

## TESTIMONY BEFORE THE SENATE TRANSPORTATION COMMITTEE

### REGARDING HB 2248 REGARDING ALLOWING ALL-TERRAIN VEHICLES TO CROSS FEDERAL OR STATE HIGHWAYS

**March 19, 2019**

Mr. Chairman and Committee Members:

I am Lindsey Douglas, Deputy Secretary for the Kansas Department of Transportation (KDOT). I am here today to provide testimony on House Bill 2248 regarding allowing all-terrain vehicles to cross federal or state highways. KDOT has no issue with the language in HB 2248 as currently written. However, we learned in the House Transportation committee hearing that the Kansas Livestock Association (KLA) wished to amend the language to allow for their members to also drive along the roadway to access an owner's properties. The House Transportation Committee passed the bill out of committee without amendment and suggested that the parties work to provide amended language to best accomplish the objectives of each group should the bill make it to the Senate.

***Balancing objectives:*** KDOT recognizes that the transportation system provides a means to travel and access to a multitude of users across the state. The system is composed of various types of roads, each of which is meant to provide a function in facilitating travel between points of every trip and in providing access to property. KDOT understands, in addition to the primary purpose of providing a safe means of transportation for vehicles traveling longer distances on the State's highway system, it also provides access to the local road network and in some circumstances direct access to property.

***Collaboration:*** KDOT worked with the Kansas Highway Patrol (KHP) and the KLA to bring forward amended language to the bill from the house version. KDOT believes it is important to work with transportation stakeholders in an effort to find ways to provide for safe and effective travel on and across the State's transportation system for all those who use and benefit from our system. We support the amended language that is attached with our testimony and provided to the revisors for HB 2248. KDOT believes this language meets most of the objectives for KDOT, KHP, KLA as well as the original intent of the bill.

Thank you for the opportunity to provide testimony and amended language to HB 2248. I am happy to stand for questions at the appropriate time.

HB2248 amendment language

8-15,100. Operation of all-terrain vehicles; where; when; exceptions. (a) Except as provided in subsection (b), (c), and (d) it shall be unlawful for any person to operate an all-terrain vehicle: (1) On any interstate highway, federal highway or state highway; or (2) within the corporate limits of any city unless authorized by such city.

(b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.

(c) Notwithstanding the provisions of subsection (a), all-terrain vehicles may be operated to cross a federal highway or state highway.

(d) Notwithstanding the provisions of subsection (a), persons engaged in agricultural may operate an all-terrain vehicle on a federal highway or state highway, under the following conditions:

(1) The operator of the all-terrain vehicle must be a licensed driver and be operating within the restrictions of their license;

(2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;

(3) The operator of the all-terrain vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left hand turn.

(4) The operation on a federal highway or state highway must be between the persons residence and agricultural property owned or leased by the person engaged in agricultural or an employee thereof; or between agricultural properties owned or leased by the person engaged in agricultural or an employee thereof; and,

(5) The purpose of the trip using the all-terrain vehicle must be for agricultural purposes.

(e) No all-terrain vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

(f) This section shall be part of and supplemental to the uniform act regulating traffic on highways.

8-15,109. Operation of work-site utility vehicle; where; when. (a) Except as provided in (b) and (c) it shall be unlawful for any person to operate a work-site utility vehicle: (1) On any interstate highway, federal highway or state highway; or (2) within the corporate limits of any city unless authorized by such city.

(b) Notwithstanding the provisions of subsection (a) work-site utility vehicles may be operated to cross a federal highway or state highway.

(c) Notwithstanding the provisions of subsection (a) persons engaged in agriculture may operate an work-site utility vehicle on a federal highway or state highway, under the following conditions:

(1) The operator of the work-site utility vehicle must be a licensed driver and be operating within the restrictions of their license;

(2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;

(3) The operator of the work-site vehicle must operate the work-site utility vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left hand turn.

(4) The operation on a federal highway or state highway must be between the persons residence and agricultural property owned or leased by the person engaged in agricultural or an employee thereof; or between agricultural properties owned or leased by the person engaged in agricultural or an employee thereof; and,

(5) The purpose of the trip using the work-site vehicle must be for agricultural purposes.

(d) No work-site utility vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

(e) This section shall be part of and supplemental to the uniform act regulating traffic on highways.