

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on February 21, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Barbara Ballard- excused

Committee staff present:

Hank Avila, Kansas Legislative Research

Bruce Kinzie, Revisor of Statutes Office

Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Representative Forrest Knox

Bill Orth, Superintendent, USD 387 Altoona-Midway Public Schools, Wilson County

Mike Sanders, Superintendent, USD 128 Skyline Public Schools, Pratt County

Ken Gudenkauf, Legislative Liaison, KDOT

Tom Whitaker, Executive Director, Kansas Motor Carriers Association

Duane Simpson,

Others attending:

See attached list.

Chairman Hayzlett opened the meeting with the first hearing **HB 2687**

**HB 2687 - Maximum speed limit for rural school zones**

Chairman Hayzlett introduced Representative Forrest Knox as the first proponent. According to Representative Knox **HB 2687** creates a "rural school zone" which is the portion of a highway located outside of any city which provides direct entrances and exits to any school located adjacent to such a highway. (Attachment #1)

The next proponent was Bill Orth, Superintendent, USD 387, Wilson County. (Attachment #2) According to Mr. Orth, this legislation pertains to safety factors that affect the students and employees of Altoona-Midway Schools that must travel US Highway 75 to access the high school facilities and all other schools on major highways. He said there has been at least one accident per year for the last seven years involving students, employees or patrons accessing US Highway 75 from the high school parking lot.

The third proponent for **HB 2687** was Mike Sanders, Superintendent of USD 438, Pratt County. (Attachment #3) According to Mr. Sanders, he had had conversations with Richard Henning, KDOT's District Engineer and Mr. Henning felt there was adequate sight distance for traffic movement for the average driver to make a correct action. However, the majority of traffic flowing into these junctions is inexperienced young drivers and other traffic such as buses loaded with children and are predominantly slower moving vehicles, which need more space to make their movements along with a longer period of braking distance.

There were no other proponents and after questions were answered the Chairman called for opponents of this bill.

The Chairman recognized Ken Gudenkauf, Legislative Liaison for the KS Department of Transportation as the first opponent. (Attachment #4) According to Mr. Gudenkauf, **HB 2687** would establish a maximum speed limit of 45 mph within rural school zones in Kansas. He said KDOT is opposed to establishing a maximum speed limit of 45 mph within all rural school zones. He said each school zone is unique and needs to be reviewed individually to determine the most appropriate speed limit, signing and pavement markings.

There were no other opponents on this bill and after all questions were answered the Chairman closed the hearing on **HB 2687**.

Chairman Hayzlett opened the hearing on **HB 2878**.

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on February 21, 2006 in Room 519-S of the Capitol.

**HB 2878 - Motor fuel trip permits, issuance of**

Chairman Hayzlett recognized Tom Whitaker, Executive Director, KS Motor Carriers Association, who explained the purpose of this bill. (No written testimony). According to Mr. Whitaker **HB 2878** would allow any interstate motor fuel user to obtain a trip permit which will authorize one commercial motor vehicle to be operated for a period of 72 hours within the state without complying with the other provisions of the Interstate Motor Fuel Use Act and in lieu of the tax on motor fuel. The bill also would allow the permits to be purchased in multiples of three.

Chairman Hayzlett recognized Duane Simpson, representing the Kansas Grain and Feed Association. (No written testimony) This change would provide uniformity among the states.

There were no other proponents and no opponents to this bill, after questions were answered Chairman Hayzlett closed the hearing on **HB 2878**.

It was the Chairman's desire to work **HB 2707**. Bruze Kinzie refreshed the Committee on this bill. Representative Menghini made a motion to amend this bill to the licensee being seizure free for 12 months instead of 18 months and leave the doctor's examination period at three months instead of 30 days. The motion to amend was seconded by Representative Wolf and the motion carried.

Representative Olson made a motion to pass **HB 2707, as amended** out of Committee, seconded by Representative Treaster and the motion carried.

It was Chairman Hayzlett's desire to work **HB 2645** and he opened it up to the Committee. Bruce explained the amendments to the Committee. Representative George made a motion to amend **HB 2645**, Representative Olson seconded the motion to amend and the motion carried.

Representative George made a motion to pass **HB 2645, as amended**. The motion was seconded by Representative Olson and the motion carried.

Chairman Hayzlett opened **HB 2878** to the Committee. Representative Yonally made a motion to pass this bill favorably out of Committee, Representative Olson seconded the motion and the motion carried.

The Chairman opened **HB 2687** to the Committee. Representative Olson made a motion to not pass this bill out of Committee, Representative Wolf seconded the motion and the motion carried.

Representative Faber gave a status report on the sub-committee's findings on **HB 2218**. He said they did not intend to work the bill. He said because of its importance they would like to have a summer interim study done.

The Chairman drew the Committee's attention to the Minutes of the February 7<sup>th</sup> Committee Meeting. Representative Ruiz made a motion to approve the Minutes, seconded by Representative Olson and the motion carried.

There being no further business before the Committee, the meeting was adjourned. The next meeting will be March 2, 2006, at 1:30 p.m. in Room 519-S.

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-21-06

NAME	REPRESENTING
Ken Gudenkauf	KDOT
Brian Gower	KDOT
Bill Orth	WD 387 Attoona-midway
Tom Whitaker	KMCA
Star Jones	John Peterson

# HOUSE TRANSPORTATION COMMITTEE

**DATE** 2-21-06

NAME	REPRESENTING
Don McNEELY	KADA
White, Duma	KS Automobile Dealers Assn.
Ken PETERSON	KS Petroleum Council
Mike Sanders	Skyline Public School
Bob SMITH	SCRS MOKAW
Swa Turpin	Rep Henry
KEVIN GREGG	<del>HOUSE</del> HOUSE MAS. LEADER AURAND

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HOUSE OF REPRESENTATIVES

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**FORREST J. KNOX**

Testimony  
**HB 2687 - RURAL SCHOOL ZONE**

HOUSE TRANSPORTATION COMMITTEE

21 FEBRUARY 2006

Chairperson Hayzlett and Committee members:

HB 2687 creates in statute a "rural school zone" which is the portion of a highway located outside of any city which provides direct entrances and exits to any school located adjacent to such a highway. The zone is to be marked with appropriate signs and shall begin 1/4 mile from the main entrance to the school. The speed limit during school hours is to be 45 mph maximum in the rural school zone.

This legislation has become necessary because of the lack of willingness of the Kansas Department of Transportation (KDOT) to work with schools in this situation. It seems that tragedy, resulting in death, must occur before meaningful interaction can occur.

I believe that this is common sense legislation based on the same logic for establishing urban school zones in dangerous, high traffic areas. People pay attention to school zones, even on highways. While flashing lights on the signs would be better, this bill takes a minimalist approach providing for signage indicating the lower speed limit during school hours. People know when school is in session. This is, of course, made obvious by the heavy traffic and presence of vehicles in the parking area. People expect that there would be a school zone in front of a school, with a reduced speed limit. I've had many people express surprise to me that the speed limit continues at 65 mph in such situations. While enforcement is necessary, I believe that compliance would be above average.

This bill addresses a situation that exists in relatively few places across the state. I have identified twelve. The KDOT has apparently identified 19. In any case, it is not significant commitment of state funds, when the safety of our school children is concerned. Please see the Wilson County cost estimate as compared to the fiscal note. This bill would provide a great sigh of relief from schools across the state, who find themselves in this situation. I believe that the few seconds delay, of slowing for a school zone, is well worth the safety of school children.

Thank you for giving strong, quick consideration to passing this bill out favorably this session.

**Testimony**  
**House Transportation Committee**  
**1:30 p.m., Tuesday, 21 February 2006**

**Bill Orth, Superintendent**

USD 387  
Altoona-Midway Schools  
Wilson County

**HB 2687 - Rural School Zone**

This testimony pertains to safety factors that affect the students and employees of Altoona-Midway Schools that must travel US Highway 75 to access the high school facilities and all other schools on Major Highways.

During the past 7 years there has been at least one accident per year involving students, employees or patrons accessing US Highway 75 from the high school parking lot. On November 3<sup>rd</sup>, 2004, the worst accident occurred causing death to one of our students.

Since this fatal accident, we have worked very closely with KDOT and have had some very positive changes. KDOT has agreed to slow the traffic to 55 miles per hour and change the passing lanes on Highway 75 to help traffic control. USD 387 has agreed to making one way in and one way out access points to the High School parking lot and change the routing of traffic through the parking lot. We have also worked very closely with KDOT to educate our students about Highway safety and driving tips.

With the action that has been taken, through positive collaboration between KDOT and USD 387, I feel that we have helped to make a safer plan for our students, staff and patrons. But, I am still concerned that 55 miles per hour is not slow enough for through traffic. As we all know, drivers have a tendency to speed. Many drivers currently drive over the 65-mile per hour speed limit past the High School. This has been noted many times. I would hope that by lowering the speed limit to 45 mile per hour traffic would be slowed to 55 miles per hour or lower. I am concerned that a speed limit of 55 miles per hour would only slow traffic to 60 miles per hour. This is to fast for traffic coming from the North.

I trust that you will take into considerations all aspects of this bill, study it closely, and make the correct decision for students, staff and patrons of Kansas schools. It is a shame that a death of a student brings this problem to light.

Thank you for your consideration of this bill. It may save lives in the future.

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Attachment # 2

Wilson County Kansas

15 February 2006

**Rural School Zone Signage Cost Estimate**  
(Reference HB 2687)

Forrest,

Per our telephone conversation, the following are estimates from the Wilson County Highway Department regarding school zone signage.

4 - School Speed Limit Signs = \$394.40 (\$98.60 per sign)  
4 - 4"x 6" posts = \$152.00 (\$38.00 per post)  
4 - Time Limit Signs = \$56.00 (\$14.00 per sign)  
Sign Set Up Fee = \$60.00 (\$15.00 per sign)  
Bolts, Nuts & Washers = \$4.80 (\$1.20 per sign)  
Labor = \$54.00 (\$13.50 per sign/1.5 hours @ \$9.00 per hour per sign)  
Freight = \$50.00 (\$12.50 per sign)

**TOTAL = \$771.20 (\$192.80 per sign)**

If I can be of further assistance, please do not hesitate to let me know.

Sincerely,  
Kris D. Marple  
Wilson County Coordinator  
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Fredonia, Kansas 66736  
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Fax - 620.378.3803  
E-mail - [coordinator@twinmounds.com](mailto:coordinator@twinmounds.com)  
Website - [www.wilson.kansasgov.com](http://www.wilson.kansasgov.com)

**Testimony**  
**House Transportation Committee**  
**1:30 p.m., Tuesday, 21 February 2006**

**Mike Sanders, Superintendent**

USD 438  
Skyline Public Schools  
Pratt County

**HB 2687 - Rural School Zone**

In February of 1998, the dialogue between Kansas Department of Transportation (KDOT) and Skyline Public Schools began. My predecessor Skyline Superintendent Mr. A.C. Boland contacted Mr. Richard Henning KDOT's District Engineer drawing his attention to unsafe driving conditions at three junctions: 1. U.S. Highway 281 and State Highway 64. 2. U.S. Highway 54 and West River Road (which is a county blacktop). 3. U.S. Highway 54 and entrance to Skyline School. The latter two have a speed limit of 65 mph with the merging traffic along with poor line of sight restrictions from the east for #2 junction and poor line of sight restrictions from the west for #3 junction.

During this time Mr. Henning conducted a field review of these locations and didn't feel any additional signing or change of speed was warranted. Mr. Henning stated, and I quote "There appears to be adequate sight distance for traffic movement for the average driver to make the correct action to each location". Mr. Henning did forward on Mr. Boland's request to have these three areas review by KDOT's Traffic Engineering section at their next scheduled review of Pratt County.

I would like to point out Mr. Henning observation is faulty. The population, which drives to our school, isn't an average driver that contains the necessary skills to make a correct action in these locations. Mr. Henning failed to recognize that the majority of traffic flowing into these junctions is inexperienced young drivers. Other traffic such as buses loaded with children are predominately slower moving vehicles, which need more space to make their movements, along with a longer period of braking distance.

Compounding this situation is the traffic flow moving through our school zone. The city of Pratt is a cross road for three main highways in our state, US. Highway 54, State Highway 61, and US Highway 281. Traffic flow from the west either turns north to join Highway 61 then onto Highway 50 which can proceed into Kansas City or continue eastward on Highway 54 which carry them into Wichita. Our school zone is a funnel for this traffic going east or west. Mix this in with the inexperienced drivers and slow moving buses you have a recipe for a tragic disaster.

We've had several close calls since and before this dialogue started. Just last spring one of our students mis-judged pulling out from our school exit and was hit by a passing vehicle. Fortunately the boy was fine, but unfortunately it seems to be KDOT's

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Attachment # 3



stance that something bad must happen before a change in speed limit happens. Evidence of this was in their report, which was published and distributed March 2004. KDOT concluded in their Pratt County review by saying "Our studies and analysis do not indicate a need for geometric improvement or a need for changes to existing traffic control devices". In the end of their report KDOT was not in opposition of School Advance Warning signs on US-54 approaching the Skyline School access points. Presently these signs have been put in place but it's not enough to simply tell the traffic that the school is present but they must regulate the traffic by slowing them down.

A couple of years ago one of our bus drivers, with a busload of students, mis-judged a gap in flowing traffic and pulled out onto the highway. The oncoming traffic-trailer proceeded to pull to the right of the bus on the shoulder and laid on his horn. The same scenario happened last week when our elementary secretary pulled out into the traffic flow. When she drove out it was then she realized that a tractor-trailer was gaining on her. The driver of the tractor-trailer pulled to the right shoulder and proceed to lie on his horn. Once her vehicle became part of the flow the driver of the tractor-trailer proceed to tailgate her vehicle again while laying on his horn. He continued to do this until both vehicles reached the city limits of Pratt and then she was able to pull into one of the double lanes. At this time the driver of the tractor-trailer proceeded to pass her blowing the horn and then giving her the finger.

These stories are just a few examples of the unfortunate environment, which exists in the two-mile stretch outside of Pratt city limits. I've spoken with the Pratt County Sheriff Vernon Chinn and he is also concerned with this two-mile stretch. He has stated that in the last five years there have been several serious accidents in this stretch. One wreck, which happened last year, resulted in a fatality. The person wasn't killed on the scene but eventually succumbed to his injuries a few months after the collision.

Unfortunately these examples, along with countless others, were not documented in the March 2004 study. In fact the KDOT study only targets three specific days 3/22/04 through 3/24/04 in which traffic was monitored. The KDOT study also used a five-year crash analysis study from 1998-2002, which revealed one reported crash during this time. Again supporting KDOT philosophy of not wanting to change anything until something bad happens.

Just a few months ago our school district requested another study to be conducted done in our school zone. They complied with the request and parked a KDOT vehicle in the school zone for five days along US Highway 54. We are waiting to hear their conclusions.

In the span of eight years when the dialogue started between Skyline Schools and KDOT nothing has changed with the speed limit. I'm here today to ask for your assistance by supporting House Bill #2687. I appreciate the service you do for our state and I would like to thank you for listening to Skyline's testimony.

# KANSAS

DEPARTMENT OF TRANSPORTATION  
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

## TESTIMONY BEFORE THE HOUSE TRANSPORTATION COMMITTEE

### REGARDING HOUSE BILL 2687 RELATING TO MAXIMUM SPEED LIMITS IN RURAL SCHOOL ZONES

FEBRUARY 21<sup>ST</sup>, 2006

Mr. Chairman and Committee Members:

Good afternoon. My name is Ken Gudenkauf, legislative liaison for the Kansas Department of Transportation (KDOT). I appreciate the opportunity to testify on House Bill 2687.

House Bill 2687 would establish a maximum speed limit of 45 mph within rural school zones in Kansas. KDOT is opposed to establishing a maximum speed limit of 45 mph within all rural school zones. There are approximately 19 rural schools located directly adjacent to state highways in Kansas, however each school zone is unique and needs to be reviewed individually to determine the most appropriate speed limit, signing and pavement markings.

During the past 18 months, KDOT has worked closely with two communities in the aftermath of tragic traffic related deaths near high schools. It is not unusual that in the aftermath of a tragic accident, that a community would demand that the speed limit be lowered. While we want to be sensitive to a community's requests, lower speed limits without appropriate accompanying measures can create a more hazardous situation along the road. It is necessary to review all possible measures, including modifying speed limit, re-striping the road, closing access points and more.

Simply lowering the speed limit does not necessarily reduce the number of risk of accidents. In fact, accidents generally appear to depend less on absolute speed and more on the variations of speed within the traffic stream. Contrary to popular belief, reducing the speed limit does not necessarily slow the speed of traffic, reduce the number of accidents, or create a safer roadway.

KDOT has been working with the superintendent at Altoona Midway High School in rural Wilson County and has established a Community Work Group. This group is working to identify ways to improve safety at the rural school zone through Education, Enforcement and Engineering (the three E's). As a result, KDOT is currently working to implement the safety recommendations stemming from the Community Work Group and to raise public awareness of driving in school zones. This same approach was taken when a similar tragedy struck the Meriden community.

Statutorily setting such a maximum speed limit is not good public policy. Factors such as roadway geometrics, parking, pedestrians, curves, adjacent developments, and accidents

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considered when revising a speed limit. KDOT is in the initial stages of reviewing each rural school zone on Kansas highways. We ask that you allow us to continue this work to determine the best speed limit, signing and pavement markings for each school.