

Approved: February 22, 2005  
Date

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on February 9, 2005 in Room 120-S of the Capitol.

Committee member absent: Anthony Hensley

Committee staff present:

Hank Avila, Kansas Legislative Research Department  
Bruce Kinzie, Revisors of Statutes  
Maggie Breen, Committee Secretary

Conferees appearing before the committee:

Dan Ramlowk, Kansas Contractors Association  
Nelson Olinger, Concerned Citizen  
Lt. John Eichkorn, Kansas Highway Patrol  
Terry Heidner, KDOT  
Ron Butts, Kansas Public Transit Association  
T.W. Anderson, Kansas Association of Airports

Others attending:

See attached list.

**SB 81 - Traffic regulation, use of headlamps, windshield wipers**

Proponents:

Dan Ramlowk, Executive V.P. Kansas Contractors Association, said that **SB 81** was a piece of common sense legislation that has positive safety features for the motoring public. It would also benefit and protect his industry's workers in construction work zones during inclement weather. Almost 20 states have such a law, with our neighbor Missouri having passed their law in 2004. (Attachment 1)

Mr. Ramlowk read testimony by James R. Hanni, of AAA who could not be present. They, a membership organization represent 143,175 motorists throughout Kansas endorse **SB 81**. The content of the bill is also supported by national AAA policy. (Attachment 2)

Nelson Olinger, Concerned Citizen, thanked the committee for providing him the opportunity to speak on the bill. Often during inclement weather, headlights are not used by motorists during daylight hours. He believes this is hazardous because of lack of sufficient visibility, especially on narrow highways and treacherous roads. He urged the committee to pass **SB 81**. (Attachment 3)

Lt. John Eichkorn, appeared on behalf of Colonel William Seck and the Kansas Highway Patrol in support of **SB 81**. The bill will enable drivers to see oncoming traffic better and to be seen better by other drivers. The Patrol supports most of the bill, but making this legislation a secondary offence hinders the ability of law enforcement officials to encourage the use of headlights during adverse conditions. They can only issue a citation after observing and issuing a citation for a separate violation, such as speeding or improper lane change. They propose elimination of the secondary language. (Attachment 4)

Tom Whitaker, Kansas Motor Carriers Association - Written Only (Attachment 5)

Chairman Donovan ask Ken Gudenkauf what KDOT's position was. Ken said they do endorse the bill and will send the Chairman something in writing.

**SB 184 - Repealing K.S.A. 75-5010, the division of aviation**

Proponents:

Tery Heidner, KDOT, Director, Division of Planning and Development, said KSA 75-5010 was enacted on

## CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on February 9, 2005 in Room 120-S of the Capitol.

August 15, 1975, establishing the Division of Aviation within KDOT. Repealing it will not impact the powers and responsibilities the Secretary of Transportation currently has regarding aviation. They are requesting the repeal because it will enable them to enhance the Agency's efficiency in managing aviation and other non-highway transportation modes. It would improve transportation planning and provide greater support by focusing resources in one group for non-highway modes of transportation; improve efficiencies by combining KDOT's multi-modal resources that are currently scattered throughout the Agency; and better position the Agency to address changing demographic trends and dramatic growth anticipated in freight movement. They understand that aviation is pleased with the success of KDOT'S aviation program under the Comprehensive Transportation Program and that there is some uneasiness with the change. He assured the committee that it is their intent to increase the effectiveness of program for all modes, not for some modes to benefit at the expense of others. (Attachment 6)

Ron Butts, Executive Director, Kansas Public Transit Association, appeared in support of **SB 184**. He represents 140 members of the Kansas Public Transit Association and 195 public transportation providers in the state. The fastest growing services provided by public transportation are to individuals who are elderly and to individuals with disabilities. Meeting the future needs of just those two populations will require greater cooperation and coordination throughout the state. A new multi-modal division will bring about a greater emphasis on and attention to the needs and services provided by each of the modes. (Attachment 7)

David Kensinger, K&O and SK&O Railroads, Written Only (Attachment 8)

Opponent:

T.W. Anderson, President, Kansas Association of Airports (KAA), and Manager, Newton City/County Airport, requested that his entire written testimony be made a part of the record (Attachment 9) and said he would summarize it for the committee. The Kansas Association of Airports opposes passage of **SB 184**. It's the first step in the Secretary of Transportation's goal of creating a multi-modal transportation division to oversee all Kansas transportation concerns except highways. After much deliberation, his organization has come to the conclusion that although they applaud the Secretary's goal to maximize the efficiency of her department, and they would endorse the inclusion of the other concerns of transportation in a multi-modal division, KAA opposes the inclusion of Aviation. In the opinion of the members of the KAA, the Secretary has not made a sufficient case of assuring Kansans, especially the aviation users, that the same level of service and access will be maintained if Aviation is included. KAA members feel that the state that advertises being home to the Air Capitol of the World, the state that has had a richer aviation history than perhaps any other state in the union, and that is still today at the forefront of private as well as commercial aviation advancements in design, education and application, should have a first class Division of Aviation autonomous and staffed to address the needs of today, and the plans for tomorrow. He urged the committee to retain the division. KAA will ask legislators to consider methods to guarantee funding for airport improvements past the 2009 end of the current program. They urged the legislature to consider assuring future funding by designing the revenues collected under state sales tax on the retail sale of Aviation fuel. The Division of Aviation has done fantastic things with a small budget of \$3 million a year. Preliminary analysis indicates that the funding from such a sales tax could possibly fully fund the Division.

### **Final Action**

#### **SB 94 - Roads and highways, contracts**

Chairman Donovan said there was an additional proposed amendment for **SB 94**. (Two amendments were approved on February 3.) To strike "as defined in the project contract documents" on line 37.

Senator O'Connor moved to adopt this amendment to **SB 94** and to pass the amended bill out favorable. Senator Petersen seconded the motion . Motion Carried.

The meeting adjourned at 9:21 a.m.

The date of the next meeting is unknown at this time.