

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on March 25, 2008 in Room 527-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Mike Corrigan, Revisor of Statutes
Mary Jane Brueck, Committee Assistant

Conferees appearing before the committee:

Sen. Pres. Steve Morris
Major Mark Bruce, Kansas Highway Patrol
Ed Klumpp, Kansas Association Chiefs of Police and the Kansas Peace Officers' Association
Rep. Pat George
Alan Cobb, Americans for Prosperity
Dr. Art Hall, Executive Director, Center for Applied Economics KU School of Business
Secretary Deb Miller, Kansas Department of Transportation
Pat Hurley, Economic Life Lines
Randal O'Toole, Senior fellow, Cato Institution (Written Only)

Others attending:

See attached list.

Chairman Donovan opened the hearing on **SB 689 – Regulating traffic, driving in right lane required, exceptions.**

Proponents:

Sen. Steve Morris explained, the bill is designed to deal with the problem of people driving on a four-lane highway in the left hand lane, oblivious of what is going on, and impeding traffic. The bill needs several amendments. One amendment would allow the Highway Patrol to continue to operate in the left hand lane as they normally do. It also needs some sort of fine. The third amendment would look at what needs to be done requiring people to move to the left lane because of emergency situation. Sen. Palmer asked if this is taught in drivers' education tests. Sen. Morris said it should be addressed if the bill is passed. He also said more signs should be made to tell slow drivers to drive in the right lane.

Major Mark Bruce, Kansas Highway Patrol agreed a provision for law enforcement's need to drive in the left lane should be added. Highway maintenance vehicles also need an exception. He feels there may be confusion among drivers who are to move away from law enforcement and emergency vehicles stopped at the side of the road. The Kansas Highway Patrol is in favor of the one year warning period to allow education of the public about this law. Chairman Donovan asked about additional signs telling slow drivers to keep in the right hand lane. Major Bruce said more would be needed. Sen. Apple asked if this law would include all four-lane roads. Yes it would. Sen. Petersen asked if there was a provision about large events closing and causing a large number of vehicles to be exiting onto a four-lane highway. Major Bruce said there is. (Attachment 1)

Ed Klump, representing both the Kansas Association Chiefs of Police and the Kansas Peace Officers' Association, stepped forward to speak on this bill. He has a concern about how this bill would apply in major metropolitan areas where four lanes would be crowded at rush hour. He would suggest this bill be exempted within city limits. (Attachments 2 and 3)

Chairman Donovan said he would ask the revisor to prepare this bill with the amendments discussed for this bill. Seeing no others to speak to this bill, Chairman Donovan closed the hearing on **SB 689** and opened the hearing on **HB 2119 – Emergency medical services license plates.**

This bill has been changed. Chairman Donovan called on Reviser Bruce Kinzie to explain. The bill is now

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regarding micro utility vehicles, small trucks. These vehicles would not be allowed to operate on Federal or State highways, but would be allowed to cross highways. These vehicles would have to meet requirements for equipment before operating on highways. They will still be required to get a non highway title. These titles allow the state to track these vehicles for tax purposes. The bill also provides that micro utility trucks will be considered as vehicles considered for the dealer license law which would limit selling these to the same requirements as any other dealer. Sen. Palmer asked where these vehicles can be driven after this bill. They can be on county/township roads. Why is it necessary to make these changes? There is concern about keeping track of such vehicles.

Representative Pat George stepped forward to testify. This bill is to clear up some confusion related to these vehicles and their use. This bill passed out of the House unanimously. (Attachment 4) Sen. Goodwin asked questions about the measurement language in the bill. It is to make these vehicles separate from others. Sen. Palmer said she had that kind of vehicle and wondered if she could drive it through her neighborhood. Yes, if the city had opted out .

Sen. Dennis Wilson explained these vehicles originally came into the US from Japan and now come in from China too. They serve a good purpose. Now many are being moved into the US. By requiring a Dealers' license to these vehicles in order to sell them, they can be tracked. Carmen Alldritt said a non highway title will show ownership as well a tracking method. Sen. Apple asked about what a person would have to do if they want to sell these vehicles. They would have to by a dealers license – a used car dealer's license is \$50.

No one else wanted to speak to this bill. Chairman asked what the committee's wished to do with this bill, considering there are four amendments to attach. The hearing on **HB 2119** was closed.

Mike Corrigan, Asst. Revisor of Statutes, asked what the fine should be in **SB 689** for driving in the left lane. Chairman Donovan suggested \$60.00 seemed to be the fine for similar offences. There will also be exemptions made for Kansas Highway Patrol, KDOT vehicles and emergency vehicles. Also an exemption will be included to exclude inside city limits. Carmen Alldritt said it will be possible to get this information into the next Drivers' Education book.

Chairman Donovan asked the committee's wishes for **HB 2119**. Sen. Wilson moved the bill be passed out of committee favorably. Sen. Apple seconded the motion. Motion carried., Sen. Wilson will carry the bill.

Chairman Donovan asked for a motion on the minutes for the March 18 and 20 minutes. Sen. Wilson moved adoption of the minutes. Sen. Schmidt seconded the motion. Motion carried.

Chairman Donovan announced the presentation on cost benefit analysis for new highway construction. He welcomed Dr. Art Hall, Executive Director, Center for Applied Economics KU School of Business. He told the committee he had distributed a draft of a primer (Attachment 5) to show how to do benefit cost analyses, and gave a brief explanation. This is another way to get better information flow to decision makers and tax payers about how the money can be handled wisely. (Attachment 6 and 7)

Secretary Miller, Kansas Department of Transportation, did not have written testimony, but spoke to the committee. She said the department had just finished a long term transportation plan. She agreed economic analyses and benefit cost are good in making this sort of plan. She pointed out that often the department does reconstruction to existing roads to bring them up to existing standards rather than new construction. Use data regarding traffic condition of the roadway, crash history, those kinds of things. In some circumstances bringing an economic analysis and taking a look at how projects compare is very logical, and this has been done on occasion. Over the years, it can be very hard to use these methodologies to make system-wise transportation decisions. She recommends proceeding with caution in using this method.

Pat Hurley, Economic Life Lines said these sorts of analyses can have positive economic impact. He agreed these analyses need to be done and said they have been done in the past.

Alan Cobb, Americans for Prosperity gave testimony on this issue. (Attachment 8) He said transportation projects rarely create wealth. Chairman Donovan asked how cost benefit studies would reflect on a median project, for example. Mr. Cobb answered they would show the number of accidents and the number of lives

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saved, not monies. If they were used on a study for bridge replacement, they would show issues related to safety. In regard to benefit of the third lane for traffic between Topeka and Lawrence, the study would look at time flow, safety, etc.

Randal O'Toole, Senior fellow, Cato Institution, sent written information. (Attachment 9)

Seeing no others wishing to speak to this subject, Chairman Donovan closed this hearing, and adjourned the meeting at 9:32 a.m. No other meetings are scheduled at this time.