

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Chairperson Ben Vidrickson at 9:00 a.m. on March 9, 1993 in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:
Lt. Sam Grant, Kansas Highway Patrol
Christine Andrade, KDOT

Others attending: See attached list

Lt. Grant addressed the committee on behalf of **SB 368** which relates to traffic citations. He explained that this bill would include "driving while suspended" to the listed violations for which a traffic citation may be issued. (See Attachment A)

Christine Andrade presented testimony on **SB 295** concerning the abandoned right-of-way of railroads. This bill proposes a revision which would require railroad companies to remove crossbucks, modify existing safety signals and install "out-of-service" signs within 90 days after abandonment of their rail lines. (See Attachment B)

There was some discussion and Senator Emert made a motion to amend the word "and" in line 31 to read "or". This was seconded by Senator Burke. Motion carried.

A motion was then made by Senator Emert to strike the words "out of service" and insert the word "exempt" in line 31. This was seconded by Senator Papay. Motion carried.

Senator Burke made a motion to recommend **SB 295** as favorable for passage as amended. Senator Papay seconded this and the motion carried.

The committee then turned to **SB 368**. Senator Brady made a motion to pass this bill out of committee. It was seconded by Senator Burke. Motion carried.

Discussion moved to **SB 390** relating to the use of publicly owned motor vehicles. Senator Burke made a motion to amend this bill to read "upon approval of the Law Enforcement Agency and the local governing body". Senator Jones seconded this. Motion carried.

A motion was then made by Senator Burke to pass **SB 390** as amended. A second was made by Senator Emert. Motion carried.

The committee reviewed **SB 330** which would exempt compressed natural gas from taxation. A fiscal note was distributed. (See Attachment C)

Senator Burke made a motion to Sunset this bill in the year 2000. This would allow the tax to go back on unless the legislature voted to continue the exemption. The motion was seconded by Senator Emert. Motion carried.

A motion was then made by Senator Burke to pass **SB 330** favorable as amended. A second was made by Senator Papay. The motion failed.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES, Room 254-E
Statehouse, at 9:00 a.m. on March 9, 1993.

A motion was made by Senator Papay to approve the minutes of the February 24th and March 8th meetings.
A second was made by Senator Tiahrt. Motion carried.

The meeting was then adjourned by the Chairman.

The next meeting is scheduled for March 10, 1993.

GUEST LIST

SENATE TRANSPORTATION COMMITTEE

DATE: March 9, 1993

[illegible]

SUMMARY OF TESTIMONY

Before the Senate Transportation and Utilities Committee

March 9, 1993

Senate Bill 368

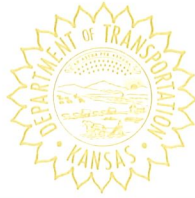
Presented by the Kansas Highway Patrol
(Lieutenant Sam Grant)

Appeared in support of Senate Bill 368

Mr. Chairman, members of the Committee, I appear on behalf of Colonel Lonnie McCollum and the Kansas Highway Patrol in support of Senate Bill 368.

Senate Bill 368 amends K.S.A. 8-2106 (Traffic Citation; Procedure) to include K.S.A. 8-262 (driving while suspended) to the listed violations for which a traffic citation may be issued.

Some Courts in the State are requiring a Long Form complaint to be filed for a driving while suspended violation while others are permitting a traffic citation to suffice. This amendment will make it clear that a traffic citation for this traffic violation is acceptable.



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
SENATE TRANSPORTATION AND UTILITIES COMMITTEE
REGARDING S.B. 295:
REMOVAL OF CROSSBUCKS AND SIGNAL DEVICES BY RAILROADS
March 9, 1993**

Chairperson Vidricksen and Committee Members:

In an effort to provide safer railroad grade crossings which intersect highways or roads, the Department of Transportation proposes SB 295.

No law or regulation currently exists which requires railroad companies to remove railroad crossbucks or modify railroad crossing signals when a railroad is abandoned. Currently, K.S.A. 66-525 (a) defines abandonment as "when the tracks, ties, and other components necessary for operation of the rail lines are removed...following an abandonment order..." Currently, crossbucks are allowed to remain in place and signal flashers are permitted to face traffic even after abandonment of the rail lines has occurred. Because these safety devices remain at crossings, all school busses, commercial busses, and vehicles carrying hazardous materials are required to stop before crossing the intersection. K.S.A. 8-1553 identifies five exceptions to this provision; however, the delineated exceptions do not alleviate the safety concerns sought to be addressed by this legislation.

Several local school bus coordinators have contacted the Department to complain about school busses having to stop at railroad crossings which are no longer in use. In one instance, because of existing safety devices at the railroad crossing, the school bus was required to stop even though no rails existed beyond the crossing surface. In this instance, no train could possibly use the crossing. The Department is concerned that school busses which stop at such crossings may expose the bus, its children passengers, and the traveling public to dangerous rear-end collisions.

Senate Bill 295 proposes a revision to K.S.A. 66-525 which would require railroad companies to remove crossbucks, modify existing safety signals, and install "out-of-service" signs within 90 days after abandonment of their rail lines.

MEMORANDUM

TO: Ms. Gloria M. Timmer, Director
Division of Budget

DATE: February 22, 1993

FROM: Kansas Department of Revenue

RE: Senate Bill 330
as Introduced

BRIEF OF BILL:

Senate Bill 330 as Introduced exempts compressed natural gas from the motor fuel tax. It amends K.S.A. 79-3492 and is effective from and after publication in the statute book.

FISCAL IMPACT:

It is estimated that passage of this bill would decrease highway funds from about \$40,000 in Fiscal Year 1994 to about \$170,000 in Fiscal Year 1999.

The Department has no information on the number of vehicles using this motor fuel and the amount of motor fuel tax remitted from this fuel. The Kansas Corporation Commission estimates that there are currently 230 compressed natural gas (CNG) vehicles and that the number will increase to 1,000 in Fiscal Year 1999. Using the KCC estimates of number of compressed natural gas vehicles; assuming no change in the tax rate for CNG or LP-Gas; using the LP-Gas prepayment tax tables that are based on vehicle weight and miles travelled (K.S.A. 79-3492b); estimating that 5% of CNG vehicles are 3,000 pounds or less, 85% are 3,001 to 4,500 pounds and 10% are more than 4,501, based on the assumption that most of such vehicles are vans and busses; and using the federal estimate of an average of 12,000 miles travelled per year per vehicle, the estimate is:

	(figures in thousands)					
	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
Estimate	-\$39.8	-\$66.4	-\$93.1	-\$119.8	-\$146.4	-\$173.1
Distribution to:						
Special C/C Fund	-\$16.1	-\$26.9	-\$37.7	-\$48.5	-\$59.3	-\$70.1
State Highway Fund	-\$23.7	-\$39.5	-\$55.4	-\$71.3	-\$87.1	-\$103.0

FISCAL COMMENT:

The motor-fuel tax base will be significantly eroded if clean-burning motor fuels are exempt from motor fuel taxation.

ADMINISTRATIVE IMPACT:

It is estimated that the Department could absorb the cost of notification to taxpayers of the change.

APPROVED BY:


Nancy Parrish
Secretary of Revenue

ATTACHMENT C

3/9/93

TRANS.
3/9/93
C-1