotes a "one-stop shop" concept by reducing the number of government agencies that a motor carrier must deal with to get on the road.

STATE LEGISLATION FOR PRISM

In some States, legislation must be passed to provide the legal authority to impose vehicle registration sanctions against motor carriers that have been prohibited from operating by the FMCSA. The following sample language is provided for States that need enabling legislation:

- **Grounds for Refusal of Registration:**
If a commercial motor vehicle is being operated by a commercial motor carrier that has been prohibited to operate in interstate commerce by a Federal agency with authority to do so under Federal law.
- **Registration Suspension Based on Federal Prohibition from Operating in Interstate Commerce:**

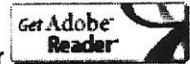
The Division of Motor Vehicles (or appropriate Stateagency) is authorized to suspend or revoke the registration of a commercial motor vehicle if the commercial motor carrier responsible for its safety has been prohibited from operating by a Federal agency.

HOW TO JOIN PRISM

Federal grant funds are available to States that have received PRISM training and submit an acceptable PRISM Implementation Plan. The Federal Motor Carrier Safety Administration (FMCSA) provides 100 percent grants - no State match is required. States that are interested in participating in the program should request a briefing by FMCSA staff to explain the program and answer questions. If, after the introductory briefing, a State wants to join the program, a Letter of Intent must be sent to FMCSA and a training session will subsequently be scheduled to assist the State in developing an Implementation Plan. Upon approval of the plan by the FMCSA, the FMCSA Division Administrator and the appropriate official from the State agency that receives the grant must sign a Federal grant agreement.

Interested States should contact Mr. Bryan Price at 412-395-4816, or Ms. Susan Alonzi at (202) 366-9699.

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Federal Motor Carrier Safety Administration
400 7th Street SW, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339

Mr. Chairman and members of the Transportation Committee, I am Pat Haffner of Hoxie, Kansas. I am here in support of Bill #2697, to amend the Railroad Leasing Act. Thank you for your time.

This amendment is necessary because the Act does not protect owners of improvements to railroad rights-of-way abandoned prior to enactment of the legislation.

I purchased a grain elevator in 1987 and improved the floodplain to direct water away from the grain storage areas. I had a lease with the Union Pacific Railroad until 1997 when the UP abandoned the Colby to Plainville line. In that last year the Railroad terminated all the leases on that line rather than allow them to be renewed for less than a full year. The railroad pulled up track later that year, and filed a final disclaimer in Sheridan County, Kansas, December 15, 1998. Ownership of each right-of-way was left up to the adjoining landowners to work out on their own. With the abandonment, the land my improvements are on ended up being owned by third parties who were the owners of the servient estate over which the former UP easement passed.

Believing my property was covered under the Railroad Leasing Act, I waited to be notified by the property owner regarding a new lease. Instead I was presented with an eviction notice. I was to have all personal property removed from the right-of-way within five (5) days. It became obvious that the property to be removed did not include my buildings and improvements as these could not be moved in the timeframe given and it also became evident that the property owner had no intention of compensating me for these buildings and improvements. My attempts to negotiate through my lawyer, as stated in the Railroad Leasing Act, were simply ignored.

An expensive legal dispute has resulted. The third parties claimed that the Railroad Leasing Act does not apply to my case because I entered into my lease with the UP in 1987, some years prior to the effective date of the Act, July 1, 1998, as set out in K.S.A. section 66-537. See attached.

Citing that section of the Act, the district court trial judge in my case agreed that the Act does not apply because my lease with the UP was entered into well before the effective date.

Some provisions of the Railroad Leasing Act dictate lease terms that must be part of, or be deemed to be part of railroad land leases such as the one I entered into with the UP. I understand that a statute dictating such lease provisions, intended to protect lessees such as myself, cannot have retroactive effect due to constitutional law considerations. My situation, however, does not involve lease terms. Rather, in my legal case I sought to enforce the provisions of the Act which require the successor in interest to succeed to the rights and obligations of the railroad as set forth in K.S.A. section 66-535 (c) and (d). See attached.

If I were to be ejected from the land where my improvements are situated, for all

House Transportation
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Attachment # 2

practical purposes the third parties who have received a windfall in the right-of way would also become the owners of my improvements without having paid anything for them, and I would suffer substantial financial loss.

The proposed amendment to the Railroad Leasing Act would clarify that the compensation provisions of the Act are not affected by the July 1, 1998, effective date that applies to lease terms. The amendment would insure that I am able to negotiate under all the terms of the Act to insure fair and just compensation for my improvements. There are many people along the former Colby-Plainville line who, like me, own valuable improvements, including ongoing businesses, which were erected on railroad land but are now situated on land owned by third parties. The owners of the businesses and improvements and the new land owners will benefit from the clarifying effect of this legislation. Many legal disputes will be avoided by such clarification. Most importantly, the amendment will insure that good faith owners of businesses and improvements such as myself will receive full compensation as originally intended by the Railroad Leasing Act when railroad rights-of-way are abandoned.

Thank you Mr. Chairman and members of the committee.

66-537**Chapter 66.--PUBLIC UTILITIES****Article 5.--POWERS OF RAILROAD COMPANIES**

66-537. Application of act. The provisions of this act shall not apply to or affect any valid lease entered into prior to the effective date of this act or to any renewal or extension thereof on the same terms and conditions, but the provisions of this act shall apply to and govern any renewal or extension of such lease on any different term or condition or any material modification of any such lease where such renewal, extension or material modification is effected on or after the effective date of this act.

History: L. 1998, ch. 158, § 7; July 1.

66-535**Chapter 66.--PUBLIC UTILITIES****Article 5.--POWERS OF RAILROAD COMPANIES**

66-535. Tenant rights; sale or abandonment by railroad, procedure. (a) If a railroad unreasonably refuses to renew a lease, whether or not the tenant is required to remove its improvements pursuant to the terms of the lease, or if a railroad terminates a lease pursuant to subsection (c)(3) of K.S.A. 66-533 and amendments thereto, the tenant under the lease shall not be ejected from the railroad land, unless and until the tenant is fully compensated by the railroad for the tenant's improvements.

(b) In the event any railroad land is sold, any lease shall be assigned to the purchaser as part of the transaction, and the purchaser shall succeed to the rights and obligations of the railroad under the lease and the provisions of this act.

(c) In the event any railroad land is abandoned by a railroad, any person establishing a superior right or title to such railroad land shall be deemed to be a successor in interest to the railroad for purposes of this act and shall succeed to the rights and obligations of the railroad under the lease and the provisions of this act. The tenant shall not be dispossessed by any such person unless and until the tenant is fully compensated by such person for the tenant's improvements, except that such person shall have the right to set off any obligation then due to such person from the tenant under the lease.

(d) Any dispute as to the amount of full compensation or as to a railroad's unreasonable refusal to renew a lease, shall be resolved in the manner provided in K.S.A. 66-534 and amendments thereto.

History: L. 1998, ch. 158, § 5; July 1.

66-534**Chapter 66.--PUBLIC UTILITIES****Article 5.--POWERS OF RAILROAD COMPANIES**

66-534. Resolution of disputes. (a) All disputes regarding lease terms and conditions shall be resolved by negotiation, mediation or, if necessary, by court action, as provided in this act.

(b) The parties shall first negotiate in good faith to resolve each such dispute. If each such dispute has not been resolved by negotiation within 60 days after negotiation is requested in writing, then upon the written request of either party, the parties shall agree upon an independent, qualified mediator to assist the parties in the resolution of each such dispute. If the parties are unable to agree upon a mediator within 30 days after such written request, then upon application of either party, the district court shall appoint an independent, qualified mediator to assist the parties in the resolution of each such dispute.

(c) If the parties are not successful in resolving a dispute arising under a lease through negotiation and mediation, as provided in this section, either party may commence an action in district court to resolve the dispute.

(d) In any determination of fair lease rental of the railroad land, the value of improvements owned by the tenant shall not be considered.

History: L. 1998, ch. 158, § 4; July 1.

Kansas Sheriffs Association

Salina, Kansas 67402-1853

785-827-2222

Fax 785-827-5215

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Coffey County

First Vice President
Sheriff Jeff Parr
Stafford County

Second Vice President
Sheriff Gary Steed
Sedgwick County

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Brown County - Dist. #4
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Kiowa County - Alternate

Sheriff Gerald Gilkey
Sumner County - Dist. #7
Sheriff Steve Bundy
Rice County - Alternate

Sheriff Marvin Sitas
Linn County - Dist. #8
Sheriff Sandy Horton
Crawford County - Alternate

To: House Transportation Committee
Re: HB2740, All Terrain Vehicles

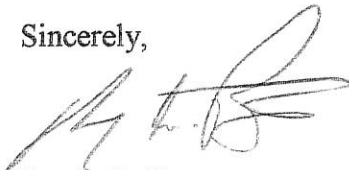
The Kansas Sheriff's Association comes forward to provide written testimony concerning HB2740. For some time now Kansas Sheriff's have been concerned about all terrain vehicles being operated on public roadways. Tragically we have seen a growing trend in Kansas in which individuals are severely injured and even killed while operating all terrain vehicles on public roadways. When Kansas Sheriff's talk about all terrain vehicle accidents there is one sad story after another. Many times it is young people that are injured or killed while operating ATV's. It is not uncommon for these individuals to not be wearing protective equipment.

The Kansas Sheriff's Association would support legislation that would make the operation of ATV's on any public roadway illegal. We recognize that there should be exemptions such as ATV's operated for government use. We would support an exemption that would allow an ATV to be operated on public roadways when actively engaged in agricultural use.

The Kansas Sheriff's Association would support requirements that individuals under 14 years of age complete an approved safety course before they could operate an ATV on a public roadway. This could be done similar to the tractor safety courses that young people need to complete in order to operate farm machinery.

It is not the intent of the Kansas Sheriff's Association to hinder the ability of farmers to utilize ATV's for farm use; instead it is our intent to prohibit recreational operation of ATV's on public roadways. Safety is of grave concern in regards to ATV's.

Sincerely,



Randy L. Rogers
Legislative Chair

House Transportation
Date: 2-16-06
Attachment # 3



300 SW 8th Avenue
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
Fax: (785) 354-4186

League of Kansas Municipalities

Date: February 16, 2006
To: House Transportation Committee
From: Larry R. Baer
Assistant General Counsel
Re: H. B. 2740

Thank you for allowing me to appear before you this afternoon and present comments regarding HB 2740 on behalf of the League of Kansas Municipalities and its member cities.

HB 2740 would end the dichotomy that has existed between cities of the first class and cities of the second and third class in laws regulating the operation of ATVs. Presently, the state prohibits the operation of an ATV within a city of the first class, but, by remaining silent, permits their operation in cities of the second and third class. This has led to confusion and inconsistency in the local approach to regulating ATV operation.

The League has long maintained that an ATV is a motor vehicle as defined in K.S.A. 8-1437 because it is neither specifically excluded from the motor vehicle definition nor in any other provision in the Uniform Act Regulating Traffic. As such, the League as always stated that before an ATV could be legally operated on city streets it must meet the same registration and insurance requirements, have statutorily required safety devices and be operated by an individual with a valid driver's license. Therefore, because many ATVs do not meet either the registration requirements or the safety requirements, and sometimes both, they are not "street legal".

HB 2740 is a step in the right direction. It clarifies that ATVs cannot be operated on city streets. However, it or similar legislation, should really go further and clarify the status of the myriad of other motorized vehicles of a similar nature, i.e. golf carts, motorized skateboards, mini-scooters, "pocket rockets" and the like. This clarification should address whether or not such vehicles are actually motor vehicles, what safety equipment is required, what registration, licensing and age requirements would be required if operation was to be permitted on public streets and highways, and not preempt local control of any such vehicles that are not to be operated on public streets and highways.

Thank you for receiving my comments on HB 2740. I will stand for questions.

House Transportation
Date: 2-16-06
Attachment # 4



REP. EDWARD J. O'MALLEY JR.
STATE OF KANSAS, 24TH DISTRICT

Testimony in Support of House Bill 2758 – Creating the Coach Bill Snyder Highway

Rep. Ed O'Malley
February 16, 2006

House Bill 2758 would designate the Coach Bill Snyder Highway. Specifically, HB 2758 would designate K-177 highway, from its junction with Interstate 70 northward to its junction with Highway 24, and Highway 24 northward to its junction with K-13 highway, as the Coach Bill Snyder Highway.

The following accomplishments are just a sampling of the success Coach Snyder created at Kansas State University:

- 2003 Big 12 Title
- Four Big 12 North Titles
- Career record: 136-68-1
- Eleven bowl games (consecutive, 93-03)
- Forty All-Americans
- Nine consensus 1st team All-Americans
- One Heisman Trophy runner-up (Michael Bishop)
- Three-time National Coach of the Year (1991, 1994, 1998)
- Bear Bryant Coach of the Year Award winner – 1998
- Nine-time Big 12/8 Coach of the Year winner

Bill Snyder transformed a miserable athletic program into a nationally acclaimed and respected organization. He brought more positive attention and recognition to Kansas State University than any attempt at a public relations campaign could have ever done.

He gave us the Powercat, the lone symbol that people across the country can undoubtedly associate with K-State. His hard work and sacrifice allowed K-Staters to uncontrollably rejoice with the school's first bowl victory, the long-awaited parting of the red seas of Nebraska and Oklahoma, and the school's first Big 12 Conference Championship.

More important than his accomplishments along the sidelines, however, is the number of lives he touched at K-State. Bill Snyder has been a model mentor to so many student athletes. He taught the lessons of the gridiron and the lessons of life. He taught his athletes, as well as admirers like me, the value of work ethic, leadership and community service.

The educational experience of all students was enhanced by the recognition and funding generated by the football program. His involvement with the Kansas State Leadership Studies Program will undoubtedly produce quality leaders for our state, nation, and even the world.

Bill Snyder's tireless and selfless work at K-State will leave a lasting legacy for future generations of Kansans. When Kansans travel Coach Bill Snyder Highway they will be reminded of all the Coach has done for our great state.

I encourage the committee to support House Bill 2758.