

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairman Rex Crowell at 1:30 p.m. on February 25, 1993 in Room 519-S of the Capitol.

All members were present except: Rep. Tim Shallenburger, Excused
Rep. Walker Hendrix, Excused

Committee staff present: Tom Severn, Legislative Research Department
Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: Rep. Carmody
Sen. VanCrum
Rep. Adkins
Robert Baker, Oak Park Home Assn.
Roy Loban
Clarence Ninke
Tom Gearhart
Mike Lackey, KDOT
Jim Bush, KDOT
Al Stallard, KDOT
Rep. Sader
Mike Sharp
Helen Miller
Bill Cutler, Dept. on Aging
Betty McBride, Dept. of Revenue, Division of Vehicles

Others attending: See attached list

Chairman Crowell opened the hearing on HB 2229 concerning the development of a State highway traffic noise abatement program through KDOT.

The Chairman recognized Rep. Carmody, principal author of the bill, as the first to testify. He summarized what the bill entailed and the reason for its request and introduction.

Chairman Crowell recognized Sen. Vancrum as the next proponent of the bill. See Attachment 1.

Rep. Adkins, co-sponsor of the bill, was recognized by the Chairman. See his written testimony in Attachment 2.

Robert E. Baker, representing the Oak Park Home Association, was recognized by Chairman Crowell as a proponent of the bill. See Attachment 3 for his written testimony.

The Chairman recognized Roy Loban to testify. He is a resident of Overland Park and testified as a proponent of the bill. He expressed concern for the neighborhoods affected by the noise and the effect it has on he and his family.

Clarence Ninke was recognized by the Chairman as a proponent of the bill. He testified that he is a resident of Overland Park and suggested lowering the speed on the highway to help the noise problem. See Attachment 4.

Chairman Crowell recognized Tom Gearhart, an Overland Park resident and proponent of the bill. See Attachment 5 for his written testimony.

The Chairman recognized Mike Lackey from KDOT to comment on the bill. He testified that KDOT is complying with federal regulations and offered information concerning the program to the committee. See Attachment 6 for written testimony. Al Stallard and Jim Bush, KDOT, were recognized by the Chairman to respond to questions of the committee.

Chairman Crowell closed the hearing on HB 2229.

The hearing on HB 2306 concerning driving test requirements for persons over the age of 75 was opened by Chairman Crowell.

The Chairman recognized Rep. Sader, primary author of the bill, to testify. See her written testimony in Attachment 7.

Chairman Crowell recognized Michael D. Sharp as a proponent of the bill. See Attachment 8 for his written testimony.

Helen Miller of "The Vintage Years" was recognized by Chairman Crowell as a proponent of the bill. See Attachment 9 for her written testimony.

The Chairman recognized Bill Cutler from the Dept. on Aging offering comments regarding the bill. He testified that he was neither an opponent nor a proponent of the bill. See Attachment 10 for his written testimony.

Betty McBride from the Dept. of Revenue was recognized by the Chairman. She testified in regard to the demands that would be placed upon the Department if the bill should pass. See Attachment 11.

Chairman Crowell closed the hearing on HB 2306.

The Chairman brought the committee's attention to HB 2461 concerning changing the way interstate regulated motor carriers register their authority and vehicles with the Corporation Commission.

Rep. King made a motion to amend the bill clarifying the language to include all private carriers. It was seconded by Rep. Smith. The motion carried.

Rep. King made a motion to amend the bill to allow Property Valuation to continue collecting apportioned property taxes on nonresident carriers. It was seconded by Rep. Dillon. The motion carried.

Rep. King made a motion to pass the bill favorably as amended. It was seconded by Rep. Dillon. The motion carried.

Chairman Crowell brought the committee's attention to HB 2414 concerning the exemption of motor fuel and special fuels from taxation.

Rep. Smith made a motion to pass the bill favorably out of committee. It was seconded by Rep. Haulmark. The motion carried.

The Chairman brought the committee's attention to written testimony submitted by Bob Story regarding HB 2491 and entered it into the record.

Chairman Crowell adjourned the meeting at 3:24 p.m. with the next meeting to be held on March 8, 1993, at 1:30 p.m. in Room 519-S of the Capitol.

FEBRUARY 25, 1993

Representing

Kenneth E Miller	Sumner, Ks.	Vintage Years.
Delbert Mueller	Topeka	Vintage years.
Mendell Strom	Topeka	AARP-CETF
Edna M. Gude	Topeka	KDOR
John W Smith	Topeka	KDOR
Rick Scheibe	Topeka	KDOR
George Goebel	Topeka	AARP-SLC-CETF
JACK TIERCE	Topeka	KCC
Bill Cuth	"	KDOR
Tom Whitaker	"	Ks MOTOR CARRIAGES ASSN
LEE EISENHOWER	"	PROPANE MKTRS ASSN OF KS
J. A. Keck	Paola	B. & E
Charles D. Nicolay	Topeka	Kansas Oil Marketers Assn.
Michelle Lester	Topeka	Gr. Gov. Consulting

STATE OF KANSAS

BOB VANCNUM
SENATOR, ELEVENTH DISTRICT
OVERLAND PARK, LEAWOOD,
STANLEY, STILWELL, IN
JOHNSON COUNTY
9004 W. 104TH STREET
OVERLAND PARK, KANSAS 66212
(913) 341-2609



TOPEKA

SENATE CHAMBER
STATE CAPITOL
TOPEKA, KANSAS 66612-1504
(913) 296-7361

COMMITTEE ASSIGNMENTS
VICE-CHAIRMAN: ENERGY AND NATURAL RESOURCES
MEMBER: WAYS AND MEANS
JUDICIARY

TESTIMONY ON HOUSE BILL 2229
TO THE HOUSE TRANSPORTATION COMMITTEE
FEBRUARY 25, 1993

I'm here to lend my support to House Bill 2229 which would direct KDOT to begin the development of a noise abatement program. As you may know, the I-435 corridor through Leawood, Overland Park, Olathe and Lenexa is now a six lane freeway and is intended to be extended to eight lanes between Metcalf and State Line Road which runs through my Senate District east to west. Certainly the residences near this freeway for several blocks are subjected to noise levels which are not just unpleasant but at times intolerable. I live more than six blocks from the freeway, but even at this distance, the noise is noticeable.

A number of states have instituted traffic noise abatement programs and have been much more active in trying to address this problem at least in busy urban areas where the effect on nearby residences is the strongest. This is not just a few residents nearby complaining. We have both nursing homes and apartment projects that are heavily populated by older citizens who moved into these areas long before even the four lane road was constructed. I am, of course, very well aware of how short of funds we are this year in all areas, but I do believe it is essential this program be adopted and that we begin to work toward some solutions for these problems.

Thank you for your attention.

Sincerely,

A handwritten signature in cursive script that reads "Bob".

Senator Bob Vancrum

HOUSE TRANSPORTATION
Attachment 1
2/25/93

State of Kansas
House of Representatives

State Capitol
Room 448-N
Topeka, Kansas 66612-1504
(913) 296-7693



Committee Assignments

Taxation
Judiciary

David Adkins
Representative, 28th District

TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
FEBRUARY 25, 1993.
HB 2229.

Mr. Chairman and members of the House Committee on Transportation:

I appreciate the opportunity to appear before you today as a co-sponsor of House Bill 2229. This legislation, if enacted, would create and implement a state highway traffic noise abatement program. This bill is of significant importance to a large number of my constituents and I thank you for conducting hearings on the bill.

Attached to this testimony I have included several items which I hope illustrate the high level of interest the residents of Leawood have in the noise abatement issue. With this testimony I am distributing a copy of City Council Resolution 1095 adopted on February 16, 1993 by the governing body of the City of Leawood. I have also included a copy of a petition signed by dozens of Leawood residents who support noise abatement along the I 435 corridor which bisects my city. These residents join me as proponents of House Bill 2229.

I am also providing you with a copy of two articles which recently were published in the Kansas City Star. These articles provide an update on the current status of noise abatement proposals under consideration by the Kansas Department of Transportation (KDOT) as part of the I 435 expansion project in Leawood.

This much is clear, noise levels along I 435 in Leawood currently exceed federal noise standards. This noise can only be expected to worsen with the planned expansion of I 435 from 6 to 8 lanes. The residents of Leawood affected by this noise have experienced significant disruption to their daily lives. Their health, safety, property values and quality of life have all been adversely compromised as a result of this significant highway noise pollution.

According to reports published yesterday in the Kansas City Star (copy attached) the independent, noise consultant retained by KDOT has recommended to the department that sound barriers be constructed as part of its I 435 expansion project.

I can assure you that my best efforts will be directed toward convincing KDOT to implement the recommendations of its expert consultant and fund the construction of these much needed sound barriers. However, if KDOT were to determine that sound abatement will not be a funded component of the I 435 expansion project in my district, the state must have in place a

HOUSE TRANSPORTATION
Attachment 2-1
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mechanism to address the continuing and future noise pollution concerns of Leawood residents. House Bill 2229 provides such a useful mechanism. If House Bill 2229 is enacted, the study and abatement of highway noise would no longer be carried out by KDOT only when highways are constructed or expanded but would be addressed by the department on an ongoing basis. The state highway noise abatement program created by the enactment of House Bill 2229 will be a valuable tool to assist KDOT in recognizing and addressing the sound concerns of my district's residents.

I urge your favorable recommendation of House Bill 2229 to the full House of Representatives. I thank you for your attention and I stand for questions.

Respectfully submitted,



David Adkins

DA:mhh

RESOLUTION NO. 1095

WHEREAS, the Kansas Department of Transportation is in the process of determining the possibility of constructing sound barriers along Interstate 435 highway; and

WHEREAS, I-435 will be widened and improved in the future, thereby increasing the noise level in areas near the highway; and

WHEREAS, the Governing Body feels that sound barriers are necessary for the well-being of Leawood residents; and

WHEREAS, it is the understanding of the Governing Body that the City of Leawood is not obligated to pay in whole or in part for the construction or any aspect of the construction of the sound barriers;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Leawood, Kansas, supports the construction of sound barriers along I-435 within the City of Leawood.

ADOPTED by the Governing Body this 16th day of February, 1993.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

HOUSE TRANSPORTATION
Attachment 2-3
2/25/93

Ronald D. Kirkwood
10515 Enslely Lane
Leawood, Kansas 66206
(913) 381-1933

20 Feburary 1993

David Adkins
State Representative
State of Kansas
State Capitol
Room 448-N
Topeka, Kansas 66612-1504

Dear Representative Adkins:

I greatly appreciate your help in trying to resolve the issue of noise barriers along I-435 in Johnson County, Kansas by introducing HB No. 2229.

Enclosed is a copy of a petition that has been signed by many of the residents who have concerns for:

1. The degradation for the quality of life from increased noise levels.
2. Economic impacts home owners have had to face because property values in a close proximity to I-435 have declined.
3. Health and safety.

Noise levels along I-435 are already excesively high, and the proposed widening project only exacerbates the situation.

As you know KDOT has had a public hearing on this matter last October and their consultant is in the process of preparing a recommendation.

Please keep this matter in front of the legislature.

Very truly yours,



Ronald D. Kirkwood

As residents of Leawood, Kansas, my family and I would be adversely affected by increased noise levels resulting from the planned I-435 widening project that would obviously bring traffic closer to our home.

Since there are no regulatory agencies at the Federal, State, or local level that can intervene on behalf of concerned residents, individuals must express themselves on this issue.

Therefore, we the undersigned do hereby petition the Kansas Department of Transportation (KDOT) to:

1. Retain an independent transportation consultant to conduct noise studies on the I-435 improvement project in Johnson County, Kansas.
2. Initiate a community involvement process including local meetings for affected residents where the results of this study can be disclosed and discussed.
3. Incorporate noise abatement measures to mitigate current and future noise levels into the the final design of the project if noise abatement is indicated.
4. Assure that any noise mitigation structures that are erected be aesthetically attractive.

	PRINT NAME & ADDRESS	SIGNATURE
1	Christine Welch 2309 W. 104 th Terrace	Christine W. Welch
2	Shirley M. White 10343 Sagamore Rd	Shirley M. White
3	LEONARD P. MELLGREN 10331 Sagamore Rd	L. Mellgren
4	Rebecca S. HERTHOLZER 10314 Sagamore Rd	Rebecca S. Hertholzer
5	Charlotte W. Hodges 10318 Sagamore Rd	Charlotte W. Hodges
6	Jack Burgeton 10326 Sagamore Rd	Jack Burgeton
7	Martha Philgreen 10314 Sagamore Ln.	Martha Philgreen
8	MARNE HOUGH 10330 SAGAMORE LN.	Marne Hough
9	Gladys Mabry 10322 Sagamore Rd.	Gladys A. Mabry
10	Stuart Munro 10319 Sagamore Rd.	Stuart Munro
11	Joan Wyrich 10305 Sagamore Rd	Joan Wyrich
12	Jeanne Mitchell 10340 Sagamore Ln	Jeanne Mitchell
13	C. B. TURNER 10327 SAGAMORE LN	C. B. Turner
14	K. PFAHL 10311 Sagamore Ln	K. Pfahl
15	M. W. McIntosh 10310 SAGAMORE LN.	M. W. McIntosh
16	Annette Adams 2205 W 103 rd Terr. Ln.	Annette Adams
17	J A Schlichter - 2312 W. 103 rd Terr	John A. Schlichter
18	Louis F. Wood 2316 W. 103 rd Terr	Louis F. Wood
19	ROBERT T. HYMAN 2320 W. 103 rd Terr	Robert T. Hyman
20	Ronald J. Brown 2324 W 103 rd Terr	Ronald J. Brown
21	Joe E Brant 10310 Manor Rd	Joe E Brant
22	Mindy Sommers 10314 Manor Road	Mindy Sommers
23	Shirley J. Ashby 10327 Manor Rd	Shirley J. Ashby
24	Frederick B. Dwyer 10323 Manor	Frederick B. Dwyer

	PRINT NAME & ADDRESS	SIGNATURE
25	CAROL S. FISHER 10319 MANOR	Carol S. Fisher
26	Sarah H. Brown 10310 meadow	Sarah Brown
27	THOMAS J. EVANS 10330 meadow LN.	Thomas J. Evans
28	ROY WILTROUT 10334 Meadow Ln	Roy Wiltrout
29	Clarence Buehner 10331 meadow Ln	Clarence Buehner
30	M. David Robinson 10319 meadow lane	M. David Robinson
31	MRS. KATHARINE NANNINGA 10318 HIGH DR.	K. Nanninga
32	Francis X. Nicholas 10322 High Dr	Francis X. Nicholas
33	SCOTT CANNADY 10326 HIGH DR	Scott Cannady
34	Robert H. Burke 10334 High Dr - Leewood Ks	Robert H. Burke
35	Eleanor Connor 10327 High Dr	Eleanor A. Connor
36	CHARLOTTE KREBS 10319 HIGH DR	Charlotte Krebs
37	Shirley Ludwig 10331 Belinder	Shirley Ludwig
38	M. W. ANDERSON 10323 BELINDER RD	M. W. Anderson
39	William E. LARSEN 10311 BELINDER RD 66206	William E. Larsen
40	Joan Winters 10316 Belinder Rd. 66206	Joan Winters
41	Aileen Flood 10326 Belinder Rd 66206	Aileen S. Flood
42	Betty A. Ulrich 10339 Lee Blvd 66206	Betty A. Ulrich
43	JOHN P. SHERIDAN 10331 LEEBLVD. Leewood 66206	John P. Sheridan
44	Dorothy S. Moss 10327 Lee Blvd.	Dorothy S. Moss
45	MARCY CURREN 10315 Lee Blvd	Marcy Curren
46	Barbara S. Miller 10309 Lee Blvd	Barbara S. Miller
47	Wanda W. Nobby 10304 Lee Blvd	Wanda W. Nobby
48	10322 Lee Blvd Eugene E. Alt	Eugene E. Alt
49	Andrew J. Tucker 10334 Lee Blvd	Andrew J. Tucker
50	Lee Dr. O'Leary 10319 Belinder	Lee Dr. O'Leary
51	Mike Ryder 2212 W. 103rd Terr.	Mike Ryder
52	Kathleen Sullivan 10310 High Dr.	Kathleen Sullivan
53	TR Skillman 10335 High Drive	TR Skillman
54	DORIS M. NORRIS 10323 HIGH DR	Doris M. Norris
55	Joe Carlson 10315 High Dr	Joe Carlson
56	Gen Cantrell 10322 Meadow La	Gen Cantrell
57	Harold Ticknor 10323 Meadow La	Harold Ticknor
58	PATRICIA GRANBERRY 10322 MANOR LA.	Patricia W. Granberry
59	MARY JEAN HOULAHAN 10308 Belinder Rd	Mary Jean Houlihan
60	Mary T. Lutz 10322 Belinder	Mary T. Lutz
61		

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PRINT NAME & ADDRESS	SIGNATURE
RONALD D. KIRKWOOD 10515 ENSLEY LN	Ronald D Kirkwood
DIANE C KAMIN 10504 LEE BLVD	Diane C Kamin
WILLIAM A. SAW 10516 MEADOW LN.	William A. Saw
JOHN W. GLOVER 2305 W. 104TH ST	John W. Glover
Carolyn Long 10400 High Dr	Carolyn Long
Heather Cole 10523 ENSLEY LN	Heather Cole
Miley C. Ong 10527 Ensley Ln	Miley C. Ong
Maureen Aaron Chelst 10520 Ensley Ln	Maureen Chelst
Melvin L. & Elaine Glazer 10512 Ensley	Melvin Glazer
Douglas & Shirley Lind 10508 ENSLEY LEAWOOD, KS 66216	Douglas & Shirley Lind
Dana & Stata Rangle 10504 ENSLEY LEAWOOD, KS 66216	Dana & Stata Rangle
TERRY P. PRESTON 10503 CHEROKEE LN LEAWOOD	Terry P. Preston
WALTER J. RUSSELL 10515 Cherokee Ln Leawood, KS	Walter J. Russell
Kay Wilkerson 10524 Cherokee Ln Leawood, KS	Kay Wilkerson
Bee Wilkerson " "	Bee Wilkerson
Mohsen Sattarin 10522 Cherokee LA	Mohsen Sattarin
Nancy S. Martin-Sattarin 10522 Cherokee Ln	Nancy Martin-Sattarin
Michelle L Fisher 10518 Cherokee Ln	Michelle L Fisher

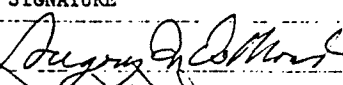
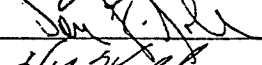
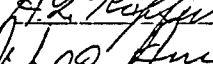
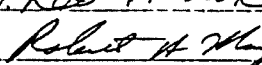
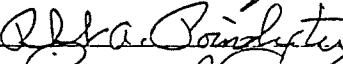
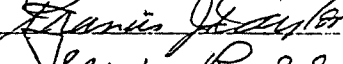
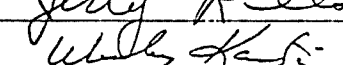
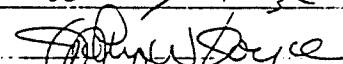

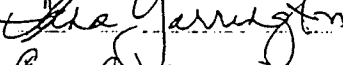
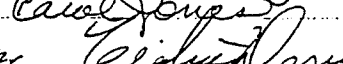
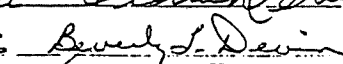
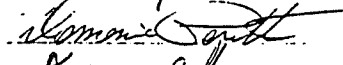
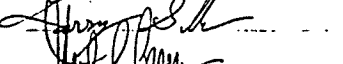

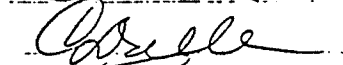
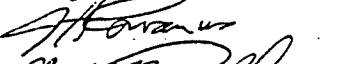



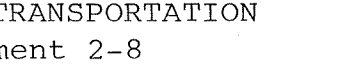


HOUSE TRANSPORTATION
Attachment 2-7
2/25/93

As residents of Leawood, Kansas, my family and I would be adversely affected by increased noise levels resulting from the planned I-435 widening project that would obviously bring traffic closer to our home.

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PRINT NAME & ADDRESS	SIGNATURE
GREGORY F. DEMOND 10738 SAGAMORE LN.	
DON F. SOLE 10412 MOHAWK LANE, LEAWOOD, KS 66206	
HOWARD KIPFER, 9526 LEE BLVD	
Leo Amos 10508 Belvedere	
Robert H. Maynard 10501 Pawnee Ln	
Robert C. Coindexter 3316 W 94th St	
Francis J. Taylor 3327 W 99th St.	
JERRY REES 2016 W 92 ST	
Wesley Kautzi 10521 Pawnee Ln. Leawood KS 66206	
John Joyce 10509 Pawnee Ln Leawood	
Steve Johnston 2032 W 96th	
DANA YARRINGTON 2015 W 96th 66206	
Carol Jones 2323 W 96th 66206	
Cedric E. Nerven 10505 Meadow Lane	
Beverly S. Devin 10505 Meadow Lane	
Domenic PORETTA 10428 Sagamore Rd	
Larry Goldman 2407 W 104 Terr.	
NEL BRENNAN 10400 PAWNEE LN.	
BERNARD P. RICHTER 10505 SAGAMORE ROAD, LEAWOOD, KS. 66206	
CHRISTINE DELLE 10500 CHASECROFT LN 66206	
John H. Gowan 2717 W. 104th	
Melvin Saldin MELVIN PALDER 10508 Sagamore Rd	
Ms. Dea Richter 10505 Sagamore Rd	
STEPHEN A. ERIKSEN 2301 W 103rd St.	
William D. Lang 9633 MANOR Rd	

Expert recommends noise barriers along I-435

Constructing walls in Overland Park and Leawood considered.

By ANN SPIVAK
Staff Writer

A long-awaited consultant's report is recommending that noise barrier walls be installed along Interstate 435 from State Line Road to Metcalf Avenue, Kansas transportation officials said Tuesday.

If built by the state, the barriers would be the first ones ever in Kansas, officials said. They would significantly reduce noise for dozens of homeowners near the highway in Leawood and Overland Park.

State transportation officials received the sound-barrier report earlier this month from noise expert Louis Cohn of Louisville, Ky. The report will not be released to the public for at least a few weeks, when the state officially announces whether it will construct the barriers as part of a highway-widening project in 1995.

"We have received a draft report, and we'll make our final decision probably within a month," Jim Bush of the Kansas Department of Transportation said Tuesday.

Bush said state officials had looked over the draft report from Cohn but would not reveal details except to say that Cohn recommended that the barriers be built.

That's all Leawood resident Bob Newlin wanted to know.

Newlin said Tuesday that the barriers would improve property values in the neighborhood, including his property, which is four houses away from the highway.

"There's no doubt in my mind that they're going to be a benefit," Newlin said. "I saw some of these barriers in Germany. They were very attractive and very effective."

"There's no doubt in my mind that they're going to be a benefit. I saw some of these barriers in Germany. They were very attractive and very effective. Behind the wall you could carry on a conversation. Outside the wall you couldn't."

— Leawood resident Bob Newlin

"Behind the wall you could carry on a conversation," he said. "Outside the wall you couldn't."

Bush said many residents had been calling him, wanting to know whether the barriers would be built. He emphasized that the state was only considering build-

ing barrier walls from State Line Road to Metcalf Avenue, not from Metcalf Avenue west to Interstate 35.

Work would begin when I-435 is widened from six to eight lanes, officials said. Although noise levels along the highway already

exceed federal standards, the widening would increase that noise slightly, making the barriers justifiable.

Barriers won't be built on other sections of the highway because no road construction projects are scheduled there. The state now does not have a program for financing sound barriers unless they are tied to a road project, transportation officials said.

State engineers will determine the height of the walls and how they would be landscaped, Bush said. Residents have said they'd prefer concrete barriers built on

top of earth berms. They also want the walls to be heavily landscaped on the side that faces the backs of houses.

The walls, which cost about \$1 million a mile, are too expensive to build along each stretch of highway, Bush said. He said it was upsetting to see builders continue to construct houses backing up to highways even after noise problems had been identified.

"Leawood is an unusual situation, though," Bush said. "That neighborhood was pretty much established when the highway went in."

HOUSE TRANSPORTATION
Attachment 2-9
2/25/93

Leawood residents push for highway sound barriers

By ANN SPIVAK
Staff Writer

Leawood residents Tuesday urged the state to build noise barriers — walls made of earth and concrete — along Interstate 435 in Johnson County.

The Kansas Department of Transportation is considering installing the walls from State Line Road to Metcalf Avenue when the highway is widened in 1995 from six to eight lanes.

Noise levels along that highway exceed federal standards, and residents for years have complained about the noise.

"We can't go in our back yard

anymore," Leawood resident Ruth Cole said in a City Hall packed with about 60 people.

"If I walk outside with my portable telephone, I can barely hear it," she said.

State officials wanted residents like the Coles, who will be living near the walls, to have a say about whether they wanted the walls and what materials should be used in building them.

Louis Cohn, a noise expert and professor at the University of Louisville in Kentucky, met with Leawood residents Tuesday to discuss the walls. He met Monday with Overland Park residents living near the interstate.

Cohn was hired by the state Transportation Department to study the noise levels, meet with residents and make a recommendation.

Cohn said Tuesday he probably would recommend that the state construct the barriers and make them as aesthetically pleasing as possible.

The state is expected to make a decision by spring, and officials have hinted that the barriers would be approved if federal funds were obtained. The walls cost about \$1 million per mile to build.

At the meeting, residents saw a film about different kinds of

barriers that are used across the nation and were given a survey.

That survey asked whether they wanted barriers, and if so, whether they should be made out of concrete, earth, metal or wood.

One man said he'd like an earth berm used where feasible with a concrete wall placed on top.

Most in the audience agreed, and a woman recommended the walls be light brown concrete panels instead of one smooth wall.

Residents also wanted extensive landscaping around the barriers and wanted to ensure existing trees would not be cut.

Cohn said he'd compile results from the Overland Park and Leawood meetings and submit his final report to state officials within a month.

Although he said concrete was most preferred, he wanted all residents to express their opinions.

Some people, he said, may not want to look out their windows and see a wall instead of highway traffic.

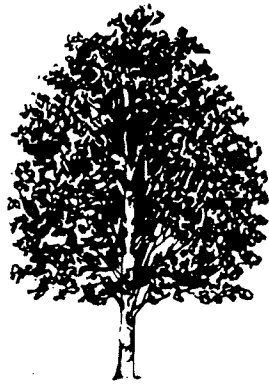
"In other areas, about 90 percent of the barriers are posi-

tively received by the residents," Cohn said.

"But the walls do carry with

them some negatives," he said. "It's a buyer-beware kind of thing."

HOUSE TRANSPORTATION
Attachment 2-10
2/25/93



Oak Park Homes Association

*P.O. Box 14942
Lenexa, Kansas 66285-4942
913-599-4500*

Robert E. Baker
10613 Reeder
Overland Park, Kansas 66214
(Oak Park Manor)

REF: HOUSE BILL NO. 2229

I come before you today speaking in support of House Bill #2229, an act relating to highways; providing for a state highway traffic noise abatement program. I am a homeowner in the Oak Park Manor subdivision of Overland Park. I am also an elected director of the Oak Park Homes Association and serve as Director of Environmental Issues. Our association is bordered by 69 Highway on the east, I-435 on the south, Pflumm (almost I-35) on the west and 95th Street on the north. There are 2,356 homes in the association which have a market value of \$350 million dollars.

We, who live in the city, expect and accept some noise and hustles of life. We do expect our officials to help maintain our quality of life, however, with respect to the growth around us. We understand that with growth comes opportunities and expanded tax base. We also understand that with growth comes opportunities and problems that must be addressed. NOISE is a big problem that is getting bigger and isn't being addressed in a proactive manner. KDOT (Kansas Department of Transportation) must do more than build and expand highways. They must study the impact to the environment and continued quality of life for the people.

Six years ago, when I moved to Overland Park with my family, I had no idea what expansion in business was moving to the area and how this growth would affect the residential area we had chosen. Yes, we knew there was an interstate system close; in fact, we wanted easy access to it to get to work. We could see the four lanes with the grassy median between them. Now there are six lanes with concrete medians.

The picture has changed and is changing again. Sprint recently announced that they are building an office campus with 21 additional buildings and a work force of 10,000 people. There is also to be an expansion of Corporate Woods from 800,000 plus square feet to 1.2 million square feet of office space.

Attached here you will find correspondence with KDOT beginning July 20, 1989 that discusses a study done in 1977. Noise barriers were not recommended because of the conservative nature of the computer program to study noise. No action was taken then but it should be noted that the traffic counts used were over ten years old. The Mid-American Regional Council provided us with traffic counts along the I-435 corridor. In 1980 between Pflumm and Roe, the count was 46,130. In 1989, the count grew to 97,570. In nine years the counts more than doubled. Current counts from Quivira to Pflumm are 59,700 but by the year 2010 are projected to grow to over 104,700!

HOUSE TRANSPORTATION
Attachment 3-1
2/25/93

Drs. Knox and Newberger, two gentlemen associated with Kansas University in the family practice area, have measured the decibel level along the I-435 corridor by the Oak Park subdivisions at 77 decibels. This same area had a peak level of 92 decibels. (These readings were taken between 7 a.m. and 9 a.m.) OSHA states that working conditions must be changed at 85 decibels. At 67 decibels, the FHWA (Federal Highway Administration) deems noise abatement as necessary.

We feel that the legislature must direct KDOT to be responsive to noise along highways. Proactive measures must be taken in areas before they reach the level of our neighborhoods. Roads shouldn't be widened unless barriers and possible high occupancy lanes are added. Road surfaces close to residential areas should be made of absorbing materials. Buffer zones should be acquired in areas before residential growth is zoned. Ongoing study of traffic counts and decibel levels should be mandated so that action can be taken before a major problem area arises.

In our area, proactive measures are too late. The traffic counts are at the point where not only has the quality of life been affected but property values have been negatively affected. Measures must be taken now to address the noise. Some of these measures could include reduced speed limits and enforcement of the limits, road surface changes, and construction of noise abatement structures.

The Homes Associations along the I-435 corridor would be available to give input throughout the project or to answer questions. Three members of the Oak Park Homes Association are here today to tell you their story.

MAY 11, 1988

THOMAS B. CORRIGAN
METRO ENGINEER
P. O. BOX 6123
ARGENTINE STATION
KANSAS CITY, KS. 66106-0123

DEAR MR. CORRIGAN:

THIS LETTER IS IN REGARD TO OUR PHONE CONVERSATION OF MAY 11, 1988, YOU ASKED THAT I GIVE YOU A WRITTEN LETTER OF MY REQUEST.

WE HAVE LIVED AT 9981 MELROSE, OVERLAND PARK, KANSAS, FOR THE PAST 13 YEARS. THIS HOUSE IS ON THE BACK OF ALTERNATE 69. WHEN WE MOVED INTO OUR HOUSE THE ALTERNATE WAS NOT COMPLETED. IT IS HARD TO IMAGINE THE NOISE FROM A MAJOR HIWAY UNTIL YOU HAVE LIVED BY ONE.

AFTER ALT. 69 WAS COMPLETED, TREES WERE PLANTED. THE NEXT SUMMER WHEN THE WEEDS WERE HIGH, THE TRACTOR CUT THE GRASS AND THE TREES WITH IT.

THIS LETTER IS NOT A COMPLAINT BECAUSE THE GRASS IS WELL MOWED. RATHER, THIS LETTER IS A REQUEST FOR NOISE CONTROL AND BEAUTIFICATION.

WOULD IT BE POSSIBLE TO DESIGN BURMS WITH EVERGREENS AND GROUND COVER SUCH AS CROWN VETCH PLANTED IN THEM.

THE PURPOSE OF THIS DESIGN WOULD BE THREEFOLD:

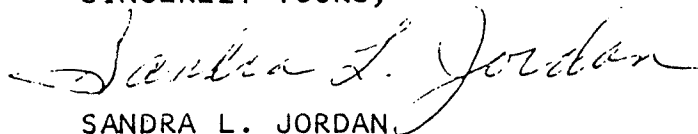
- 1) BEAUTIFICATION
- 2) NOISE CONTROL
- 3) REDUCE MOWING, HOPEFULLY ELIMINATE MOWING.

I AM ASKING FOR THIS DESIGN TO BE IMPLEMENTED BETWEEN 95TH AND 103RD ON THE WEST SIDE OF ALT. 69.

I WOULD APPRECIATE YOUR CONSIDERATION OF THIS PROJECT. MANY OF THE HOMEOWNERS MIGHT BE WILLING TO DONATE TOWARD PLANTING TREES.

MANY OF MY NEIGHBORS HAVE EXPRESSED A DESIRE TO SEE SOMETHING DONE BEHIND OUR HOUSES SINCE OUR PROPERTY VALUE IS LOWERED BECAUSE OF ALTERNATE 69.

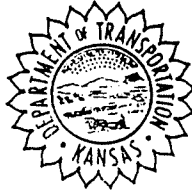
SINCERELY YOURS,


SANDRA L. JORDAN

CC. CLIFF LOWE
KS. DEPT. OF TRANSPORTATION

HOUSE TRANSPORTATION
Attachment 3-3
2/25/93

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION
Docking State Office Building
Topeka 66612-1568
(913) 296-3566

Horace B. Edwards
Secretary of Transportation

July 8, 1988

Mike Hayden
Governor of Kansas

Mrs. Sandra L. Jordan
9981 Melrose
Overland Park, KS 66214

Dear Mrs. Jordan:

We have received your letter to Mr. Tom Corrigan, Metro Engineer. Our Environmental and Landscape sections have reviewed the location you outlined in your letter.

A noise analysis of the area was done in 1976 and again in June, 1988. The analysis in 1976 revealed that the noise abatement criteria were not generally being exceeded. The recent analysis revealed that noise levels were only slightly higher than in 1976. The noise abatement criteria are the basis for consideration by Federal Highway Administration of noise abatement measures. There is a high volume of trucks using this route. These vehicles are the main source of traffic generated noise. The high volume of trucks is partly the result of northbound I-35 & I-435 traffic using this route as a detour. The extensive reconstruction on I-35 & I-435 necessitates that traffic patterns change. When this construction is completed, traffic patterns will again change.

The existing plantings through this section on private property provides some visual barrier between the highway and residential properties. The use of plant materials in this location for noise abatement is not feasible because of limited Right of Way. Any plantings to reduce noise levels must be quite extensive.

Because of the relatively low traffic noise levels being generated and the fact that the residential area was constructed after the highway Right of Way was acquired, no vegetation and/or barriers are being planned in this area for the purpose of noise abatement.

This is
so
correct

HOUSE TRANSPORTATION
Attachment 3-4
2/25/93

Although KDOT is sympathetic with your views of the noise nuisance, highway funds are committed to the maintenance, rehabilitation, and improvement of existing roads and bridges.

Very truly yours,

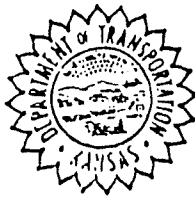
BERT H. STRATMANN, P.E.
CHIEF, BUREAU OF DESIGN

BY: 
Carroll L. Morgenson
Landscape Architect

CLM:rld

HOUSE TRANSPORTATION
Attachment 3-5
2/25/93

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION

Docking State Office Building
Topeka 66612-1568
(913) 296-3566

Horace B. Edwards
Secretary of Transportation

July 20, 1989

Mike Hayden
Governor of Kansas

Mr. Dennis R. Garrett, P.E.
Director of Public Works
8500 Santa Fe Drive
Overland Park, Kansas 66212

Dear Mr. Garrett:

This letter is in response to your recent request for a traffic noise investigation of the I-435 corridor in Overland Park. An analysis of this scope would be very expensive and time consuming and would not be completed unless an improvement on I-435 was being planned, which would increase the noise burden adjacent to the travelway, or if a "Type II" program was being considered. A "Type II" program is administered by the Federal Highway Administration (FHWA) whereby existing travelways are evaluated for possible installation of noise barriers or other noise abatement features. State highway departments, such as KDOT, have the option of participating or not participating in this program. Although KDOT is sensitive to traffic noise impacts, we feel at this time that the public can best be served by committing our resources to the maintenance, rehabilitation, and improvement of existing highways and bridges.

Since no improvement to I-435 in this area is planned within the near future and because KDOT does not participate in the Type II program, we do not anticipate any further noise analysis being completed in this area at this time. However, we can refer you to the traffic noise analysis that was completed in the I-435 corridor during the evaluation of the environmental impact of the highway construction project that added driving lanes within the existing median. This project, which was completed several years ago, expanded the capacity of the highway much as we see it today.

The report was completed in April, 1977, and copies were provided to the City of Overland Park as well as the Mid-America Regional Council. Although it may appear to be a long period of time since the report was completed, it identified "future" noise problems in areas of concern, that is, residential area or areas where residents or other noise sensitive structures might be constructed. Although "state of the art" traffic noise investigational procedures were used, potential noise burdens were exaggerated because of the conservative nature of the computer program. However, areas identified in the report as having potential noise problems are accurate. Computer programs used today are much more refined and would provide lower noise impacts.

HOUSE TRANSPORTATION
Attachment 3-6
2/25/93

letter to Mr. Garrett

-2-

July 20, 1989

At the time the report was completed much of the area along I-435 was undeveloped; however, portions had been zoned "future residential." These areas are shown on the mosaics included in the report. In areas where residents were located adjacent to I-435, noise barriers were evaluated but were not considered cost effective at that time. FHWA agreed with thier decision.

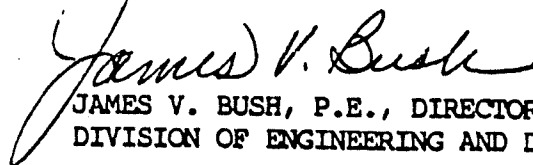
In areas that were undeveloped, land use zoning and/or building codes could have been used very effectively at that time to reduce and, in some areas, eliminate traffic noise problems that exist today.

This point is made since KDOT still believes that traffic noise control is a three part endeavor that is shared by Federal and State highway agencies as well as local units of government.

This approach is explained in the FHWA's publication "The Audible Landscape: A Manual for Highway Noise and Land Use," which was presented to all cities located adjacent to the I-435 travelway at the time that the noise analysis was delivered. In brief, the three part approach includes: (1) source emission reduction, which is addressed primarily by federal regulations; (2) improved highway design, which is addressed by state and federal transportation agencies; and (3) land use control, which is a local governmental responsibility. We feel the three part approach is essential in order to have effective traffic noise control in the most efficient manner and KDOT encourages local governments to use projected traffic noise levels as a criterion in zoning decisions. We will be happy to discuss the three part approach further with you or answer any questions that you might have.

I hope this letter explains KDOT's policy on traffic noise analyses; however, please feel free to contact us at any time if you have any further questions.

Very truly yours,


JAMES V. BUSH, P.E., DIRECTOR
DIVISION OF ENGINEERING AND DESIGN

HOUSE TRANSPORTATION
Attachment 3-7
2/25/93

600 BROADWAY 300 RIVERGATE CENTER
KANSAS CITY, MISSOURI 64105-1554

816 / 474-4240 VOICE / TDD

February 18, 1993

To : R. Baker
10613 Reeder
Overland Park, KS 66214

Re: I-435 Traffic Counts and Projections

MARC

MID-AMERICA REGIONAL COUNCIL

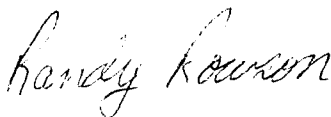
Dear Mr. Baker:

Please find enclosed the traffic count information that you requested. Keep in mind that these are Average Annual Daily Traffic (AADT) counts and not the count for any given day during the year. Also keep in mind that these counts are those actually measured and there is no adjustment made for construction or detours.

The projected traffic counts are from a regional model producing regional trends and not site specific information. These counts are for reference only and should not be used to make design and/or construction decisions.

If there is anything else that we can help you with, please give us a call at 474-4240.

Sincerely,



Randy Rowson
MARC Transportation Planner

HOUSE TRANSPORTATION
Attachment 3-8
2/25/93

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John C. O'Renick
Mayor
Sugar Creek, MO

1st Vice Chairman
Neale R. Peterson
Mayor
Fairway, KS

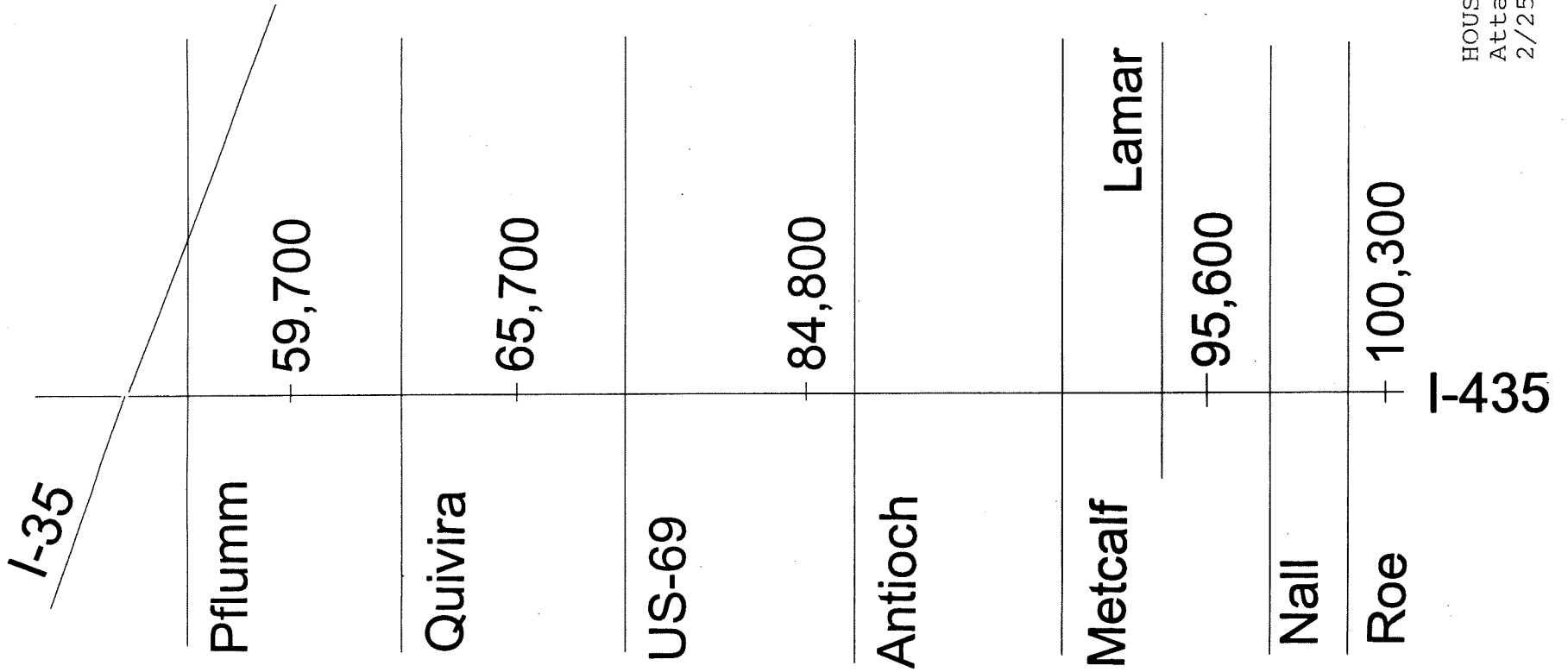
2nd Vice Chair
Marsha Murphy
County Executive
Jackson County, MO

Secretary
Gary L. Mallory
County Clerk
Cass County, MO

Treasurer
Kay Nies
Commissioner
Wyandotte County, KS

David A. Wamm
Executive Director

I-435 Traffic Counts



HOUSE TRANSPORTATION
Attachment 3-9
2/25/93

Source : Traffic Map of Kansas City, Kansas

Projected Traffic Counts - 2010

HOUSE TRANSPORTATION
Attachment 3-10
2/25/93

I-35	104,700	109,600	99,200	99,200	112,000	I-435
	Quivira	US-69	Antioch	Metcalf	Roe	

Source : Adopted Interim Long Range Plan Model Results

February, 1993

Roy & Margaret Loban
10555 Gillette
Overland Park, Kansas 66215
(Summerfield)

REF: HOUSE BILL NO. 2229

- * We moved into our new 2300 square foot, 1 1/2 story home in *September, 1979*. The house is 10 houses north of 106th street which, in our addition, runs adjacent to and north of I-435. *At this point in 1993, we would be more than happy to sell our house for the accessed value and just leave.*

In 1979 and 1980 there were no other houses between us and the Highway, only some fairly sparse woods. *Even with no houses between us and the traffic, the noise was noticeable but not objectionable (except when there was a strong wind from the south) and, in fact, could not in either case be heard inside the house. During this period of time, we ate out frequently on our patio in the summer months.*

We thought that as homes were built between us and the Highway, the noise would probably decrease somewhat.

- * During the period of time in which the building of those 10 houses was completed, *the traffic noise gradually increased to the point that it was not only objectionable on the patio, but could be noticed inside the house in the upstairs southern facing bedrooms. (Our guess is that the volume of traffic increased faster than the home building.)*

Just after our addition was completed, the State extended I-435 west and north to I-29 in Missouri. On I-435 next to our addition, they added two additional lanes, paved over the median and added the concrete lane dividers to it, and just west of us they built the huge intersection-in-the-sky with I-35 *which allows traffic to maintain speed when exiting to I-35.*

- * *Since the above mentioned reconstruction of I-435, the combination of engine and tire noise, particularly from trucks in the up hill westbound traffic lanes, has been so objectionable that we don't use our patio except as a place for the barbeque grill. We can no longer entertain guests outside without having to shout over the extreme traffic noise.*

The noise in the upstairs bedrooms is now to the objectionable level at night.

HOUSE TRANSPORTATION
Attachment 3-11
2/25/93

February, 1993

* *Immediate action help items:*

1. *More Police and State Highway Patrol monitoring for speed restraint on a 24 hour basis. (Currently traffic is running from 68 to 72 MPH when highway is not patrolled.)*
2. *Temporarily reduce speed limit to 45 MPH and add more patrols to ensure compliance.*

* *Permanent help items:*

1. *Legislation that will ensure that the KDOT will both correct their past omissions on traffic noise and make adequate provisions for traffic noise in all future new constructions.*
 - a. *Language should be included that require the traffic noise studies be done in the months that have the most noticeable, heaviest traffic noise, which would be June through August in our addition. Summertime is when people wish to be outside and are more directly affected by the traffic noise. (In our opinion, February is not the best time, but it was when Dr. Cohn's study was done.)*
 - b. *Furthermore, the wording needs to make it mandatory that the KDOT do the traffic noise impact studies before starting any new construction, and that they secure an agreement with the affected neighborhood for the type of barrier (when needed). This should happen as a regular part of their process in the future.*
 - c. *Somehow, there should be a restriction that does not allow the KDOT to use studies that aren't current, such as was done when they used a 1978 study to increase I-435 from 4 lanes to 6 lanes (without sound barriers) in the mid-1980's.*
2. *More patrols to keep speed within limits.*
3. *Pave over current road surface with sound absorbing material.*
4. *Install sound barriers.*
 - a. *First choice--grassy birm (with trees on top).*
 - b. *Second choice--concrete with 1/2 grassy birm (on residential side).*
 - c. *Third choice--concrete (no birm).*

HOUSE TRANSPORTATION
Attachment 3-12
2/25/93

Steven J. Rosnick
5005 W. 129th Street
Leawood, KS 66209-1885

913-897-4897

February 17, 1993

Mr. Robert Baker
10613 Reeder
Overland Park, KS 66214

Dear Mr. Baker:

This letter is to confirm our previous phone conversation with regards to the sound barriers proposed for the stretch of I-435 between Metcalf west to the I-35 interchange.

Prior to moving last week I was residing at 10560 Gillette, just down the street to the north of I-435. I had lived in that residence for the past eight years. One of the primary reasons prompting my move was the discouraging results of a town meeting held last year indicating a slim chance of noise abatement for the stretch of freeway near our home.

Over the past eight years traffic and noise interstate. When we moved here it was a simple 4 several years ago they widened the freeway to six interchange between I-435 and I-35. We lived in t

In recent years it had gotten to the point where a decent conversation in our front yard. The traffic voices from just a few feet.

I moved to Kansas City from Los Angeles where the freeway. There we had a concrete block sound wall freeway was behind us you'd never hear the noise. sound walls will improve the lifestyle of those around communities. With your efforts I hope improvements widen the freeway to eight lanes.

Although I would have been glad to be a major advocate in promoting these barriers, I can say that life is much quieter here in Leawood where the nearest interstate is over 3 miles away, and the major roads are over a mile away! Good luck with your endeavors in improving the quality of life for my friends in my old neighborhood.

Sincerely,

Steven J. Rosnick

HOUSE TRANSPORTATION
Attachment 3-13
2/25/93

COPY WITH

Mr. Loban LE

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our bedroom
before they

HIGHWAY TRAFFIC NOISE
ALONG I-435

My house is located at 10590 Bradshaw in Overland Park, approximately 225 feet north of I-435. Except for a few trees there is nothing along this portion of I-435 to lessen the impact of the highway traffic noise. The road surface of I-435 is in direct line-of-sight, thus resulting in maximum highway traffic noise levels in this area. When we purchased our home in 1984 I-435 was only four lanes. The noise level then was not nearly as high as it is now due to the addition of two more lanes which were completed in early 1986 and a considerable increase in traffic.

The traffic noise is very loud, annoying and distracting to say the least. At times it is very difficult to carry on a normal conversation outside the house due to the high noise levels. All the homes have decks or patios. During the summer it is very rare to see anyone using their deck or patio simply because of the high traffic noise. There is no such thing as a quiet summer evening spent on the deck or patio in this area. The noise from some of the trucks, particularly dump trucks, is deafening. They sound like they have no mufflers at all.

The high traffic noise level has also made it very difficult to sell the homes in this area. My neighbor immediately to the south of my home tried to sell his home several years ago. Many of the potential buyers that looked at the home stated that they liked the house but were not interested due to the high traffic noise. He probably could have sold the home by taking a considerable monetary loss. After about eight months he took it off the market. This same situation has been repeated in several other cases that I am aware of, which have occurred recently. In the recent cases the owners went ahead and sold their homes at a loss.

It is well known that excessive noise levels can damage the ear and effect the health of those who are exposed to the impact of high noise levels.

Since the highway traffic noise has already reached an intolerable level and will, with the planned addition of two more lanes of traffic, get even higher, a noise abatement project of some type is needed now.

Reducing the speed limit would help. However it would take about a 20 MPH reduction in speed to obtain a noticeable decrease in noise level. The current speed limit is 55 MPH which means that the speed limit would have to be reduced to 35 MPH,

HOUSE TRANSPORTATION
Attachment 4-1
2/25/93

which is impractical. Enforcement of the muffler law, particularly on trucks, would definitely help in noise reduction. Approximately 60% of the traffic noise is caused by the tires. About the only way to decrease the tire noise to an acceptable level is by some type of noise barrier.

Vegetation, if it is high enough, wide enough, and dense enough that it cannot be seen through can decrease highway traffic noise. According to the Federal Highway Administration a 200 foot width of dense vegetation can reduce the loudness of the traffic noise by 50%. However, using vegetation to reduce the traffic noise would take 10 to 15 years after planting before any measureable results could be achieved. Also, due to space limitations it would be impractical to plant enough vegetation along I-435 to achieve a 50% noise reduction.

Therefore, the only effective, practical and timely noise abatement measure is some type of noise barrier, such as; an earth berm, a concrete wall or a combination of the two. Noise barriers in use in other states have proven their effectiveness as long as they are high enough and long enough to block the view of the highway.

To enhance the living environment for the people living near highways, the highway traffic noise pollution problem which now exists or may in the future, needs to be addressed now.

Clarence O. Ninke
10590 Bradshaw St.
Overland Park, Kansas 66215

HOUSE TRANSPORTATION
Attachment 4-2
2/25/93

February, 1993

Tom Gearhart
10825 W. 107th
Overland Park, Kansas 66214
(Oak Park Manor)

REF: HOUSE BILL NO. 2229

In 1986 my new bride and I decided to build our first home. After some searching, we found a nice north facing lot in the Oak Park Manor subdivision in Overland Park. Looking south from our lot was I-435; at the time it was a four lane highway with the east and west bound lanes separated by a grassy median. Trees had been planted along the right of ways. A few cars and an occasional truck passed by us. The scene was actually serene as my wife and I gazed over the highway from the pasture land which was soon to become our home. The sounds from the highway were audible but, as we talked in normal tones, we agreed that the highway was a small factor, especially when we rarely would open windows in our home due to our allergies.

Today that sleepy little highway has grown to become a major interstate. The grassy median has been paved to provide additional lanes in both directions. The trees that once grew on the right of ways have been removed as well to accommodate the widening of the interstate. The traffic is virtually non-stop 24 hours a day for seven days a week. This traffic now includes many semi trailer trucks. I-435 has indeed grown up to become a six lane -- and, in my case, with an additional on and off ramp, an eight lane major thoroughfare. Experts state that it is one of the busiest interstates in the United States. Sound studies have also been done to determine that indeed it is also one of the noisiest. Now, as my wife and I gaze at the interstate from our patio, I scream at her -- not because after seven years our marriage has gone sour, but, as a result of the deafening noise that now owns our backyard, screaming is sometimes the only way you can be heard.

With the growth expected along the College Boulevard corridor and, more generally all of Johnson County, the issues of I-435 will continue to worsen for my neighbors and me. Studies have been done that project increased traffic of many times what they are today. Action needs to be taken immediately to abate the problem. I invite all of you to come and witness for yourselves what it is like today to live along I-435.

No one solution exists that will alleviate the problem one hundred percent. The best and quickest way, in the experts as well as my mind, is to build a sound barrier wall along the affected areas. The walls can be done in both an effective and aesthetically pleasing way. Having lived in other parts of the

HOUSE TRANSPORTATION
Attachment 5-1
2/25/93

country where the sound barrier walls have been used, I have experienced first hand their value.

The solution is simple and needs to be done now -- before the noise becomes even worse as projected. I thank you for your time.

STATE OF KANSAS

Michael L. Johnston
Secretary of Transportation

KANSAS DEPARTMENT OF TRANSPORTATION
Docking State Office Building
Topeka 66612-1568
(913) 296-3566
FAX - (913) 296-1095

Joan Finney
Governor of Kansas

TESTIMONY BEFORE
HOUSE TRANSPORTATION COMMITTEE
REGARDING H.B. 2229:
STATE HIGHWAY TRAFFIC NOISE ABATEMENT PROGRAM

Mr. Chairman and Committee Members:

Thank you for the opportunity to comment on House Bill 2229, which provides for a state highway noise abatement program.

The Kansas Department of Transportation is and has been in compliance with federal regulations concerning traffic noise abatement. There currently are no state laws or regulations that affect the Department's operation at this time (which we are aware of). HB 2229 requirements go beyond the federal requirements by directing the Department to develop a program for noise abatement. The Bill appears also to include in the program that the Department retrofit existing highways with noise abatement measures either by physical construction or traffic management. Federal regulations do not mandate developing a program or retrofitting existing highways.

For the most part, KDOT is already complying with some of the requirements set forth in HB 2229 for projects where 1) highway construction is on new location, 2) the horizontal or vertical alignment of an existing highway is significantly changed, or 3) the number of through-traffic lanes is increased. These types of projects are designated as "Type One" in the federal noise regulations. Currently, KDOT evaluates every construction project in regard to traffic-generated noise, and many require a more in-depth investigation when traffic noise impacts are found to be a possibility. Noise abatement measures must be considered when anticipated traffic-generated noise approaches or exceeds federal criteria. This criteria is set forth in 23 CFR 772 - "Procedures for Abatement of Highway Traffic Noise and Construction Noise". These procedures are required by the Federal Aid Highway Act of 1970.

23 CFR 772 does sanction retrofitting existing highways with noise abatement measures even when no construction work or modification is planned for the highway. This type of project is designated as "Type Two" in the federal noise regulations. Although federal transportation funds can be used for Type Two abatement measures, the development and implementation of these types of projects are not mandatory.

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To date, KDOT has not constructed noise barriers even though many Type One projects have been evaluated. Except for the past several years, significant noise impacts, as defined in federal regulations, had not been widespread, nor had KDOT received many complaints.

More recently, increases in truck traffic and traffic volumes generally have resulted in our receiving complaints about noise, particularly in urban developments along interstate highways, and we are developing a noise abatement policy but it has not yet been reviewed and approved by the Secretary of Transportation. The policy is being developed in conjunction with a project approximately four miles in length in Johnson County on I-435 between State Line Road and Metcalf Boulevard (US-169). This is a project to add one lane in each direction, more or less within the existing right of way, and it meets the federal definition of a Type One project.

At this point in developing the overall noise abatement policy, the Department is likely to include abatement measures in its construction plans for this type of project if significant noise reduction can be achieved at reasonable cost. Both the noise reduction and costs are able to be calculated and will be major elements of the policy. Since this kind of project is a Type One, noise barriers may be included in the overall highway reconstruction work.

The Department's policy is not expected at this time to include Type Two projects; for example, retrofitting noise barriers alongside an existing highway where no unusual reconstruction of the highway is to be undertaken. A case in point would be I-435 in Johnson County to the west of Metcalf. Noise levels west of Metcalf are similar to the above project but the highway is not being reconstructed.

There are several reasons why the Department opposes retrofitting or by federal definition, Type Two highway projects, some of which are a consideration in Type One projects as well.

Noise abatement is expensive. A rough estimate to install 7100 feet of noise barrier on I-435 between State Line Road and Metcalf is \$1.3 Million. (A generally used cost of installing noise barriers is One Million per mile.) Highway funds used for this purpose are not available for widening, surfacing or otherwise upgrading other highways.

Another policy consideration for either type of project involves local governments' role in controlling development alongside high traffic volume highways. Since the middle seventies, the Department has been conducting noise studies and advising local government of the noise impact boundaries along highway projects in an effort to keep development from occurring where residents will be subjected to the noise. Where development has occurred after such notification should local government share in the cost of traffic noise abatement measures?

If highway funds allocated to the metropolitan areas are involved, should those funds be used for abatement rather than funds allocated on a statewide basis for rural areas and small cities?

Property values and market forces are another consideration. Those who choose to buy or build adjacent to existing busy highways probably pay a market value for the property or improvements which was established with the proximity of the highway as a factor in the purchase price. Should highway user fees be used to enhance property values in such instances?

These are all policy factors which the Department is considering in the case of Type One or major reconstruction projects and would need to be considered if the Department is directed to engage in Type Two or retrofit projects for noise abatement.

In summary, the Department is considering noise abatement already on projects for which reconstruction is planned. If KDOT is required, in accordance with HB 2229, to retrofit existing highways, we estimate the total cost of such a program at roughly \$40 to \$50 Million. This estimate is based upon a 1992 assessment of residential development along interstate highways in the Kansas City, Wichita and Topeka metropolitan areas. Over forty miles of residential development exists which we believe now exceeds the federal criteria cited in this bill. The Department prefers to continue to develop and implement policy and, where necessary and reasonable, undertake noise abatement measures as a part of the regular highway improvement program for which projects are selected on the basis of the highway's condition and usage. The Department does not favor a separate program for noise abatement involving retrofitting existing highways where the highway's traffic carrying capacity is not being increased or significant changes in vertical or horizontal alignment is not being made.



W.M. Lackey, P.E.
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JOINT COMMITTEE ON HEALTH CARE
DECISIONS FOR THE 90'S

TESTIMONY ON HB 2306
Representative Carol Sader
February 25, 1993

To The Members of The House Transportation Commttee:

My name is Carol Sader, I represent the 22nd Legislative District.

HB 2306 would require any applicant for a driver's license renewal who is 75 years of age or older to take a road test in addition to the currently required vision and written tests. Licenses issued to licensees 80-85 years of age would expire in 2 years instead of 4 years and licenses issued to licensees over 85 would expire in 1 year.

I introduced this bill at the request of several older adults in my district who feel endangered as pedestrians; at the request of several adult children of older drivers who are worried about their parents' safety and the safety of others and who are unable to get their older relatives to stop driving and are fearful of angering their parents if they attempt to do so; and at the request of a younger constituent, Mr. Michael Sharp, who was injured by a 90-year-old driver and who was planning to testify for himself today.

The perception is that this is a politically suicidal bill to introduce, especially for an elected representative who was the recipient of an AARP award this year. I must tell you that, in addition to the many supportive communications I've received on this matter, I have received numerous letters and calls from older drivers who are very angry with me. Their comments echo, almost to the word, a 1991 Report by James Malfetti, Director of the Safety Research and Education Project at Columbia University, which says that many older drivers are convinced that even friends and relatives with the best intentions are out to get them off the

road simply because they are old. The Report states that the older drivers feel that they are getting a bad rap on the safety issue, they see themselves as individuals and not as one member of a group of older people, and they are likely to respond with anger and denial. Our perception is compounded by the general belief, as stated by the Executive Director of the Automobile Association of America's Foundation for Traffic Safety that "You can't pass laws against older drivers because they have a constituency--and a vocal one."

So--why am I before you today tossing around this political hand grenade?

--Because motorists over 55 are the fastest growing segment of the driving population and they are involved in a higher accident rate per miles driven than any other age group according to federal statistics.

--Because drivers in the oldest age group are more likely to be killed once involved in a fatal crash than all other drivers because of their physical vulnerability. According to the National Highway Traffic Safety Administration's Report, when compared to the fatality rate for drivers 30 to 60 years old, teen age drivers display a rate about 4 time as large, while the rate for drivers in the oldest group is 10 times as large.

--Because federal reports say that older drivers have the highest risk of crashing even though they generally drive less because reflexes and skills critical to driving deteriorate after age 75 according to the Auto Club of Southern California. The medical data are cruelly consistent: aging slows reflexes, dulls vision and concentration, diminishes strength and flexibility and increases vulnerability from brittle bones, degenerating arteries and medicines consumed. Patricia Waller, the Director of the University of Michigan's Transportation Research Institute, says, "Much as I don't like it, starting in a person's late 50's, the crash risk per mile starts going up. Statistics show that drivers age 75 and older are about twice as likely as others, per miles driven, to be involved in a crash. You're dealing with a population that, per mile, may be the most dangerous population out there. Like vintage vehicles, drivers inevitably will show wear, break down and finally stop being roadworthy."

--Because by the year 2020, people over 65 will be 20% of the U.S. population. Today it's about 13%.

--Because a teacher of a "55-Alive" Driver Retraining Class tells his students: "We are the ones causing a slaughter on our highways each year. Not because we're speeders, not because we're careless but just because we've gotten older and have lost our acuity." Older drivers don't get involved in speeding or alcohol-related accidents but do get involved in accidents because of failure to see traffic signals or signs, driving too slowly, entering busy highways hesitantly, lane straddling, weaving, and changing lanes without signaling.

And because given all of the above, the time is long overdue to give serious consideration to mandatory re-testing of elderly drivers. It's not only reasonable, it's imperative.

Many states have shown more political courage than we have in this area. Thirteen states, and the District of Columbia, now require age-related license testing after a certain age varying from 65 to 81. Some have specific, graduated licensing systems to curb older drivers' privileges in line with their skills. Another 30 to 40 states issue licenses with varying restrictions, such as daylight-only driving. Alternative, but costly, proposals to keep older drivers on the road as long as safely possible include mandatory senior-friendly car designs, such as bigger mirrors and sonar alarms to prevent backing into objects; senior friendly highway improvements, such as bolder road markings and signals; and driver re-training programs, such as "55-Alive" by AARP.

Clearly, whatever action is taken, we must balance safety with older adults' need for transportation and independence. Because someone cannot qualify for a driver's license doesn't mean his or her transportation needs end--in fact, they become magnified. This points to the critical need for community transit services and the development of para-transit systems in every area of our state.

In your consideration of the bill before us, I would also suggest, at the recommendation of a supportive older driver, a minor amendment to prorate the license renewal fee based upon the number of years for which

it is issued.

I do thank you, Mr. Chairman, for permitting me to toss this perceived political hand grenade around this room today. Unfortunately, this issue has become more controlled by politics and political perceptions than by public safety. However, I submit that we, as legislators, may be laboring under a false impression that this bill will enrage our constituents. To find out just how valid such a political perception is, I asked the question in my annual constituent survey for this year and am astonished with the results I'm receiving. In noting the numbers below, bear in mind that 23% of my district's constituents are over 65 and the following is based on 900-1,000 responses:

6. In view of the higher accident and fatality statistics for elderly drivers, would you favor a law:
- A. Requiring all drivers over the age of 75 to take a road test, in addition to the current written test and vision test, in order to renew a driver's license?
- | | | | | | |
|-----|--------------------------|----|--------------------------|-------|------------------------|
| YES | <u>(651 -- 69.11%)</u> | NO | <u>(291 -- 30.89%)</u> | TOTAL | <u>(942 -- 100%)</u> |
|-----|--------------------------|----|--------------------------|-------|------------------------|
- B. Renewing a driver's license for a 2-year period, rather than the current 4-year period, for drivers over the age of 80?
- | | | | | | |
|-----|--------------------------|----|--------------------------|-------|------------------------|
| YES | <u>(759 -- 78.98%)</u> | NO | <u>(202 -- 21.02%)</u> | TOTAL | <u>(961 -- 100%)</u> |
|-----|--------------------------|----|--------------------------|-------|------------------------|
- C. Renewing a driver's license for a 1-year period, rather than the current 4-year period, for drivers over the age of 85?
- | | | | | | |
|-----|--------------------------|----|--------------------------|-------|------------------------|
| YES | <u>(696 -- 75.41%)</u> | NO | <u>(227 -- 24.59%)</u> | TOTAL | <u>(923 -- 100%)</u> |
|-----|--------------------------|----|--------------------------|-------|------------------------|

Based upon this admittedly less than scientific, but nonetheless persuasive, result in which 69%-79% of the constituent respondents favor passage of HB 2306, I submit that this bill might not be nearly as politically explosive as we might have expected it to be. I, therefore, ask you to give it very serious consideration and join me in being willing to perhaps risk some votes in order to save some lives. Thank you.

Carol H. Sader

TESTIMONY FOR HOUSE BILL 2306

Michael D. Sharp

I'm not here to try to revoke the license of everyone over age 75. I'm here because we owe elderly drivers and increasingly-concerned motorists and pedestrians of all ages a fair and honest discussion of this important issue.

I was a competitive cyclist until September 15, 1981. On a training ride, I was hit by a car driven by a 91 year old man at 55 mph. A witness, who was a passenger in a car directly behind the elderly driver, said she saw the gentleman look in my direction and at the same time veer across the white line on the edge of the highway and clip me from behind, never slowing down or putting on his brakes until several hundred yards after striking me. I was knocked out of my shoes and was thrown over the top of the car and bounced and rolled 90 feet on the pavement. My injuries consisted of severe head and neck trauma as well as a crushed thumb, broken collarbone, road burns, and a lacerated calf where the back wheel of my bike went into my leg. The highway patrolman mistakenly checked fatal on the accident report. The orthopaedic surgeon said I would have died had I not been in such good physical condition.

I spent several days in the hospital and recovered at home for six weeks and even today I still am not fully recovered. I had surgeries in 1988 and 1992 to repair injuries from this accident. I still have dizzy spells from my head and neck injuries and problems from my road burns.

I was lucky in this incident, but others haven't been so fortunate. Last spring in two separate incidents, one in New York and one in Chicago within a week of each other there were six people killed and 104 injured. In New York, a 74 year old woman killed five and injured 26 others when she lost control of her car and drove into a crowded park. She stated that her car just "took off" when she tried to stop but evidence showed no sign of mechanical failure. In Chicago, at O'Hare Airport, an 87 year old man drove onto a sidewalk and plowed into a group of third graders killing one child and injuring 78 others.

According to a report prepared by the U.S. Department of Transportation, after age 75, people are twice as likely to be involved in a crash per miles driven than younger people. We can't rely on drivers themselves to decide when they can no longer operate a car safely. This bill is a minimal step toward getting unsafe drivers off the road.

As I said, I'm not here to remove the elderly from the road. If an 85 year old passes their test, fine, they deserve the right to drive. If not, the roads may be a little safer for themselves and others.



"The Vintage Years" ©

The Vintage Years
Helen R. Miller
P. O. Box 47373
Topeka, KS 66647

Thank you for allowing me to share my views on this bill.
2306.

I support this bill as it reflects my feelings as to the importance of older adults and their driving skills. After a second survey this past week, I found that approximately the same number support this bill as do those of Carol Sader's bill. I have spoken this past week to more than 150 people, and I have received phone calls and letters. Those who oppose it were very hostile, in particular the man from the Phelps group. I asked to use his name as he did have several good suggestions, he refused. I am concerned also with the physical deterrents my husband and I both share. My husband will be 75 this year, he has had several strokes in the past 13 years, Three years ago, I lost my left eye after two retinal detachments. We have both been concerned about our abilities as good drivers. I personally quit driving at night though the Doctor did not require it.

Statistics tell us that 3 to 5% of those taking the test will fail. 30 to 35% of those drivers will be poor drivers. It is my understanding from Betty McBride of the DMV that they receive only an average of 30 letters a year which report bad drivers. They receive an annual report from the police. However, although there are many, it is almost impossible to track.

As an advocate and worker in the field of aging, I have many times seen slow weaving older adults cause accidents that they are totally unaware of. No one understands better than I the loss of independence. I must always rely on someone else to drive for me in the evening and early morning hours.

I am disappointed when older drivers donot share their good fortune and pick up those who are homebound. This happens too often. We all must take a greater responsibility for ourselves as drivers and as volunteers for those homebound. I don't want to put a passenger in my car at risk, nor do I want to hit a child or another pedestrian, all because I refuse to accept my responsibility as a driver.

It is also my hope that we can put more money into our older adult programs to expand transportation for all. I urge the passage of this bill, HB 2306.

Thank You

HOUSE TRANSPORTATION
Attachment 9
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KANSAS DEPARTMENT ON AGING
TESTIMONY REGARDING HOUSE BILL 2306
TO THE HOUSE COMMITTEE ON TRANSPORTATION

February 25, 1993

My name is Bill Cutler, and I appear here today representing the Kansas Department on Aging. We neither support nor oppose the bill, but wish to present information we hope you will take into account as you consider HB 2306.

Background

The older person is increasingly dependent on the automobile for mobility. Public transportation is limited. While there is a network of transportation alternatives available in some locations, it is generally restricted to weekdays, and to take people to senior centers and meal programs, and in some cases to the medical appointments.

The tasks of daily living (shopping, going to the doctor, visiting friends and relatives, going to church) are all dependent on transportation, and in most cases, that transportation is the private automobile.

In 1989, Kansas had 56,686 licensed drivers between 75 and 79; 36,676 between 80 and 85, and 12,811 aged 86 and older. (Total 75 and older = 106,173) From 1980 to 1989, the number of 80+ licensed drivers increased by 50.8%

As we move to restrict the access of the older driver to the roadway, we need to be aware of the ramifications. Denied the ability to get around, and without attractive transportation alternatives, the older person may have to give up their independence and move to a facility that can take care of their needs.

The question of more frequent testing has been examined by a number of studies. In 1988, the Transportation Research Board of the National Research Council conducted a study, Transportation in an Aging Society: Improving Mobility and Safety for Older Persons, whose sponsors included the Federal Highway Administration and the National Highway Traffic Safety Administration.

An element of the study was looking at improving driver licensing and screening. One of the concerns expressed was that tests do not exist to accurately predict driving performance on the basis of tests of skill or knowledge.

In researching the testimony for this bill, I contacted the American Automobile Foundation for Traffic Safety, and had the

opportunity to speak with their Executive Director, Sam Yaksich, Jr. He is one of the authors of the above mentioned study. I also faxed him a copy of HB 2306.

He told me that there was no research he had seen that would justify putting into place road testing for everyone over 75. He thought that it would have a greater impact to institute more stringent vision testing, including testing that would make drivers aware of their decreasing peripheral vision.

The 1989 Conference on Research and Development Needed to Improve Safety and Mobility of Older Drivers sponsored by the U.S. Department of Transportation looked specifically at the effect of age-based testing. It found that states requiring a road test at age 75 reduced the licensing renewal rate of older drivers at a faster rate than states that did not have the requirement. The participants raised the question as to whether reduced licensure is a desirable objective and whether it is justified to impose added age-related requirements and hurdles to achieve this objective.

Comments Specific to HB 2306:

Using the 1989 figures for licensed drivers, there would be 45,320 people tested each year under this schedule. In testimony from the Department of Revenue regarding Senate Bill 220, their representative said the approximately 55,000 were currently tested behind the wheel each year. Passage of the bill would come close to doubling this number.

It is my understanding that the written and visual tests can now be offered at the County Treasurer's office. Since there are not places where the behind-the-wheel driving test can be taken in each county, many older people would have to drive out of their county to a testing site. One of the adaptive behaviors that many older drivers make to adjust for declines in their abilities is to limit their driving to areas with which they are familiar. Requiring them to drive to the testing sites may either expose them to risks to which they would normally avoid, or cause the person who would continue to perform adequately in their self-restricted environment to give up their independence prematurely. One alternative is to provide mobile testing services.

The bill does not provide for any sort of counseling for the older driver as to how they might improve their abilities and pass the test, or what alternatives would be available for them once they could not longer drive. It also makes no provision for specialized training for the driver examiners to be able to detect all the factors that might influence performance in the older driver. Such training could improve testing accuracy.

Recommendations:

There are groups currently examining how to improve the safety of older drivers. One of these, of which I am a member, is the "Traffic Safety for Older Adults Private and Public Agency Working Group," made up of representatives of agencies such as the Department of Health and Environment's Office of Chronic Disease and Health Promotion, the Kansas Department of Transportation, the Kansas Highway Patrol, and the Safetybelt Education Office, as well as non-governmental groups such as AARP, the American Automobile Association, and Kansans for Highway Safety.

Last year, this group joined the efforts of the AARP and the Silver Haired Legislature to enact SB 217, which requires insurance companies to offer a premium discount to drivers of any age who take an approved driver safety course. This was seen as an incentive to encourage drivers to take part in training to improve their skills. Unfortunately, the procedure for approving courses is still unsettled, and a bill, SB 135, has been introduced to remedy this problem.

The greying of the Kansas driver is a reality. The state needs a unified approach to the problem, not just a piecemeal approach that may have unintended repercussions. I would suggest that the Committee on Transportation consider requesting an interim study. This study could look at the whole range of items that need to be considered to prepare the state for the increasing number of older drivers. The interim committee would review the latest research in the field, plus the experience of other states.

I would suggest inviting representatives of the following organizations to participate in the study: Departments of Revenue, Transportation, Health, Insurance and Aging, the Highway Patrol, and representatives of non-governmental entities such as the American Automobile Association, AARP's 55-Alive/Mature Driver's Program, Kansans for Highway Safety, and the Kansas Medical Society's Committee on Issues Affecting the Elderly.

Thank you for the opportunity to testify.

STATE OF KANSAS

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Department of Revenue
Division of Vehicles

To: Honorable Rex Crowell, Chairman
Members of the House Committee on Transportation

From: Betty McBride, Director
Division of Vehicles

Date: February 25, 1993

Mr. Chairman, Members of the Committee,

My name is Betty McBride. I am the Director of Vehicles, and I appear before you on behalf of the Department of Revenue regarding House Bill 2306.

This measure will require 110,000 drivers 75 years of age and older to take a complete driving examination at renewal. The 38,000 drivers 80 years of age to 85 years of age would have to renew every two years and 14,000 drivers over the age of 85 would be required to renew every year.

If this bill passes as written, it will require the Division to give an additional 47,500 drive tests a year. An additional 47,500 drive tests a year will increase the workload at our driver license examining stations by 290 drive tests a day. The number of drive tests is an approximation based on past experience. The division administered approximately 60,000 drive tests in 1992. Because of the advanced age of the applicants, and our policy of allowing each applicant four attempts to pass a drive test, we expect many applicants to take the drive test more than once. Therefore, if this bill passes we will need an additional 10 full-time driver license examiners, plus uniforms and mileage, to handle the increase in drive tests.

This bill will also increase revenue by the following amounts:

47,500 additional drive tests per year	\$142,500 for ages 75 plus
License fees	\$171,000 for ages 80-85
License fees	<u>\$126,000 for ages 86 plus</u>
Total	\$439,500 annually

I stand for your questions.

HOUSE TRANSPORTATION
Attachment 11
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