

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:30 a.m. on March 9, 2010, in Room 152-S of the Capitol.

All members were present except:

Senator Anthony Hensley- excused

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Cindy Shepard, Committee Assistant

Conferees appearing before the Committee:

Carmen Alldritt, Director, Division of Vehicles, Kansas Department of Revenue
Jo Ann Pottorff, Representative, State of Kansas
Lindsay Douglas, Legislative Liaison, Kansas Department of Transportation
Mary Ellen Conlee, Lobbyist, Northern Flyer Alliance
Alice M. Amrein, Transportation Director, Johnson County, Kansas
Lisa Koch, Public Transit Manager, Kansas Department of Transportation
Ron Worley, Representative, State of Kansas
Pete DeGraaf, Representative, State of Kansas
Jarrod Forbes, Lobbyist, Polaris Industries

Others attending:

See attached list.

The Chairman called attention to reconsider the action on **HB 2547 - Vehicle dealers and manufacturers licensing act, franchise agreements** taken March 5. He noted his intent to amend language from **HB 2510 - Temporary vehicle registration, use of permit** into **HB 2547**.

The Chairman recognized Carmen Alldritt, Director, Division of Vehicles, Kansas Department of Revenue, to comment on information requested relating to extending temporary permits from 30 days to 45 days. She indicated that it would require many hours of programming and testing. Currently, she does not have staff to spare, or authority to hire under the current budget constraints. She stated cost to the agency for changing to a 45-day tag would be \$35,000.

After discussion, it was determined that the issue of increasing temporary permits to 45 days would be addressed at a later date, and the original content of **HB 2510** should move forward.

Senator Schmidt moved, Senator Kultala seconded, to reconsider action taken on March 5 recommending HB 2547 as amended, favorably for passage. Motion carried.

Senator Donovan moved, Senator Kultala seconded, to further amend HB 2547, with the contents of HB 2510. Motion carried.

Senator Kultala moved, Senator Donovan seconded, to recommend HB 2547, as amended, favorably for passage. Motion carried.

The Chairman opened the hearing on **HB 2552 - Midwest interstate passenger rail compact**. Bruce Kinzie, staff revisor, reviewed the bill.

Jo Ann Pottorff, Representative, State of Kansas, testified as a proponent of **HB 2552**. She stated that enacting the compact would make Kansas a member of the Midwest Interstate Passenger Rail Commission (MIPRC). Currently, the MIPRC is made up of the majority of the Midwestern states, including Illinois, Iowa, Ohio, Wisconsin, Missouri and Minnesota. Kansas and South Dakota are the only two eligible states that are not members.

She continued that the MIPRC works to coordinate interaction among Midwestern state officials, encourages

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federal government financial partnerships with individual states to create a faster, more frequent passenger rail service for the Midwest. Additionally, the MIPRC is an active advocate for federal funding for passenger rail projects ([Attachment 1](#)).

Lindsay Douglas, Legislative Liaison, Kansas Department of Transportation (KDOT), appeared in support of **HB 2552**. She indicated that the purpose of the MIPRC, and its member states, is to promote the development, implementation and improvement of intercity passenger rail service in the Midwest and to promote coordination among the public sectors at the federal, state and local levels as well as with the private sector stakeholders ([Attachment 2](#)).

Mary Ellen Conlee, testified on behalf of The Northern Flyer Alliance, a consortium of city councils, civic groups and citizens promoting the development of intercity passenger rail service in Kansas, Oklahoma and Texas. Passage of **HB 2552** allows Kansas to become a full voting member of the MIPRC and have the support of the commission as it seeks federal funding for bringing intercity passenger rail service to Kansas. Ms. Conlee provided maps showing the current Amtrak service throughout the 12-state region and the gap in Amtrak passenger rail service that the Northern Flyer Alliance is attempting to remedy. She also included a recent summary of Midwestern States' awards of funding for High Speed Intercity Passenger Rail Program available through the American Recovery and Reinvestment Act ([Attachment 3](#)).

Written testimony in support of **HB 2552** was submitted by:

Laura Kliewer, Director, Midwest Interstate Passenger Rail Commission ([Attachment 4](#))

There being no further conferees, the hearing on **HB 2552** was closed.

The Chairman suggested working the bill, noting it is straightforward and seeing there was no opposition. Senator Petersen moved, Senator Huntington seconded, to recommend **HB 2552** favorably for passage. Motion carried.

The hearing on **HB 2561 - Allowing transit buses to be operated on right shoulder of certain highways**. Bruce Kinzie, staff revisor, reviewed the bill, explaining that it allows the Secretary of Transportation to designate certain stretches of highways where transit buses may be operated on the shoulders, if certain requirements are met.

Alice M. Amrein, Transportation Director, Johnson County, Kansas, presented testimony in support of **HB 2561**. She stated that this legislation will allow transit buses to operate on the right shoulder when the traffic flow is below 35 mph. This will increase capacity on the interstate, through the reduction of vehicles on the road and will help effectively and efficiently move people during peak traffic volumes. Bus on Shoulder (BOS) operation is only permitted where it can be used safely.

She continued noting that this BOS operation is being used extensively in Minnesota. Minneapolis has deployed more than 270 miles of BOS on urban freeways. Johnson County Transit (JCT) has been studying ways to improve transit service and increase the effectiveness of urban roadways without large infrastructure investment, and BOS has emerged as the most effective means, in particular, for use on sections in the I-35 Corridor. She stated the initial estimated costs, associated with I-35 improvements, is approximately \$2,400,000, and would be covered with money that they currently have through a federal grant. The cost to the State for signage and striping is approximately \$150,000 - \$200,000 ([Attachment 5](#)).

Lisa Koch, Public Transit Manager, Kansas Department of Transportation, appeared as a proponent. She stated that KDOT understands the operational details of this service and supports the project as an opportunity to relieve congestion on one of the state's busiest sections of highway. Because highway congestion is not limited to the section of I-35 where JCT proposes to operate BOS, **HB 2561** does not specify a location, but instead allows KDOT the authority to authorize additional providers and locations as it is deemed appropriate. KDOT would develop a framework for authorizing transit providers to operate on certain sections of the State Highway System ([Attachment 6](#)).

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Ron Worley, Representative, State of Kansas testified in support of **HB 2561**. He indicated that this program would postpone or reduce large expenditures required to add additional lanes and/or roads. It would provide very low cost and nearly immediate relief to current traffic congestion, especially during the morning and evening drive times (Attachment 7).

There being no further conferees, the hearing on **HB 2561** was closed.

The Committee had many questions relating to the transit bus operation, and requested a map of the I-35 corridor showing the sections JCT is proposing BOS operations. Chairman Umbarger indicated he would work the bill at a later date, allowing time for the proponents to provide additional information.

The Chairman opened the hearing on **HB 2660 - Recreational off-highway vehicles, regulation thereof**. Bruce Kinzie, staff revisor, reviewed the bill. He noted this bill is similar to **SB 536**, which the Committee heard on February 16, stating the difference between the bills is **HB 2660** added the provision for Boy Scouts of America license plate and removed Section 6.

The Chairman recognized Carmen Alldritt, Director, Division of Vehicles. She requested a delay on the Boy Scouts of America license plate by amending line 32, changing the year to 2012.

Pete DeGraaf, Representative, State of Kansas, presented testimony in favor of **HB 2660**. He stated that the Boy Scout license plate started out as **HB 2615**, and with overwhelming bipartisan support, the bill was amended into **HB 2660** on the House floor. The original bill has 25 co-sponsors, and is a money maker for the Scouts and the State of Kansas (Attachment 8).

Jarrold Forbes, representing Polaris Industries, appeared as a proponent of **HB 2660**. He indicated that the bill adds a new definition to the off-road family, "recreational off-highway vehicle". Polaris feels it is important to have this new classification of vehicles so that Kansas Statutes keep pace with the vehicles that are being produced by the industry (Attachment 9).

There being no further conferees, the hearing on **HB 2660** was closed.

The Chairman announced his intention to work the bill today and amend the contents of **SB 408 - County treasurers, additional locations for vehicle registrations** and **SB 367 - Regulating traffic; enforcement of helmet law for motorcycles** into **HB 2660**.

Discussion followed and it was noted that there were two technical amendments needed in **HB 2660**.

Senator Apple moved, Senator Schmidt seconded, to amend **HB 2660** on page 1, line 32, by changing the year from "2011" to "2012" and line 39, by changing "county" to "country". Motion carried.

Senator Apple moved, Senator Schmidt seconded, to further amend **HB 2660**, with the contents of **SB 408** and **SB 367**. Motion carried.

Senator Apple moved, Senator Schmidt seconded, to recommend **HB 2660**, as amended, favorably for passage. Motion carried.

The meeting was adjourned at 9:35 a.m. The next meeting is scheduled for March 10, 2010.