

## MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on February 15, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Jerry Henry- excused

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes  
Jill Shelley, Kansas Legislative Research Department  
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Representative Rocky Fund  
Representative Janice Pauls  
Brooke Danielle Slayton, Royal Valley Middle School  
Jayme Burger, Royal Valley Middle School  
MaRyka Renae Smith, Royal Valley Middle School  
Jaycee Lynn Worrell, Royal Valley Middle School  
Patrick Broxterman, Royal Valley Middle School  
Kassidy Dahl, Royal Valley Middle School  
Taylor Marie Klobnak, Valley Middle School  
Sandra Solis, Royal Valley Middle School  
Nathan McAllister, Teacher at Royal Valley Middle School  
Jarrod Forbes, representing Polaris Industries  
Carmen Alldritt, Director, Motor Vehicles Div.  
Tom Whitaker, KS Motor Carriers Association  
Ed Klumpp, KS Ass'n. of Chiefs of Police and KS Peace Officers Ass'n.

Others attending:

See attached list.

Chairman Hayzlett called the meeting to order and opened the hearing on **HB 2650**.

**HB 2650 - Designating part of U.S. 75 highway as the James Lane Freedom Trail memorial highway.**

Chairman Hayzlett recognized Representative Rocky Fund as the first proponent on this bill. (Attachment #1) According to Representative Fund this bill was introduced on behalf of the 7<sup>th</sup> grade history students from Royal Valley Middle School. He said the students wish to have a portion of Highway 75 from the southern city limits of Holton, south on Highway 75 to the junction of Highway 75 and NW 46<sup>th</sup> Street designated as the James Lane Freedom Trail Memorial Highway. Representative Fund said James Lane was instrumental in strengthening the position of the antislavery cause by encouraging more free-state supporters to settle in Kansas. He said Mr. Lane was a dominant force in Kansas and to an extent national politics for a decade.

The next proponent was Brooke Danielle Slayton. (Attachment #2) According to Ms. Slayton, Mr. Lane escorted the first group of free-staters to Kansas using the trail he established to by-pass proslavery strong holds in Missouri and provided free-state settlers a safe route into Kansas.

Jayme Burger was recognized as the next proponent. (Attachment #3) Ms. Burger said Mr. Lane was a Kansas Senator from April 4, 1861 to July 11, 1866. He served in the United States Army and the Union Army.

MaRyka Renae Smith was the next proponent. (Attachment #4) Ms. Smith shared with the Committee the process her class followed to create **HB 2650**. They started with studying bleeding Kansas, learned the legislative process, how to research and write a bill and the steps to get the bill introduced and passed.

The Chairman recognized Jaycee Lynn Worrell as the next proponent. (Attachment #5) Ms. Worrell believes a portion of Highway 75 should be named the "James Lane Freedom Trail" because Mr. Lane helped make Kansas a free state. She said slaves also used this trail as an underground railroad route which is why they

## CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on February 15, 2010, in Room 783 of the Docking State Office Building.

chose the word "Freedom" for the sign.

The next proponent was Patrick Broxterman. (Attachment #6) Mr. Broxterman said through their research they found this part of Highway 75 was the closest match to the James Lane trail. He said by designating this portion of Highway 75 as the James Lane Freedom Trail Memorial Highway, people traveling through would know they were on an historic trail.

Chairman Hayzlett recognized Kassidy Dahl. (Attachment #7) According to Ms. Dahl, this trail was a major part of our state's history. She said Mr. Lane was a supporter of the Kansas-Nebraska Act, which gave Kansans' the right to vote whether they should be a free or slave state.

Taylor Marie Klobnak was the next proponent for **HB 2650**. (Attachment #8) Ms. Klobnak told about some of the people who traveled the James Lane Trail. She said John Brown traveled the Trail to get away from proslavery forces in 1859; The Sage Family, a famous abolitionist family traveled the trail to immigrate and settle in Kansas; another traveler was Anne Clark who was a slave who used the trail as an underground railroad route; and, the first Governor of Kansas, Charles Robinson traveled the trail looking for abolitionists coming into Kansas.

The last student proponent was Sandra Solis. (Attachment #9) Ms. Solis told about this trail being the underground railroad route used to get escaped slaves from southern states to northern states. She said in 1859, Charles Smith helped James Lane and about 30 - 40 slaves escape to freedom using this trail.

Chairman Hayzlett recognized Nathan McAlister, the teacher of the 7<sup>th</sup> grade history students. (Attachment #10) Mr. McAlister said it had come to his attention that James Lane was not the founder of the trail that bears his name. He said the credit for the founding of the trail should be given to the Kansas Central Committee which was an antislavery organization who made the trail to provide antislavery settlers a safe passage to Kansas. Mr. McAlister said James Lane should still be given the credit for popularizing the trail. He said the passage of **HB 2650** will not only honor the memory of those who established the trail, but also that of James Lane and all who used this trail and their efforts to make Kansas a Free State.

There were no other proponents. All the proponents stood for questions.

There were no opponents to **HB 2650** so the Chairman closed the hearing.

The Chairman open **HB 2650** to the Committee for discussion, comments or motions. Representative Swanson made a motion to favorably pass HB 2650, seconded by Representative Ballard and the motion carried.

Chairman Hayzlett opened the hearing on **HB 2660**.

### **HB 2660 - Recreational off-highway vehicles, regulation thereof**

The Chairman recognized Jarrold Forbes, representing Polaris Industries. (Attachment #11) Mr. Forbes said they were asking to add a new definition to the off-road family of recreational off-highway vehicles. The new definition would mean any motor vehicle 64 inches or less in width, weighing no more than 2,000 pounds, and having four non-highway tires, a non-straddle seat and steering wheel. These vehicles would be excluded from the definitions of worksite utility vehicle and micro utility truck, and would be listed as non-highway vehicles. As recreational off-highway vehicles they would be required to obtain a non-highway title. Mr. Forbes said the reason for this request is so this new classification of vehicles in the Kansas Statutes will keep pace with the vehicles being produced.

There were no other proponents. Mr. Forbes stood for questions.

The Chairman recognized Carmen Alldritt, Director, Motor Vehicle Division who was listed as Neutral. Director Alldritt handed out an amendment to Committee members that would remove a section having to do with an exclusion from titling the vehicles under certain circumstances.

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on February 15, 2010, in Room 783 of the Docking State Office Building.

No one else wished to speak to the bill so Chairman Hayzlett closed the hearing on HB 2660 and open the hearing on HB 2680.

**HB 2680 - Regulating traffic; impeding traffic**

Chairman Hayzlett recognized Representative Pauls. (Attachment #12) Representative Pauls said HB 2680 would change the law passed last year regarding driving only in the right lane unless passing. She said this bill will revert back to driving patterns where vehicles can use all of the highway subject to safe operation, traffic density and differences in terrain but will still allow officers to stop slow vehicles impeding traffic by moving too slowly. Representative Pauls said she wanted the bill to allow any passing at any legal speed and she proposed an amendment to change the bill to reflect that concept. She concluded by saying this bill will allow vehicles to drive in the left lane of such a highway at any time if the vehicle is going at least the maximum posted speed or in the left lane at any allowable speed when passing slower moving vehicles in the right lane. She stood for questions.

There were no other proponents so the Chairman called for opponents.

Chairman Hayzlett recognized Tom Whitaker, Executive Director of the Kansas Motor Carriers Association. (Attachment #13) Mr. Whitaker said they believe HB 2680 creates an unintended consequence. He said a driver could receive a citation for driving over the maximum speed limit and as long as such driver was driving within the "buffer zone," the citation would not affect his or her insurance rates. He said under the provisions of this bill a driver could be cited for driving in the left lane at a speed below the posted speed limit and such a violation is a moving violation and could affect insurance rates.

The Chairman drew the Committee's attention to written testimony from Ed Klumpp, representing the Kansas Association of Chiefs of Police and the Kansas Peace Officers Association in opposition to HB 2680 (Attachment #14).

There were no other proponents or opponents so the Chairman closed the hearings on HB 2680.

Chairman Hayzlett opened HB 2561 to the Committee for discussion, comments or motions. Staff brought up the need to correct a technical amendment changing the word "existing" to "exiting" on line 23. Representative Kleeb made a motion to adopt the amendment, seconded by Representative Worley and the motion carried. Representative Worley made a motion to favorably pass HB 2561, as amended, seconded by Representative Kerschen and the motion carried. Representative King made a motion to adopt an amendment on page 1, line 22 to change 15 miles to 22 miles per hour. The motion to adopt the amendment was seconded by Representative Worley and the motion carried. Representative Peck made a motion to adopt an amendment on subsection e to clarify the bill, seconded by Representative Worley and the motion carried. Representative Swanson made a motion to favorably pass HB 2561, as amended, seconded by Representative Kleeb and the motion carried.

The Chairman opened HB 2623 to the Committee for discussion, comments or motions. Representative King proposed an amendment that would clarify which types of coverings would be prohibited. Representative Ballard made a motion to adopt the amendment and favorably pass HB 2623, as amended. Representative Swanson seconded the motion and the motion carried.

There being no further business before the Committee, the meeting was adjourned.

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-15-10

NAME	REPRESENTING
Bonnie Williams	USD #337
Cindy Butler	USD #337
Steve Broxterman	USD #337
Anthony Dahl	USD #337
Lindsay Douglas	KDOT
Lori Church	KAPCIC

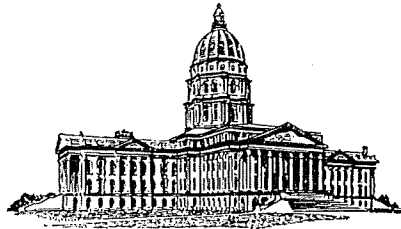
# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-15-10

NAME	REPRESENTING
Terry Heidner	KDOT
Melinda Zymich	RVMS
Jaylan Blomark	RVMS
Patrick Branstetter	RVMS
Tom Whitaker	KMCA
Cindy Jape	RVMS
Nathan Mathis	Royal Valley Middle School
Paul Jellae	Polio
Alice M. Amherst	Johnson County Transit
Brenda Helweg	RVMS
<del>Dr. Edward Jensen</del>	<del>Royal Valley Middle School</del>
DAN MEYER	KHP
CAROL ALLRITT	KDOR
MARY TOLBERT	KDOR
By Rocky Jensen	50th Dist -
Self B. Helweg	State Farm
Adria Carter	RVB
Martina Jordan	RV
Bill Waggon	Self
JUCK DUNCAN	KS public transit Assn

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

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COMMITTEE ASSIGNMENTS  
MEMBER: ENERGY AND UTILITIES  
FEDERAL AND STATE AFFAIRS  
VICE CHAIRMAN: AGRICULTURE AND NATURAL  
RESOURCES

ROCKY FUND  
50TH DISTRICT

Chairman Hayzlett, Vice Chairman Vickrey, Ranking Minority Member Long, Members of the Committee. I stand before you today to introduce HB 2650 and urge your support for the bill.

Benjamin Franklin said, "Tell me and I forget. Teach me and I remember. Involve me and I learn." Involving students so they learn is what this bill is about. It is brought on behalf of 7<sup>th</sup> grade history students who wish to have a portion of Highway 75 from the southern city limits of Holton then south on United States highway 75 to the junction of United States highway 75 and N.W. 46th street in Shawnee county designated as the James Lane Freedom Trail memorial highway.

Signs noting this designation will not be placed until the Secretary of Transportation has received sufficient money from gifts and donations to reimburse the Secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The bill allows the secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

These 7<sup>th</sup> grade history students from Royal Valley Middle School have asked to have this portion of the highway named for James Henry Lane because of the role he played in Kansas history. James Henry Lane (June 22, 1814 – July 4, 1866) was a United States Senator and a Union general and partisan in the American Civil War. He was born in Lawrenceburg, Indiana, where he practiced law, was Lieutenant Governor and later a Congressman. He moved to the Kansas territory in 1855. He immediately became involved in the abolitionist movement in Kansas and was often called the leader of the "Jayhawkers".

Lane was considered a dynamic speaker whose charismatic leadership abilities won him a substantial group of loyal supporters, and he remained a political force to reckon with. He was instrumental in strengthening the position of the antislavery cause by encouraging more free state supporters to settle in Kansas and assist with the defense of Lawrence against "border ruffians" and pro-slavery sympathizers from Missouri. Lane was a dominant force in Kansas and to an extent national politics for a decade.

As his obituary in the New York Times stated in July 4, 1866, "He was eminently social, kind-hearted and just; faithful ever to his friends, relentless ever to his foes." I hope you will join me in supporting this bill and involving our students so they may learn.

House Transportation  
Date: 2-15-10  
Attachment # 1

Testimony on House Bill 2650

House Transportation Committee

Presented by

Brooke Danielle Slayton

Royal Valley Middle School

## James Lane History Committee Speech

Good afternoon honorable representatives. My name is Brooke Slayton and I am a seventh grader at Royal Valley Middle School in Mayetta, Kansas. I am a member of the James Lane History Committee and I am a proponent of house bill 2650, which calls for designating a part of U.S Highway 75 as the James Lane Freedom Trail Memorial Highway. James Lane voted in favor of the Kansas-Nebraska Act and was a U.S Senator from Kansas. Lane escorted the first group of Free Staters to Kansas using the trail that he established to by-pass proslavery strong holds in Missouri and provided Free-state settlers a safe route into Kansas. The James Lane Trail was also used as part of the Underground Railroad to help transport slaves north to freedom. Due to his part in helping Kansas be a free state, I feel James Lane deserves this honor of having part of U.S. Highway 75 designated the James Lane Freedom Trail Memorial Highway.

Thank you for your time and consideration of this matter.  
Bill 2650

House Transportation  
Date: 2-15-10  
Attachment # 2

Testimony on House Bill 2650  
House Transportation Committee

Presented by

Jayme Burger

Royal Valley Middle School

Good day chairmen Hayzlett and Members of the Committee. I am Jayme Burger a member of the Royal Valley Middle School James Lane History Committee. I am here to speak on behalf of bill 2650, also known as the James Lane Freedom Trail Memorial Highway. Lane established the trail to get free staters to come to Kansas. The trail does not just honor James Lane; it also honors the people who fought to make Kansas a free state. Lane was a senator for Kansas from April 4, 1861 to July 11, 1866. Lane severed in the United States Army and Union Army. Lane is buried in The Lawrence City Cemetery in Lawrence, KS. Lane's trail was also used as a route for the Underground Railroad. I believe that changing part of Highway 75 would be a great way to honor James Lane and for anyone who made Kansas a free state. Thank you for your consideration of this bill.

House Transportation  
Date: 2-15-10  
Attachment # 3



Testimony on House Bill 2650

House Transportation Committee

Presented by

MaRyka Renae Smith

Royal Valley Middle School

Good day Chairman Hayzlett and the members of the Transportation Committee. I am MaRyka Smith, a member of the Royal Valley Middle School 7<sup>th</sup> grade legislative committee, speaking on behalf of bill 2650 also known as the James Lane Freedom Trail Memorial Highway.

I would like to share with you what we learned while creating this bill. We started by studying bleeding Kansas. Bleeding Kansas happened during the territorial period of Kansas. After that we learned about the legislative process and how the Kansas government works. While studying the legislative process we had a mock legislative session. Our teacher, after many questions about the James Lane trail asked if we would be interested in creating a bill about the James Lane trail. We then broke into committees to research and write letters for our bill.

My committee researched other bills on changing the name of a highway. We then wrote our bill with similarities to the bills we found. After we wrote the bill we learned how to properly write and send a letter. We next sent a copy of the letter to the Governor and our local legislators.

I think our bill should be passed because this is an important historic moment and James Lane played an important role in our country's history.

Thank you for your time and consideration.

House Transportation  
Date: 2-13-10  
Attachment # 4

Testimony on House Bill 2650

House Transportation Committee

Presented by

Jaycee Lynn Worrell

Royal Valley Middle School

Good afternoon, Chairman Hayzlett and members of the Transportation Committee. I am Jaycee Worrell a member of the Naming Committee for the James Lane Freedom Trail, representing Royal Valley Middle School.

I believe that a portion of Highway 75 should be named the "James Lane Freedom Trail". I believe it should be given this name because Mr. Lane helped make Kansas a free state. He established the trail so freestaters could come to make Kansas a freestate. Slaves also used this trail as an Underground Railroad Route which is why we chose the word "Freedom" for the sign.

This is why I, Jaycee Worrell, and the other members of my committee recommend that we rename Highway 75 the "James Lane Freedom Trail". Thank you for your consideration of Bill 2650 and taking time to allow me to express my views.

House Transportation  
Date: 2-15-10  
Attachment # 5

Testimony on House Bill 2650

House Transportation Committee

Presented by

Patrick Broxterman

Royal Valley Middle School

Hello Chairman Hayzlett and Members of the committee, I am Patrick Broxterman speaking on behalf of the 7<sup>th</sup> grade Royal Valley Middle School Highway Committee and House Bill 2650. This bill would designate a portion of Highway 75 from north of 46<sup>th</sup> street and highway 75 interchange to just south of the Holton city limits. Through our research we found this part of highway 75 was the closest match to the James Lane trail. By designating this portion of highway 75 as James Lane Freedom Trail Memorial Highway, those people traveling through would know they are on this historic trail. We would appreciate your vote in support of this bill. Thank you for listening to our request.

House Transportation  
Date: 2-15-10  
Attachment # 6

Testimony on House Bill 2650

House of Transportation Committee

Presented by

Kassidy Dahl

Royal Valley Middle School

Good afternoon Chairman Hayzlett and members of the House of Transportation Committee. My name is Kassidy Dahl and I represent the Royal Valley Middle School, seventh grade Free State Committee. I'm speaking to you about our proposal to rename a portion of 75 Highway to James Lane Freedom Trail. This trail was a major part of our states history. James Lane helped Kansas become a Free State. He was a supporter of the Kansas-Nebraska Act, which gave Kansans' the right to vote whether Kansas should be a Free or Slave state. James Lane brought many Free-Staters from the north through Iowa and Nebraska to Kansas using the trail he established. The Free-Staters were trying to block the expansion of slavery westward. The Free-Staters used the Kansas-Nebraska Act to make Kansas a free state. This proposal is an excellent way to honor James Lane and the Free State Movement he fought for.

Thank you.

House Transportation  
Date: 2-15-10  
Attachment # 7

Testimony on House Bill 2650

House Transportation Committee

Presented by

Taylor Marie Klobnak

Royal Valley Middle School

Hello Chairman Hayzlett and Members of the Committee, I am Taylor Marie Klobnak, a Member of The Seventh grade Famous People Committee at Royal Valley Middle School. I am honored to be here today speaking to you about the Famous People who traveled The James Lane Trail. John Brown traveled the Trail to get away from proslavery forces in 1859. The Sage Family, a famous abolitionist family, also traveled the trail to immigrate and settle in our great State. Another traveler was Anne Clark. She was a slave who used the trail as an Underground Railroad route to escape from slavery. Lastly, our first Governor, Charles Robinson, traveled the trail looking for abolitionists coming to Kansas. Thank you for the privilege to speak to you today. Please remember these famous people who utilized the James Lane Trail and vote to pass Bill 2650, recognizing this trail and the man who started it.

House Transportation  
Date: 2-15-10  
Attachment # 8

Testimony on House Bill 2650  
House Transportation Committee

Presented by

Sandra Solis

Royal Valley Middle School

Good afternoon Chairman Hayzlett and members of the House Transportation Committee.

I am Sandra Solis, member of the 7<sup>th</sup> grade Royal Valley Middle School Underground Railroad Committee, and I am here today to support House Bill 2650. I believe a portion of Highway 75 should be renamed the James Lane Freedom Trail because this trail was also used as an Underground Railroad route. The Underground Railroad used the James Lane Trail in 1856. As you may know, the Underground Railroad was a very important route for people to get escaped slaves from southern states to northern states. In 1859, Charles Smith helped James Lane and about 30-40 slaves escape to freedom using the trail. Another purpose of the trail was to provide protection for free-state settlers. I believe having a portion of the highway 75 named for James Lane and his trail will honor him and all of those he helped.

Thank you for your time and consideration of this bill.

House Transportation  
Date: 2-15-10  
Attachment # 9

Testimony on House Bill 2650  
House Transportation Committee

Presented by

Nathan McAlister

Royal Valley Middle School

Good afternoon Chairman Hayzlett and members of the House Transportation Committee. My name is Nathan McAlister and I wish to make an important clarification concerning bill 2650. It has come to my attention that James Lane was not the founder of the trail that bears his name. This new information has come to my attention within the past couple of days. According to this newly acquired research, the credit for the founding of the trail should be given to the Kansas Central Committee. The Kansas Central Committee was an antislavery organization that called for the making of the trail, to provide antislavery settlers a safe passage to Kansas, thus avoiding proslavery forces in Missouri. Although, the Kansas Central Committee should be given the credit for establishing the trail, James Lane should be given the credit for popularizing the trail. This new research should in no way affect or deter the passage of bill 2650. Nor should this diminish the accomplishments of the seventh grade Royal Valley Middle School students whose hard work went into this project. The passage of Bill 2650 will not only honor the memory of those who established the trail, but also that of James

House Transportation  
Date: 2-15-10  
Attachment # 10

Lane and all who used this trail and their efforts to make Kansas a Free State. It should also be noted that this project is in keeping with the efforts of the Freedom's Frontier National Heritage Area to designate historically significant sites related to the Territorial Period in Eastern Kansas and Western Missouri and is I hope, a continued partnership with the students of Royal Valley Middle School.

Thank you





**FEBRUARY 15, 2010**

**TESTIMONY IN SUPPORT OF HB 2660  
HOUSE TRANSPORTATION COMMITTEE**

Mr. Chairman and Members of the Committee:

Thank you for allowing me to appear before you today. My name is Jarrod Forbes and I represent Polaris Industries. As you are aware, Polaris Industries develops, manufactures and sells ATVs, snowmobiles and various other off-road vehicles.

Today we are asking to add a new definition to the off-road family, "Recreational off-highway vehicle". As the bill indicates, the new definition is as follows:

*"Recreational off-highway vehicle" means any motor vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less, traveling on four or more nonhighway tires, having a non-straddle seat and steering wheel for steering control.*

We feel it is important to have this new classification of vehicles so that our Kansas Statutes keep pace with the vehicles that are being produced by the industry.

We see this as a simple yet needed change and we would appreciate your favorable action on the bill. With that Mr. Chairman, I would be happy to stand for questions at the appropriate time.

House Transportation  
Date: 2-15-10  
Attachment # 11

JANICE L. PAULS  
 REPRESENTATIVE, DISTRICT 102  
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TOPEKA

HOUSE OF  
 REPRESENTATIVES

RANKING MINORITY MEMBER:  
 JUDICIARY  
 MEMBER:  
 HOUSE RULES AND JOURNAL  
 COMMERCE AND LABOR COMMITTEE  
 JOINT HOUSE AND SENATE COMMITTEE  
 ON JUVENILE JUSTICE AND CORRECTIONS  
 OVERSIGHT  
 JOINT HOUSE AND SENATE COMMITTEE  
 ON ADMINISTRATIVE RULES AND  
 REGULATIONS  
 MEMBER OF KANSAS SENTENCING COMMISSION  
 CHAIR:  
 NATIONAL CONFERENCE OF STATE  
 LEGISLATORS COMMITTEE ON LAW AND  
 CRIMINAL JUSTICE

February 15, 2010

## House Transportation Committee

## Testimony on HB 2680

Chairman Hayzlett, Vice Chair Vickery, and Ranking Minority Member Long, and committee members, thank you for the opportunity to appear before your committee.

This bill is a response to, and would change the law passed last year regarding driving only in the right lane unless passing on a highway with two or three lanes proceeding in the same direction.

I brought this bill forward due to the negative reaction and questions by quite a few constituents about the law passed last year. I also have my own concerns about that law. Questions asked are: what was the origin of the law, what problem was it trying to correct, what was the extent of the problem, what safety aspects will come into play with a change of driving habits and what is the fiscal note on the change in the law to use mainly the right lane? My impression from other Reps and Senators is that they too have had second thoughts about the effect of the law. I believe there are two reasons that it was put before the legislature last year. One is to give the Highway Patrol a tool to address drivers who stay in the left lane and impede traffic by going too slowly and secondly because some other states have the law. Because other states do it, it can be, but is not necessarily a good reason to pass a law.

What I want to do with HB2680 is revert back to driving patterns where vehicles can use all of the highway subject to safe operation, traffic density and differences in terrain, yet with a hook for officers to stop slow vehicles that loiter in the left lane and impede traffic. I don't want to include trucks or cars that are passing slower vehicles in the right lane and have to pass those vehicles at less than the posted maximum because they cannot go the maximum. I want the bill to allow any passing at any legal speed and I have a proposed amendment which will change the bill to reflect that concept.

The issue of lane usage that is addressed in this bill has two major components, safety and economics.

As to safety, last years law has been widely advertised to the public with penalties to those who violate it, and cautionary people and literalists are already changing their driving patterns to protect themselves. They go out to the left and cut back into the right lane quickly much like they would on two lane roads with oncoming traffic.

House Transportation  
 Date: 2-15-10  
 Attachment # 12

The main purpose of four lane highways, and indeed the anticipated benefit of proposed four lane upgrades to State highways, is to alleviate heavy traffic congestion and increase safety by doubling the volume of available space on a given corridor. Increasing volume reduces pressure.

The current lane law passed last year in effect decommissions half of the hundreds of miles of expensive four lane highways and turns one half of those lanes into large long passing lanes with restricted use. Restricting most of the traffic to the right lane greatly decreases vehicle proximity to other vehicles and in the worst case scenario, bumper to bumper traffic with a lot of quick lane changes so as not to risk being fined for being in the left lane too long.

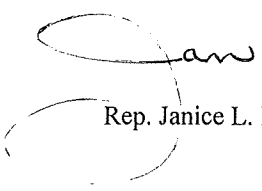
The right lane is really the worst choice to concentrate traffic flow as the right shoulder is where cars or trucks are pulled over by officers for tickets and where disabled vehicles are left parked. The vast majority of exit and access ramps enter the highway into and out of the right lane. The fewer cars already in that lane the easier it is to allow proper vehicle spacing and avoid hitting something or someone.

There are already various speeds that drivers are willing to maintain on our highways, usually at or a little above the posted limit. Restricting left lane usage will sharply increase lane changing by those wanting to drive different speeds. The confusion of just exactly what is allowable cannot be good for road safety. It has been a long standing driving norm for slower traffic to stay to the right and faster traffic to the left, but both have been driving lanes, as opposed to one driving and one passing lane.

As to the economics of this law, the great highways that Kansas enjoys did not come cheap. A lot of time, money, lobbying, and energy went into laying the four lane highways that we have. Highways do not last forever and it does not make sense to wear out half of the lanes and leave half relatively unused. When the highway is replaced, KDOT will not replace only the right beat up lane. Both lanes have the same load capacity and ideally could be used equally for optimum wear. The life span of the pavement should be considered in any law regarding lane usage, especially when funding will not be any easier in the future.

This bill would allow vehicles to drive in the left lane of such a highway at any time if the vehicle is going at least the maximum posted speed or in the left lane at any allowable speed when passing slower moving vehicles in the right lane. Any speed over the maximum posted speed is not addressed by this law. Your speed is between you and your maker, and also the highway patrol. The bill will provide for a warning ticket for one year for a violation of being in the left lane.

I would be very glad to answer any questions on this important change in the law.



Rep. Janice L. Pauls

HOUSE BILL No. 2680

By Committee on Appropriations

2-9

Proposed Amendment to HB 2680

February 15, 2010

12-3

9 AN ACT regulating traffic; concerning driving in the right lane; impeding  
10 traffic; amending K.S.A. 8-1561 and K.S.A. 2009 Supp. 8-1522 and  
11 repealing the existing sections.

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

13 Section 1. K.S.A. 2009 Supp. 8-1522 is hereby amended to read as  
14 follows: 8-1522. Whenever any roadway has been divided into two or  
15 more clearly marked lanes for traffic, the following rules in addition to  
16 all others consistent herewith shall apply.

17 (a) A vehicle shall be driven as nearly as practicable entirely within a  
18 single lane and shall not be moved from such lane until the driver has  
19 first ascertained that such movement can be made with safety.

20 (b) Upon a roadway which is divided into three lanes and provides  
21 for two-way movement of traffic, a vehicle shall not be driven in the center  
22 lane except when overtaking and passing another vehicle traveling in the  
23 same direction when such center lane is clear of traffic within a safe  
24 distance, or in preparation for making a left turn or where such center  
25 lane is at the time allocated exclusively to traffic moving in the same  
26 direction that the vehicle is proceeding and such allocation is designated  
27 by official traffic-control devices.

28 (c) ~~Upon a highway located outside the corporate limits of any city~~  
29 ~~divided into two lanes of traffic proceeding in the same direction, all~~  
30 ~~vehicles shall be driven in the right lane except when:~~

31 ~~(1) Overtaking and passing another vehicle;~~

32 ~~(2) preparing to make a proper left turn;~~

33 ~~(3) otherwise directed by official traffic-control devices; or~~

34 ~~(4) otherwise required by other provisions of law.~~

35 (d) ~~Upon a highway located outside the corporate limits of any city~~  
36 ~~divided into three or more lanes of traffic proceeding in the same direc-~~  
37 ~~tion, vehicles shall not be driven in the far left lane except when:~~

38 ~~(1) Overtaking and passing another vehicle;~~

39 ~~(2) preparing to make a proper left turn;~~

40 ~~(3) otherwise directed by official traffic-control devices; or~~

41 ~~(4) otherwise required by other provisions of law.~~

42 ~~(e) The provisions of subsections (c) and (d) shall not apply to au-~~  
43

h-21

1 ~~thorized emergency vehicles, law enforcement vehicles, Kansas turnpike~~  
2 ~~authority vehicles or department of transportation vehicles performing~~  
3 ~~construction or maintenance work.~~

4 ~~(f) (c)~~ Official traffic-control devices may be erected directing spec-  
5 ified traffic to use a designated lane or designating those lanes to be used  
6 by traffic moving in a particular direction regardless of the center of the  
7 roadway and drivers of vehicles shall obey the directions of every such  
8 device.

9 ~~(g) (d)~~ Official traffic-control devices may be installed prohibiting the  
10 changing of lanes on sections of roadway and drivers of vehicles shall obey  
11 the directions of every such device.

12 ~~(h) From and after July 1, 2000, and prior to July 1, 2010, a law~~  
13 ~~enforcement officer shall issue a warning citation to anyone violating the~~  
14 ~~provisions of subsection (e) or (d).~~

15 Sec. 2. K.S.A. 8-1561 is hereby amended to read as follows: 8-1561.

16 (a) No person shall drive a motor vehicle at such a slow speed as to impede  
17 the normal and reasonable movement of traffic except when reduced  
18 speed is necessary for safe operation or in compliance with law.

19 (b) Whenever the secretary of transportation or local authorities  
20 within their respective jurisdictions determine on the basis of an engi-  
21 neering and traffic investigation that slow speeds on any highway or part  
22 of a highway impede the normal and reasonable movement of traffic, the  
23 secretary or any such local authority may determine and declare a mini-  
24 mum speed limit below which no person shall drive a vehicle except when  
25 necessary for safe operation or in compliance with law and that limit shall  
26 be effective when posted upon appropriate fixed or variable signs.

27 (c) *Upon highways located outside the corporate limits of any city*  
28 *divided into either two lanes or three lanes of traffic proceeding in the*  
29 *same direction, the minimum speed for vehicles driven in the left lane*  
30 *shall be the maximum posted speed limit, except when a reduced speed is*  
31 *necessary for* ~~safe operation or in compliance with law.~~

overtaking and passing another vehicle,

32 (d) *The provisions of subsection (c) shall not apply to authorized*  
33 *emergency vehicles, law enforcement vehicles, Kansas turnpike authority*  
34 *vehicles or department of transportation vehicles performing construction*  
35 *or maintenance work.*

36 (e) *From and after July 1, 2010, and prior to July 1, 2011, a law*  
37 *enforcement officer shall issue a warning citation to anyone violating the*  
38 *provisions of subsection (c).*

39 Sec. 3. K.S.A. 8-1561 and K.S.A. 2009 Supp. 8-1522 are hereby  
40 repealed.

41 Sec. 4. This act shall take effect and be in force from and after its  
42 publication in the statute book.



# Kansas Motor Carriers Association

Trucking Solutions Since 1936

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**Tom Whitaker**  
Executive Director

## LEGISLATIVE TESTIMONY

by the  
**Kansas Motor Carriers Association**  
before the  
**House Transportation Committee**  
**Rep. Gary Hayzlett, Chairman**  
**Monday, February 15, 2010**

### **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 1,150 member firms and the Kansas trucking industry in opposition to House Bill No. 2680.

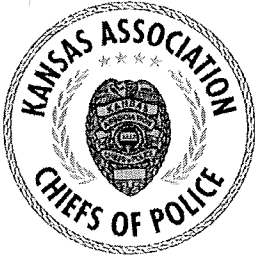
The proposed legislation eliminates current statutory language addressing the unlawful operation of a motor vehicle in the left lane of a divided highway and inserts a prohibition for operating a vehicle in the left lane of a divided highway at a speed lower than the posted maximum.

We believe the bill, as drafted, creates an unintended consequence. A driver could receive a citation for driving over the maximum speed limit and as long as such driver was driving within the "buffer zone", the citation would not affect his or her insurance rates. Under the provisions of HB 2680, a driver could be cited for driving in the left lane at a speed below the posted speed limit. Violation of K.S.A. 8-1561 is a moving violation and could affect insurance rates.

KMCA supports current Kansas law as it pertains to operating in the left lane of a divided highway. Mr. Chairman we respectfully request the House Transportation Committee take no action on HB 2680.

We thank you for the opportunity to appear before you today and would be pleased to respond to any questions you may have.

House Transportation  
Date: 2-15-10  
Attachment # 13



## Kansas Association of Chiefs of Police

PO Box 780603, Wichita, KS 67278 (316)733-7301

## Kansas Peace Officers Association

PO Box 2592, Wichita, KS 67201 (316)722-8433



February 15, 2010

Testimony to the House Transportation Committee  
In Opposition to HB2680

The Kansas Association of Chiefs of Police and the Kansas Peace Officers Association oppose HB2680. This bill is problematic in several ways. For the reasons listed below we recommend the committee not pass this bill out of committee favorably.

First, the existing law was just passed last year and from all appearances seems to be effective without enforcement difficulties. As you know, until July 1, 2010, only warnings for this violation are allowed. But stops can and are being made for this violation.

Second, changing this law now will create confusion to the public. Law enforcement and others have been engaged in public education efforts since the passage of the existing law last year. After months of public education and signage efforts we would not only have to educate people on the new law but undo the information they have been given about the existing law.

Third, this proposal creates a law that is clearly unreasonable. Under this bill the law would provide persons in the left lane, absent safety reasons to drive more slowly, would have to drive at exactly the speed limit. In an example of interstate travel the proposed law means driving at 71 mph is speeding and driving at 69 mph is impeding. Even the best cruise controls are not that consistent. Further, the proposed law means if a person driving on an interstate highway (70 mph speed limit) at 65 mph comes up on a vehicle going 55 mph they could only pass the slower vehicle by speeding up to 70 mph while in the passing lane.

Fourth, the current law is consistent with similar laws in other states. While we can't rule out the approach of HB2680 in another state, we couldn't find another state using it.

We strongly suggest the committee not recommend this bill favorably.

Ed Klumpp  
Kansas Association of Chiefs of Police, Legislative Committee Chair  
Kansas Peace Officers Association, Legislative Liaison  
eklumpp@cox.net  
(785)640-1102

House Transportation  
Date: 2-15-10  
Attachment # 14