

# MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairman Rex Crowell at 1:30 p.m. on February 8, 1994 in Room 519-S of the Capitol.

All members were present except: Rep. Shore, Excused  
Rep. Hendrix, Excused  
Rep. Garner, Excused  
Rep. McKinney, Excused  
Rep. Long, 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: Ken Gudenkauf, KDOT  
Jim Tobaben, KDOT  
Terry Maple, KHP  
Bob Totten, Kansas Contractors Association

Others attending: See attached list

Chairman Crowell opened the hearing on HB 2780 regarding the length of certain vehicles.

Ken Gudenkauf was recognized by the Chairman as a proponent of the bill. He testified that, if passed, the State's size and weight restrictions for commercial motor vehicles would be consistent with federal laws and regulations. See Attachment 1.

The Chairman closed the hearing on HB 2780.

Chairman Crowell opened the hearing on HB 2781 relating to certain penalties in road construction zones.

Jim Tobaben was the first conferee recognized by Chairman Crowell. He testified that passage of this bill would double all fines assessed for certain violations in construction work zones and would enhance safety for employees in highway construction work zones. See Attachment 2.

The Chairman recognized Terry Maple as a proponent of the bill. He stated that this bill reinforces the "Give 'em a Brake" campaign when traveling through construction zones. Sergeant Maple noted that KDOT and the Kansas Highway Patrol suggest amending the bill to include only the most serious crash-causing violations by defining infractions as "moving violations". See Attachment 3.

Chairman Crowell recognized Bob Totten to testify as a proponent of the bill. Mr. Totten testified that this bill would make motorists more aware of the construction zones and the speed which they are traveling. See Attachment 4.

The hearing on HB 2781 was closed by the Chairman.

The Committee's attention was called to HCR 5029 opposing the federal mandate requiring the State of Kansas to convert to the metric system. Rep. Pauls made a motion to recommend HCR 5029 favorable for adoption. It was seconded by Rep. Shallenburger. The motion carried.

The Chairman then called the Committee's attention to HB 2614 relating to the development of general aviation airports. Discussion by the Committee took place. Rep. McClure made a motion to amend the bill to define general aviation airports as public use general aviation airports. Rep. Pauls seconded the motion.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 519-S Statehouse, at 1:30 p.m. on February 8, 1994.

Rep. Webb made a conceptual substitute motion to include all of the amendments requested by Tim Rogers of the Kansas Association of Airports and KDOT Aviation Advisory Committee. It was seconded by Rep. Correll. After extensive discussion took place, Rep. Shallenburger requested the Chairman divide the amendment. The Chairman ruled the amendment could be divided. After more discussion of the amendment, the Chairman halted the Committee from further action and stated that Mr. Gene Anderson, Division of Aviation, KDOT, would be requested to attend the next meeting to respond to questions by committee members.

Chairman Crowell adjourned the meeting at 2:15 p.m. with the next meeting scheduled for February 9, 1994, at 1:30 p.m. in Room 519-S of the Capitol.

GUEST LIST  
HOUSE TRANSPORTATION COMMITTEE

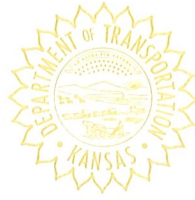
February 8, 1994

Name

Address

Representing

MARY E. TORIKINGTON	TOPEKA	Kansas Motor Carriers Assoc
Tom Whitaker	WICHITA	LS Motor Carriers Assn.
TOM DAY	TOPEKA	KCC
Clara Conth...	TOPEKA	Kans. Good Roads
Bob Totten	TOPEKA	to Contractors Ass
DON LINDSEY	OSAWATOMIE	UTU
TERRY MAPLE	TOPEKA	KHP
STEVE RODINA	TOPEKA	KHP
CLAYTON JARRISON	WICHITA	KHP
John Peterson	Topeka	Beech Aircraft
JIM KEEFE	POKA	BNE
Ken Gudenkauf	Topeka	KDOT
Judy R...	Topeka	KDOT



Michael L. Johnston  
*Secretary of Transportation*

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Joan Finney  
*Governor of Kansas*

**TESTIMONY BEFORE  
HOUSE TRANSPORTATION COMMITTEE  
February 8, 1994**

**REGARDING HOUSE BILL 2780**

Mr. Chairman and Committee Members:

On behalf of the Kansas Department of Transportation, I am here today to provide testimony in support of the proposed legislation.

The Federal Highway Administration requires the State's size and weight restrictions for commercial motor vehicles to be consistent with federal laws and regulations. The proposed legislation would amend K.S.A. 8-1904 to comply with federal regulations for saddlemount vehicle transporter combinations that took effect in August 1990. The discrepancy between the state statute and federal regulations was recently drawn to KDOT's attention. A saddlemount vehicle transporter combination that complied with federal requirements, but exceeded the State's length limitation of 65 feet, was stopped at a motor carrier inspection station. A Federal Highway Administration official was contacted and the discrepancy between the two sets of requirements was confirmed.

The Department of Transportation initiated the proposed legislation to amend the statute to comply with the federal regulation; therefore, I recommend passage of this bill.

This concludes my testimony. I will be glad to try and respond to any questions that you may have.

HOUSE TRANSPORTATION  
February 8, 1994  
Attachment 1



Michael L. Johnston  
*Secretary of Transportation*

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TESTIMONY BEFORE THE  
HOUSE TRANSPORTATION COMMITTEE  
REGARDING H.B. 2781  
ENHANCED SAFETY IN HIGHWAY CONSTRUCTION WORK ZONES  
February 8, 1994

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to appear before the Committee in regard to H.B. 2781, which would provide for enhanced safety in highway construction work zones.

There is no disputing the fact that highway construction work zones potentially expose motorists to additional driving hazards. Accidents in highway work zones in Kansas have nearly doubled over the last several years, and every year many lives are lost or injuries sustained. In July 1993 the Department, in cooperation with the Kansas Highway Patrol and state contractors' organizations, joined a nationwide effort and launched a new work zone safety public awareness program entitled "Give 'em a Break, Kansas Highway Workers." The program is designed to remind motorists of the hazards associated with roadway construction and the steps they can take to help avoid injuries and deaths.

The Department would like to continue its effort to increase safety in construction work zones. H.B. 2781 is another strategy for safer construction zones. This bill would double all fines assessed for certain violations in construction work zones, up to a maximum of one hundred dollars. Signs would be placed before construction areas alerting drivers that not only is a construction zone coming up, but also that fines for certain violations that are of particular concern in construction work zones will be doubled. The bill, as drafted, is not limited to a particular list of violations. However, we have worked with the Kansas Highway Patrol to develop a list of violations that are of particular concern when committed within construction work zones, and we would like to request that H.B. 2781 be amended to be consistent with that language.

HOUSE TRANSPORTATION  
February 8, 1994  
Attachment 2-1

Iowa currently has this legislation, and it appears to have increased the safety of work zones by inducing drivers to slow down. The Missouri Legislature is also considering similar legislation this session.

The goal of the "Give 'em a Brake" program is to save lives. Last year, two KDOT employees were killed while on the job. KDOT also stresses that highway workers are not the only people at risk. Kansas' motorists and visitors play a deadly role in the alarming statistics as well as roadside workers who are employees of private contractors, local municipalities, and utility companies. In 1991, 680 and in 1992, 628 fatal work zone accidents were recorded on our nation's highways. In Kansas, in 1991, seven people and in 1992, 19 people were killed in construction work zones on our state's highways.

With the construction component of the Kansas Comprehensive Highway Program reaching its peak, it is important - more now than ever - for motorists to be aware of highway workers. KDOT had more than 2,000 employees on an estimated 470 job sites during the last construction season. It is hoped this bill will help to reduce the accident rate in Kansas' highway construction work zones by encouraging the 1.8 million licensed drivers in Kansas as well as out-of-state travelers to slow down.

If effective, the proposed legislation would reduce fine receipts for moving violations in construction work zones. The amount of change in receipts is indeterminable. The cost of posting additional signs would be minimal.



**Kansas Highway Patrol  
Testimony Before the  
House Transportation Committee  
Regarding 1994 H. B. 2781**

Presented by  
Sergeant Terry L. Maple  
February 8, 1994

Good afternoon Mr. Chairman and members of the Committee. My name is Sergeant Terry Maple and I appear before you today on behalf of Patrol Superintendent Lonnie McCollum to offer the Patrol's support for 1994 House Bill 2781.

Last year the Kansas Department of Transportation began an extensive public information campaign to raise public awareness concerning safety in highway construction zones. The "Give 'em a Brake" program has been well received throughout the state and public awareness has, in all likelihood, been raised to the highest level ever. Unfortunately, many motorists choose to ignore the public information efforts and drive carelessly through construction zones. As a result, serious crashes occur and lives are needlessly lost.

As introduced, HB 2781 will double the fine, up to a maximum of \$100, for traffic infractions committed in construction zones. The Patrol feels that HB 2781 is the next logical step in a combined comprehensive effort designed to make traveling through construction zones in Kansas safer.

To accomplish our goal, the Patrol and KDOT agree that HB 2781 should be amended to include only the most serious crash-causing violations. Therefore, we jointly request that the bill be amended to include only those traffic infractions deemed "Moving Violations" pursuant to K.S.A. 8-249. This amendment will insure that the increased penalties will only be imposed on those who commit the hazardous violations that are the cause of most crashes in construction zones.

If amended and enacted, HB 2781, combined with the ongoing public information efforts of KDOT and the Patrol, will help insure that construction zones in Kansas become safer for the motoring public and public employees.

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HOUSE TRANSPORTATION  
February 8, 1994  
Attachment 3-1

92-52-9. DEFINITION OF MOVING VIOLATION. (a) Pursuant to K.S.A. 1980 Supp. 8-249, as amended by L. 1981, Ch. 41, Sec. 1, "moving violation" means the commission or omission of an act by a person operating a motor vehicle that could directly result in injury or property damage and is also a violation of a statute, ordinance, or regulation of this or any other state.

(b) "Operating a motor vehicle" means the process of moving a motor vehicle from one location to another or starting the engine or manipulating the mechanical or electrical equipment of a motor vehicle whether or not the vehicle is in motion.

(c) A conviction for violating any of the following Kansas statutes, or any similar state statute, municipal ordinance, or regulation of another state shall constitute a moving violation and be recorded on individual driving records: The description of offenses contained in the following schedule is for reference only and is not a legal definition.

K.S.A. 1990 Supp. 8-262	Driving while suspended, revoked or cancelled
K.S.A. 8-1335	Speed greater than reasonable and prudent under the conditions
K.S.A. 1990 Supp. 8-1336	Speed in excess of maximum limit
K.S.A. 8-1337	Speed in excess of maximum limit
K.S.A. 8-1338	Speed in excess of maximum limit
K.S.A. 8-1507	Disobey traffic control device
K.S.A. 1990 Supp. 8-1508	Disobey traffic control signal
K.S.A. 8-1509	Disobey pedestrian control signal
K.S.A. 8-1510	Disobey traffic control signal
K.S.A. 8-1511	Disobey traffic control lane signal
K.S.A. 8-1514	Driving on wrong side of roadway
K.S.A. 8-1515	Improper passing
K.S.A. 8-1516	Improper passing
K.S.A. 8-1517	Improper passing
K.S.A. 8-1518	Improper passing
K.S.A. 1990 Supp. 8-1519	Driving on wrong side of roadway
K.S.A. 8-1520	Violate "no passing" zone
K.S.A. 8-1521	Driving in wrong direction
K.S.A. 8-1522	Driving in wrong lane
K.S.A. 8-1523	Following too close
K.S.A. 1990 Supp. 8-1524	Improper crossover in divided highway
K.S.A. 8-1526	Failure to yield
K.S.A. 8-1527	Failure to yield
K.S.A. 8-1528	Failure to yield
K.S.A. 8-1529	Failure to yield
K.S.A. 8-1530	Failure to yield to emergency vehicle
K.S.A. 8-1531	Failure to yield to a pedestrian
K.S.A. 8-1535	Failure to yield to a pedestrian
K.S.A. 8-1539	Driving through safety zone
K.S.A. 8-1540	Failure to yield to a pedestrian
K.S.A. 8-1545	Improper turn
K.S.A. 8-1546	Improper U turn
K.S.A. 8-1548	Failure to signal
K.S.A. 8-1549	Failure to signal
K.S.A. 8-1550	Failure to signal
K.S.A. 8-1551	Failure to obey railroad crossing signal
K.S.A. 8-1552	Failure to obey railroad stop sign
K.S.A. 1990 Supp. 8-1553	Failure to stop at railroad crossing
K.S.A. 8-1554	Failure to stop at railroad crossing
K.S.A. 8-1555	Failure to yield from alley or private road
K.S.A. 1990 Supp. 8-1558	Exceeding maximum speed limit
K.S.A. 8-1561	Violation of minimum speed limit
K.S.A. 8-1562	Exceeding speed limit for motorcycles
K.S.A. 8-1563	Exceeding special speed limits
K.S.A. 1990 Supp. 8-1566	Reckless driving
K.S.A. 1990 Supp. 8-1567	Driving under the influence of alcohol
K.S.A. 8-1568	Eluding a police officer
K.S.A. 8-1574	Improper backing
K.S.A. 8-1575	Driving on sidewalk
K.S.A. 8-1576	Driving while view obstructed
K.S.A. 8-1580	Coasting prohibited
K.S.A. 8-1581	Following fire apparatus
K.S.A. 8-1584	Failure to clear railroad crossing
K.S.A. 1990 Supp. 8-1703	Driving without headlights
K.S.A. 1990 Supp. 8-1725	Driving without headlights
K.S.A. 21-3405	Vehicular homicide
K.S.A. 1990 Supp. 21-3405a	Aggravated vehicular homicide
K.S.A. 1990 Supp. 21-3405b	Vehicular battery

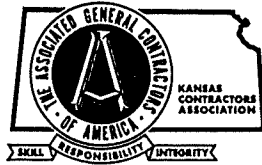
HOUSE TRANSPORTATION  
February 8, 1994  
Attachment 3-2

and any amendments thereto.

(d) Nothing in this provision shall be construed to prevent the division of vehicles from recording on individual driving records other administrative actions or convictions relating to motor vehicles. (effective 6-1-92)



# THE KANSAS CONTRACTORS ASSOCIATION, INC.



1923 - 1993

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## TESTIMONY

BY THE KANSAS CONTRACTORS ASSOCIATION  
BEFORE THE HOUSE TRANSPORTATION COMMITTEE  
REGARDING CONSTRUCTION ZONES  
HOUSE BILL 2781

Mr. Chairman, and members of the House Transportation Committee, I want to thank you for allowing me the opportunity to appear before you this afternoon to address the need for stronger penalties for speeding in highway construction zones.

My name is Bob Totten. I am the Public Affairs Director for the Kansas Contractors Association. Our association represents more than 330 heavy, highway, and municipal utility contractor and associate member firms in the Kansas construction industry.

Our association is supporting the passage of this measure. If you have ever gone through a highway construction site, you are probably well aware of the hazards concerning the motoring public and our highway workers. I was a flag person over 25 years ago and I can tell you the traveling public doesn't seem to pay much attention when they approach a construction site..even though there are signs placed way up the road asking them to slow down.

HOUSE TRANSPORTATION  
February 8, 1994  
Attachment 4-1

page two HB2781

I had motorists run right through my portable traffic sign and seem to pay little or no heed to the "pilot car" or people in the area who were working. We rarely had any recourse since it was more trouble to notify the sheriff and get the offender ticketed than to let it go. However, I do think this law could help the situation and make any traffic infraction more costly to the offender. And besides the extra added expense to the offender, I believe motorists would be more aware of traffic safety if they knew they would suffer heavier consequences if they don't obey the law in a construction zone.

I have been told the traveling public is worst than it was when I was flagging years ago. The Federal Highway Administration reports that in a five year period from 1986 to 1991, more than half of the fatalities that occurred in a highway construction site were caused by speeding motorists. When I was a television reporter, I remember very vividly the accident scene out on the West Gate bridge here in Topeka on US 75. In that situation, a highway worker was killed by a passing motorist. It was a gruesome site. Whether or not speed was involved I don't recall but it emphasizes the need to me for safety in a construction zone.

HOUSE TRANSPORTATION  
February 8, 1994  
Attachment 4-2

page three HB2781

For our construction workers, I encourage you to pass this measure in hopes it will help our motorists slow down and give our workers a break. And speaking of that I want to congratulate KDOT's Give Em A Brake program which the Kansas Contractors Association has help sponsor. KDOT has embarked on a very good public awareness campaign to encourage motorists to slow down in a construction zone and we support that effort along with this legislation.

Thank you for your time this afternoon...and if you have any questions, I will try to answer them.

HOUSE TRANSPORTATION  
February 8, 1994  
Attachment 4-3