

MINUTES

SPECIAL COMMITTEE ON TRANSPORTATION

August 24, 2007
Room 514-S—Statehouse

Members Present

Representative Gary Hayzlett, Chairperson
Senator Dennis M. Wilson, Vice-Chairperson
Senator Terry Bruce
Senator Mark Gilstrap
Senator Vicki Schmidt
Representative Margaret Long
Representative Julie M. Menghini
Representative Richard J. Proehl
Representative Vincent Wetta
Representative William Wolf
Representative Ron Worley

Staff Present

Hank Avila, Kansas Legislative Research Department
Bruce W. Kinzie, Office of the Revisor of Statutes
June Evans, Secretary

Morning Session

Chairperson Gary Hayzlett called the meeting to order at 9:30 a.m. He informed the Committee that future meetings have been scheduled for September 13-14 and October 22-23. He noted that the November meeting to consider the Committee Report has not been set and would likely be held the first part of November. He asked Committee members if they had a conflict with the meeting time to apprise him of the conflict.

The Chairperson then opened the hearing on Topic 3—Kansas Affiliation with Midwest Interstate Passenger Rail Compact.

The Chairperson called on staff of the Legislative Research Department to provide an overview of the recommendations and conclusions made by the 1999-2000 Task Force on Rail Passenger Service (Attachment 1). Staff informed the Committee the many of the findings in the report were still of interest. Some of these findings include the costs of rehabilitating the track, the most feasible route or routes, the cost of train stations, the subsidy required to operate passenger

trains on the most feasible route, how to fund rail passenger service, and other pressing and competing infrastructure needs such as bridges and highways.

Following the staff presentation, Chairperson Hayzlett called on Missouri Representative Charlie Schlottach, Chairperson of the Midwest Interstate Passenger Rail Commission. Representative Schlottach presented an overview of the Compact, noting that the purpose of the Compact was to promote development and implementation of improvements to intercity passenger rail service in the Midwest. Other purposes of the Compact include:

- Coordinating with Midwestern state elected officials on passenger rail issues;
- Promoting of long-range plans for high speed rail passenger service in the Midwest and other regions;
- Working with the public and private sectors at all levels to ensure coordination among various entities having an interest in passenger rail service; and
- Supporting efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest.

Representative Schlottach also informed the Committee that the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin are eligible to join the Commission that administers the Compact. At present, nine states are members of the Commission. He indicated that dues are \$15,000 a year. He further noted that the Commission meets at least once a year and at times determined by the Commission (Attachment 2).

The next conferee was Terry Heidner, Legislative Liaison, Kansas Department of Transportation. Mr. Heidner testified that the purposes of the Midwest Interstate Passenger Rail Commission (MIPRC) are to:

- Promote improvements and long-range plans for intercity passenger rail service in the Midwest;
- Coordinate interaction among Midwestern state officials and between the public and private sector; and
- Support current state efforts conducted through the State Department of Transportation.

Mr. Heidner then explained that current transportation funding is committed through FY 2009 for the completion of the Comprehensive Transportation Program. He noted that passenger rail provides an alternative for travelers who do not drive. Moreover, this mode of transportation would lighten the weight on highways and is energy efficient and environmentally friendly. Mr. Heidner also stated that the needs of freight rail transportation should be considered along with those of rail passenger transportation. He also said that KDOT budgets \$3 million a year for short line rail needs. He indicated that if additional funding is needed for the rails in the flooded area, more funds would have to be appropriated by the Legislature (Attachment 3).

Finally, Mr. Heidner said the \$3 million had been used for loans, railway rehabilitation, and one acquisition.

The next conferee was Rick Harnish, Executive Director, Midwest High Speed Rail Association (MHSRA). Mr Harnish told the Committee that MHSRA advocates fast, frequent, and dependable trains to connect the entire Midwest. He said that there are roughly 1,600 members including individuals, business leaders, and cities throughout the country. MHSRA supports the MIPRC and encourages the State of Kansas to join the Commission. He also said that:

- A direct connection to six Kansas cities would be increasingly important in the future;
- Expanding the Kansas railroad network and linking it to an enhanced bus system would provide Kansans an attractive lower cost option;
- The addition of a railroad network would contribute to more attractive, more walkable communities throughout Kansas; and
- Kansas is served by a high quality route crossing the state; however, there is only one train a day in each direction, with stops scheduled during night time hours. The answer is to add additional trains, with faster running times during daylight hours. This would mean working with the BNSF railroad to add track in key locations, purchasing new rolling stock and identifying ongoing operating support. Since the route operates across 8 states, the federal government would have to be the leader in these enhancements (Attachment 4).

Following Mr. Harnish's presentation, a Committee member asked Mr. Harnish what Kansas could do to promote passenger rail service.

Mr. Harnish replied that Kansas should work with Texas and Oklahoma that operates train service from Oklahoma City to Dallas to see whether service could be expanded to Wichita and Newton. He noted that this initiative needs to start at the federal level.

Chairperson Hayzlett next called on Bernie Koch, Vice-President for Government Relations, Wichita Metro Chamber of Commerce. Mr. Koch stated that the Chamber had no position on the MIPRC, but was interested in ways to lower travel costs for businesses. He stated that there is growing interest in extending the Heartland Flyer that runs between Oklahoma City to Dallas into Wichita and Newton where connections could be made by the East-West Amtrak.

Mr. Koch also told the Committee that rail service for the Wichita area would be more suitable to leisure travelers rather than business travelers largely due to the fact that they prefer to meet with clients and return home the same day (Attachment 5).

During the question and answer period, a Committee member asked Mr. Koch whether Pizza Hut had moved out of Wichita due to the lack of air travel.

Mr. Koch replied that Pizza Hut was purchased by Pepsico and their other Pepsico interests were located in Dallas. He also said that Rent-A-Center relocated to Dallas and that the move was likely due to the lack of air travel in Wichita.

The next conferee was Pat Hubbell, BNSF. Mr. Hubbell explained that the decision to continue existing passenger service or propose a new service rests with a responsible public or quasi-public agency, in that the financial decisions to build and support on-going operations rest with the public, not the BNSF. He said any intercity passenger or commuter service change, including expanded or new intercity passenger or any new-start commuter operation, cannot degrade BNSF's

freight service or negatively affect BNSF's freight customers or BNSF's ability to provide them with service. He added that BNSF must be adequately and comprehensively protected through indemnification and insurance for all risks associated with intercity and commuter passenger services (Attachment 6).

Following Mr. Hubbell's presentation, he was asked how the tracks and train service was affected by the Southeast flood.

Mr. Hubbell replied that BNSF spent \$35 million to get the tracks repaired and that train service was restored ten days after the Southeast Kansas floods.

Mr. Hubbell also was asked if BNSF could be used to transport passengers.

Mr. Hubbell replied that BNSF cannot haul passengers. He said that there is special equipment that can be used for passengers but BNSF cannot charge for passenger service. The federal government does not allow for passenger traffic.

Following Mr. Hubbell's presentation, Chairperson Hayzlett asked the Committee for comments or questions.

Representative Wetta asked if staff could find out whether it would be feasible to operate the Heartland Flyer that runs between Oklahoma City and Wichita on the Union Pacific tracks.

Representative Menghini asked for information about how much funding surrounding states appropriate to the compact, the source of funding, and whether it is a dedicated source.

Afternoon Session

The Chairperson called the meeting to order at 1:30 p.m. and continued with Topic 3—Kansas Affiliation with Midwest Interstate Passenger Rail Compact.

Chairperson Hayzlett called on Dick Jarrold, Light Rail Director/Sr. Director, System Development and Engineering, Kansas City Area Transportation Authority. Mr. Jarrold appeared before the Committee to speak on the broad benefits and issues related to light rail for the Kansas City metropolitan community.

He told the Committee that an integrated multi-modal public transit system which includes light rail and buses would connect the community to jobs and critical services, and increase personal mobility for seniors and the mobility impaired. He also noted such transit systems would spark economic development and reduce the need to build more highways.

Mr. Jarrold also said that:

- The real benefits of light rail would be achieved in the context of a multi-modal transit system;
- In cities across the country with successful light rail lines, the bus services would still carry the majority of the transit passengers and many light rail trips actually begin or end with a ride on a connecting bus;

- Discussions about light rail must include discussion about strengthening other public transit elements and integrating light rail with our roadway, bus and para-transit elements and integrating light rail with our roadway, bus and para-transit networks to best connect Kansans to employment centers, schools, shopping, and other activities;
- In Denver, nearly 50 percent of light rail riders previously used cars, and nearly 60 percent of new riders on the city's Southwest LRT extension are new to transit;
- In St. Louis, a full MetroLink light rail train removes approximately 125 cars from the roads. The entire system removes 12,500 cars from daily rush hour traffic. Such congestion relief and other access and mobility benefits combine to make many businesses light rail supporters;
- A transit system with light rail can improve employee performance and attendance;
- The American Public Transportation Association estimates that every \$1 invested in light rail and transit yields more than \$3 in business growth; and
- While there is support for increased transit and transit funding in the metropolitan area and there are benefits to looking at transit regionally, transit funding does not have to be bi-state. Enhancing transit funding can be done in many ways and can take many different forms - including financial support from the states, individual counties and cities, or other means (Attachment 7).

The next conferee was Wayne Feuerborn, Light Rail Alternatives Analysis Deputy Project Manager, HNTB Corporation. Mr. Feuerborn reiterated that light rail is one mode within an overall transportation plan and system. He informed the Committee that in November 2006, voters in Kansas City, Missouri approved an initiative to build light rail from the Kansas City Zoo in Swope Park in the Southeast area of the community to Kansas City International Airport. This initiative was placed on the ballot by community activists. The majority of the 27-mile route is street running. Street running means using the existing vehicular travel lanes for the light rail vehicles. He said that the route also impacts other jurisdictions that did not vote on the initiative; these include the communities of North Kansas City and Gladstone. Another major issue was the use of the Heart of America Bridge crossing the Missouri River from downtown Kansas City to North Kansas City.

Mr. Feuerborn further explained that voters approved extending the city's 3/8 cent sales tax that is used to fund current bus operations for the Kansas City Area Transportation Authority (KCATA). On April 1, 2009, 40 percent of the operations funding for the KCATA will be diverted to light rail for 25 years throughout metropolitan Kansas City based on this vote. This requirement alone impacts the bus operations system without an alternative source of funds. He said that a 27-mile-long light rail line does not replace hundreds of miles and hours of bus service.

Mr. Feuerborn explained that in March 2007, the Mayor and City Council of Kansas City, Missouri, designated the Kansas City Area Transportation Authority as the project sponsor.

He said that concerns of the Consultant team's evaluation of the November 2006 initiative are:

- The underground power source which is a proprietary technology currently being used in one city in France;

- The use of the Heart of America Bridge;
- The use of park lands at Penn Valley Park and Swope Park and other park modifications; and
- The funding source is \$500 million short in 2007 dollars.

Mr. Feuerborn then explained that the team anticipates bringing forward recommendations to the owner and the community in the spring of 2008. He anticipates a modification of the current plan and that it will go back to the voters during the summer or fall of 2008. It is anticipated the alternatives analysis and draft environmental impact statement would be completed and ongoing effort over an 18- to 22-month period with a report due in the summer of 2009. He said that the KCTA and the City of Kansas City want to be ready to request funding in the new federal authorization bill that would begin in 2009 to fund transportation projects in FY 2010 to 2015 (Attachment 8).

Following Mr. Feuerborn's presentation, the Chairperson closed the hearings on Topic No. 3. He noted that the two conferees that were unable to attend today will be invited to give their testimony in September.

The Chairperson stated Topic 1—Short Line Railroads; Topic 2—Inter-municipality Light Rail Systems; and Topic 5—Regulation of Work-Site Utility Vehicles would be on the September 13 and 14 agenda. Topic 4—Graduated Driver's Licensing would be scheduled for the October 22 and 23 agenda. The final meeting will be set for the early part of November to approve the report.

The meeting adjourned at 2:15 p.m. The next meeting will be September 13 and 14.

Prepared by June Evans
Edited by Hank Avila

Approved by Committee on:

September 13, 2007

Date