

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Senator Robert V. Talkington at  
Chairperson

9:00 a.m. a.m./p.m. on Wednesday, March 16, 1983 in room 254-E of the Capitol.

All members were present except:

All members present.

Committee staff present:

Fred Carman  
Hank Avila  
Rosalie Black

Conferees appearing before the committee:

HB 2110 - Representative David Webb	HB 2194 - Representative Ardena Matlack Capt. Donald Pickert, Highway Patrol
HB 2059 - Representative Theo Cribbs Alan Alderson, Attorney, Dept. of Revenue	Ed DeSoignie, Dept. of Transportation

The meeting was called to order by Senator Talkington, Chairman, who introduced Representative Webb to discuss House Bill 2110.

HOUSE BILL 2110 - HEARING AND ACTION

Representative Webb explained that HB 2110 proposes the use of letters or numerals, or a combination of the two, on an antique license plate. Currently, only two letters are used. The House Transportation Committee amended the bill by increasing the \$5 registration fee to \$15 and the Committee also increased the fee for a personalized antique license plate from \$25 to \$40. He also noted that the effective date was changed to January 1, 1984.

Senator Burke moved that an amendment requested by Fred Carman inserting the word "is" in Line 50 in HB 2110; seconded by Senator Hein and passed.

Senator Burke moved that HB 2110 be reported favorable for passage as amended; seconded by Senator Thiessen and passed.

HOUSE BILL 2059 - HEARING AND ACTION

Representative Cribbs stated that the only change in the bill is that a person attending a driver improvement clinic must pay a fee of \$15 which would raise \$30,000 in revenue. (See Attachment 1.)

In answer to questions from Senator Morris and Senator Meyers, Alan Alderson said that driver improvement clinics are held only after a driver received four

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
room 254-E, Statehouse, at 9:00 a.m. a.m./p.m. on March 16, 1983.

HOUSE BILL 2059 (continued)

minor violations not involving DWI.

Senator Hayden moved that House Bill 2059 be reported favorable for passage;  
seconded by Senator Rehorn and passed.

HOUSE BILL 2194 - HEARING AND ACTION

Referring to the problem of needless signs on U.S. 54 Highway through the City of Goddard, Representative Matlack indicated the bill would correct HB 2547. She presented the Committee with a photo of seven signs in a quarter-mile stretch along U.S. 54 west of Wichita. (See Attachment 2.)

Captain Pickert spoke in support of the bill and noted that an additional benefit would be inclusion in Chapter 8 which regulates traffic on both types of highways. (See Attachment 3.)

Ed DeSoignie stated that DOT favors HB 2194 which would consolidate statutory language on U-turns into one statute. (See Attachment 4.)

Fred Carman indicated that the word stacking will be correctly spelled in Line 71 by the printer.

Senator Burke moved that HB 2194 be reported favorable for passage; seconded  
by Senator Thiessen and passed.

The meeting adjourned at 9:40 a.m.

Please PRINT Name, Address, the organization you represent, and the Number of the Bill in which you are interested. Thank you.

NAME	ADDRESS	ORGANIZATION	BILL NO.
John R. Scheirman	Off. of Gen. Counsel	KDOT	HB 2194
Edward R. DeSaignie	Topeka	KDOT	HB 2194
Ronald M. Welch	Topeka	AAA	HB 2194-2059
CAPT. Don Pickett	TOPEKA	KHP	HB 2194
(D) J. W. W.		Legislature	
BILL GREEN	State Off. Bldg.	Col. Camp.	

THEO CRIBBS  
SEDGWICK COUNTY  
1551 NORTH MINNESOTA  
WICHITA, KANSAS 67214



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: GOVERNMENTAL ORGANIZATION  
FEDERAL AND STATE AFFAIRS  
PUBLIC HEALTH AND WELFARE

MARCH 16, 1983

TO: Senate Transportation Committee  
FROM: Representative Theo Cribbs  
RE: HB 2059

Mr. Chairman and members of the Transportation Committee:

I want to thank you for allowing me to appear on HB 2059. This bill relates to persons attending driver improvement clinics conducted by the Division of Vehicles. A person who is required to attend a driver improvement clinic must pay a fee of \$15. At the present time no fee is assessed to those persons.

The House Transportation Committee amended the bill by providing that funds derived from the \$15 fee be deposited in the Operating Fund of the Division of Vehicles. A second amendment strikes language in the amended language. Subsection (a)(3) refers to persons incompetent to drive, which indicates a medical problem. Enrollment in a driver improvement clinic will have no effect on a person's medical problem.

Thank you for your attention. I would hope that when HB 2059 comes to a vote, that it will pass out of committee favorably,

THEO CRIBBS  
State Representative  
District #89

*Atch. 1*

TESTIMONY BY REP. ARDENA MATLACK

TRANSPORTATION COMMITTEE  
Rex Crowell, Chairman  
Wednesday, February 9, 1983

IN Regard: HB 2194

Thank you for allowing me to appear today before your Committee.

This is a bill to correct mistakes both by the Legislature and the Department of Transportation. It actually came about by an unforeseen interpretation of one of the laws the Legislature passed in 1981, HB 2547. One might say that it is a confusion in the application of law, anyhow, some needless signs got installed through the City of Goddard on US 54 Highway which is in my District. I became aware of the problem in the early part of March, 1982, when I received a letter from a Goddard resident telling me about the signs. Other letters came.

I contacted our area engineer who informed me by letter that HB 2547 called for these signs. I then contacted Secretary Kemp about the 84 signs which had already been installed. By that time, it was the end of March. Secretary Kemp said that there would be no more signs put up until an internal task force looked into the matter and I could not readily find a bill to amend to correct the problem, so we proceeded to wait for the task force recommendation. Then, in September, I received some more letters from irate constituents saying that "all turns allowed" were being installed on Highway 54. Needless to say, I was quite unhappy with the installation of the new signs---390 according to the Wichita Eagle-Beacon. Again, Mr. Kemp tended the immediate problem.

HB 2194, then, is the result of letters, rough drafts of bills, and a meeting between personnel from the Secretary of Transportation, personnel from the Highway Department, the Revisor's Office, and myself. Hopefully, this will keep our highways safe but not require the Department to put up needless and expensive signs. Unless this bill is adopted, or a similar bill, Federal Highways in your District could look like this picture. The article isn't quite correct in reporting how it happened---they didn't I urge the Committee to act on this bill favorably. talk to me

Thank you.

# Signs, Signs, Everywhere Are Signs

By Ken Stephens  
Staff Writer

The problem started with a vaguely worded law. Then some attorneys interpreted the law. But a bureaucrat wasn't sure the Legislature meant what the attorneys said.

The bureaucrat decided to hold everything until he had a chance to ask the legislators. But somebody didn't get the message.

As a result, Sedgwick and other counties in south central Kansas have \$20,000 worth of road signs that officials aren't sure they want.

The "All Turns Allowed" signs are placed at 390 crossovers along the medians of divided state highways.

The foul-up started with a road-marking statute passed by the 1981 Legislature, said state Transportation Secretary John Kemp. Transportation Department attorneys thought the statute could be read to mean that the Legislature wanted all crossovers in divided state highways to be marked — either with signs saying "No U Turns" or "All Turns Allowed." Interstate highways were not included.

But in some places where there are frequent crossovers, this would mean putting signs so close together that motorists would pass several before having a chance to read the first



Bill Youmans/Staff Photographer

Along U.S. 54 west of Wichita there are seven signs in a quarter-mile stretch.

Because of the potential expense of marking all crossovers and the uncertainty of whether that was what the Legislature intended, Kemp said he decided to postpone action until the Transportation Department could seek clarification from the 1983 Legislature.

But somehow — Kemp's not quite sure how — District 5, which includes Sedgwick County and 16 other south-central Kansas counties,

didn't get Kemp's message, and started putting up signs in September.

Some 390 signs later, Rep. Ardena Matlack, D-Clearwater, called Kemp to find out what was going on. Kemp instructed District 5 officials to stop.

He says he's since received calls from several other legislators. "Their position is that it looked like something we could get by without"

while the state is encountering revenue shortfalls, said Kemp.

Each sign costs the state \$53.36, including materials and labor.

No more signs will be going up until the Transportation Department gets some guidance from the Legislature next year. Kemp says he doesn't know how many more signs will be required if legislators want all the crossovers marked, but he said it will be in the hundreds.

SUMMARY OF TESTIMONY  
BEFORE THE SENATE TRANSPORTATION AND UTILITIES COMMITTEE  
1983 LEGISLATIVE SESSION

HOUSE BILL 2194

March 16, 1983

Presented by the Kansas Highway Patrol  
(Captain Don Pickert)

Appeared in Support of House Bill 2194

Prior to the 1981 legislative session, a definite discrepancy existed in that signing requirements for allowing or prohibiting turns on controlled access or divided highways were exactly the opposite and confusing to both the public and enforcement officers.

That session brought uniformity to these requirements but confusion continues to exist with the two statutes, 68-1906 and 8-1524. We feel passage of this bill would effectively eliminate the duplication and any remaining confusion by repealing 68-1906 and incorporating all of the prohibitions into 8-1524.

A primary consideration in this regard is the fact that in Kansas all controlled access highways are divided highways, but the reverse is not true.

This bill, as amended in the House, effectively incorporates all pertinent provisions into one statute and will afford an easier understanding by everyone concerned.

An additional benefit would be inclusion in Chapter 8 which regulates traffic on both types of highways.

For these reasons, we would request your favorable consideration of this bill.

# Kansas Department of Transportation

BUREAU OF MANAGEMENT AND BUDGET

March 16, 1983

MEMORANDUM TO: Senate Committee on Transportation and Utilities

REGARDING: House Bill 2194

## I Summary of Bill

House Bill 2194 if enacted would consolidate statutory language on U-turns into one statute. The bill is a complete re-write of K.S.A. 8-1524, which deletes existing language and replaces it with provisions currently in both K.S.A. 8-1524 and K.S.A. 1982 Supp. 68-1906.

Amendments by the House Transportation Committee to House Bill 2194:

- 1) Removed the fine,
- 2) Added the prohibition against stacking of materials and parking of vehicles and mobile equipment on highway right-of-way, and
- 3) Added the prohibition against parking or stopping of vehicles on the right-of-way except for: (a) disabled vehicles, (b) stopping due to emergency, (c) stopping in compliance with directions of police or other emergency officials, (d) illness or incapacity of drivers or (e) in designated parking or rest areas.

## II Comments

At present there are two statutes that regulate U-turns on highways; K.S.A. 8-1524, which covers all divided highways, and K.S.A. 1982 Supp. 68-1906, which addresses controlled-access facilities.

K.S.A. 8-1524 allows motorists to cross the dividing space, barrier or section on divided highways unless specifically prohibited by sign. This statute therefore prohibits U-turns only where specified by sign.

K.S.A. 1982 Supp. 68-1906 (b) prohibits U-turns on controlled-access facilities (which are a sub-class of divided highways) except where allowed by sign. However, 68-1906 also requires that openings not intended for U-turns should also be signed with the prohibition.

Implementation of the statutory provisions by the Kansas Department of Transportation resulted in excessive signing on certain portions of highway.

The Manual of Uniform Traffic Control Devices (MUTCD) also discourages the use of excessive signing. (See attached)

Removal of the fine and incarceration language was suggested by the Department on the basis that violations of the Uniform Act Regulating Traffic in Chapter 8 of the K.S.A.'s are addressed by K.S.A. 8-2116. K.S.A. 8-2116 classifies the various violations in accordance with Chapter 21, Article 45 of the Statutes - Classification of Crimes and Penalties. Specifically, K.S.A. 21-4502 and 21-4503.

Atch. 4



The remainder of the amendments were originally initiated by Representative Sandy Duncan via HCR. 5013 and House Bill 2164 whereby language similar to the amendments was to be moved from the Department's K.A.R. 36-12-1 et. seq. to the body of statutes. Changes were made in this language to make it consistent with the revisions to 36-12-1 et. seq. which were adopted by the Secretary on December 2, 1982.

### III Fiscal Impact

No additional fiscal impact to the Kansas Department of Transportation which would exceed the Governor's budget recommendation.

### IV Agency Position

The Kansas Department of Transportation is in support of House Bill 2194.

set forth in the following pages. However, engineering judgment is essential to the proper use of signs, the same as with other traffic control devices. Traffic engineering studies may indicate that signs would be unnecessary at certain locations. The judgment resulting from traffic engineering studies of physical and traffic factors should be depended upon to determine locations where signs are deemed necessary.

It is recognized that urban traffic conditions differ from rural, and in many instances signs must be applied and located differently. Where pertinent and practical, therefore, this Manual sets forth separate recommendations for rural and urban conditions.

#### **2A-5 Variable Message Signs**

Variable message signs are designed to have one or more messages that may be displayed or deleted as required. Such a sign may be changed manually, by remote control, or by automatic controls that can "sense" the conditions that require special sign messages.

Variable message signs, with more sophisticated technologies, are gaining more widespread use to inform motorists of variable situations, particularly along more congested traffic corridors.

It is recognized that due to technological limitations many variable message signs cannot conform to the exact sign shape, color and dimensions specified in these standards. Because technology is developing so rapidly in this area of signing, this Manual has not specified detailed standards for variable message signs. Nevertheless, it is essential that variable message signs ascribe to the principles established in the Manual, and to the extent practicable, with the design and applications prescribed herein.

Highway and transportation organizations are encouraged to develop and experiment with variable message signs (sec. 1A-6) and to carefully evaluate installations where used so that specific Manual standards may be incorporated in the future.

#### **2A-6 Excessive Use of Signs**

Care should be taken not to install too many signs. A conservative use of regulatory and warning signs is recommended as these signs, if used to excess, tend to lose their effectiveness. On the other hand, a frequent display of route markers and directional signs to keep the driver informed of his location and his course will not lessen their value.

#### **2A-7 Classification of Signs**

Functionally, signs are classified as follows:

Regulatory signs give notice of traffic laws or regulations.

Warning signs call attention to conditions on, or adjacent to, a highway or street that are potentially hazardous to traffic operations.