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**Legislative Testimony
by the
Kansas Motor Carriers Association
before the
House Transportation Committee
Representative Richard Proehl, Chairman
Tuesday, February 16, 2021**

**MR. CHAIRMAN AND MEMBERS OF THE
HOUSE TRANSPORTATION COMMITTEE:**

I am Tom Whitaker, Executive Director of the Kansas Motor Carriers Association. I appear before you this afternoon representing our 800 member-firms in opposition to House Bill No. 2296 as proposed by the Kansas Department of Transportation (KDOT).

During the 2019 Session of the Kansas Legislature, the Legislature approved, and the Governor signed Senate Substitute for HB 2007 which allowed the Kansas Department of Transportation (KDOT) and the Kansas Turnpike Authority (KTA) to use tolls to partly pay for increased capacity on existing highways in Kansas. The bill was a result of recommendations for the Joint Legislative Transportation Vision Task Force to expand the tools available to KDOT and KTA when planning for a new comprehensive transportation plan.

Our members and the highway transportation industry which represents a large portion of the highway user fees paid to both the State of Kansas and the Federal government are very interested in how dollars for transportation programs are raised and spent. While KMCA agreed that tolls may be a necessary part of a new transportation plan, we expressed the following concerns:

- Language needed to be added to prohibit tolls on existing highways and that tolls can only be used to pay for increased capacity projects such as HOT lanes.
- All vehicles that use a toll project must pay the tolls for such use.
- Tolls for a specific project must be used explicitly for that toll project.
- All toll revenue currently collected by the KTA shall only be spent on roadways currently designated as the Kansas Turnpike.
- KMCA strongly believes the Legislature or the State Finance Council, as stewards of taxpayer dollars, should have final approval of any new toll projects above and beyond the current Kansas Turnpike.



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All of KMCA's concerns were address in the legislation passed during the 2019 Session of the Kansas Legislature. KDOT and KTA can properly use tolls within the framework spelled out in the Eisenhower Legacy Transportation Program and at the same time protect the motoring public and all highway users from paying tolls on highways they have already paid for with fuel tax, registration fees and dedicated sales tax revenue.

KDOT's proposed legislation addresses three issues within the 2019 agreed upon language contained in K.S.A. 68-20,120. The first amendment eliminates from current law the prohibition from using toll revenue for payment of costs not associated with the toll project for which the toll was collected and allows for the diversion of toll revenue to support public transportation on the corridor. KMCA opposes this amendment. Those that pay tolls expect those dollars to be used on the toll project roadway and not used to subsidize other forms of transportation.

The second amendment would allow the Secretary of Transportation to contract with the Kansas Turnpike Authority to set, collect and enforce non-payment of tolls for a project developed under this statute. KMCA supports this amendment. The KTA knows how to efficiently set and collect tolls. It makes perfect sense to not, "reinvent the wheel."

The third amendment would allow public transit vehicles to operate free from toll charges on **any toll project or turnpike project constructed by the Kansas Department of Transportation**. If you were paying to use the toll project would you want to share that roadway with other vehicles that are not paying to use the toll project. Adding additional capacity to a highway should reduce congestion on those sections of the highway that remain free from tolls.

Mr. Chairman, KMCA understands the need for KDOT to be able to contract with the KTA to operate the toll project and we support that change to K.S.A. 68-20,120. However, KMCA believes the two amendments subsidizing public transportation through the use of toll dollars as well as being able to operate such vehicles on the toll project free of charge are a breach of the agreement between stakeholders during the 2019 Session when the use of tolls was added to KDOT's toolbox.

KMCA opposes HB 2296 as the bill is presented to you today. We would not oppose the bill if language concerning public transit was removed. We thank you for the opportunity to appear before you today and would be pleased to respond to any questions you may have.

