



To: House Committee on Transportation
Representative Richard Proehl, Chair

From: Tucker Stewart, Associate Counsel, Kansas Livestock Association

Re: **HB 2644 concerning overweight exception for haulers of grain and certain other agricultural goods.**

Date: February 15, 2016

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing nearly 5,200 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.

The Kansas Livestock Association (KLA) supports HB 2644 and suggests an amendment to clarify that this bill applies to the livestock industry. KLA also supports an amendment to increase maximum weights if additional axles are added to the truck configuration. Many KLA members have a keen interest in trucking regulations, how they are interpreted, and how they apply to different segments of the industry. Accordingly, KLA stands astride an industry for which producing, preparing, and delivering products to market are preeminently important.

To preface KLA support, the livestock industry is one of the only industries that rely **solely on trucking** as a means of transportation within Kansas. Since the livestock industry does not have access to rail, increased trucking weights is necessary for Kansas to capture more market for livestock production.

HB 2644 allows an excess weight tolerance of 10% and 12.5% in certain situations to vehicles transporting agricultural products. This type of tolerance is not uncommon. Nebraska and South Dakota both have statutes allowing vehicles extra weight when transporting agricultural products. KLA, however, suggests certain changes be made so that this tolerance is more clearly applicable to those vehicles hauling livestock. Specific changes to the language are found attached to this testimony.

Furthermore, KLA suggests increasing the mileage limitation to 150 air miles. This would put this exemption in line with the current hours of service exemption. Finally, in an effort to curb adverse enforcement specific to livestock, KLA suggests adding language that would prevent an overweight citation caused by livestock moving within a trailer. Because a driver can receive a

citation for being overweight on a single axle, this suggested change would prevent a citation if the excess weight was caused by a movement of the livestock and the vehicle is still within the maximum gross load.

As feeding cattle moves north, many states in the cattle corridor have increased maximum weights on additional axles to accommodate the needs of the industry. North Dakota, South Dakota, and Nebraska all allow greater weights on additional axles. This gives our northern brothers a competitive advantage with regard to livestock production. To keep Kansas competitive in the cattle feeding sector, KLA supports the amendment proposed by the Kansas Grain and Feed Association (KGFA) to increase the maximum gross load on additional axles.

Increasing the maximum gross load is key to keeping the livestock industry competitive with surrounding states. The amendment proposed by KGFA takes a measured approach to this issue while considering safety, costs, and the impact on roads and bridges.

With regard to safety, adding an additional sixth axle will create additional braking capacity so stopping distances will be less than a five axle truck. Allowing the sixth axle will result in fewer truck trips, fewer gallons of fuel consumed, and less carbon dioxide emissions. Adding a sixth axle will also reduce the overall weight per tire reducing the wear and tear on Kansas roads. The reduced impact on roads and bridges is evidenced in the Kansas Department of Transportation's *Freight Weight Analysis for Kansas Highways*. Finally, HB 2644 will help bridge the gap in the number of truck drivers needed, as demand for truck drivers continues to outpace supply.

KLA asks that this committee pass HB 2644 favorably with an amendment to clarify the bills applicability to livestock and to permit heavier gross truck weights with additional axles in the truck configuration. The bill and the accompanying amendments are necessary to help keep Kansas competitive with its neighboring cattle-producing states. Thank you for opportunity to provide testimony.

(4) In the case of a vehicle or combination of vehicles ~~exclusively~~ carrying grain, livestock, or ~~other~~ seasonally harvested products ~~during the normal harvest season~~ from the field location where they are harvested-grown to storage, market or stockpile, or from storage or stockpile to market ~~or factory~~ up to 150 air miles, the load may be up to: (A) 10% greater than the maximum weight shown in the table in this section for vehicles with tandem, triple or quad axles; or (B) 12.5% greater than the maximum weight shown in the table in this section for vehicles with a single rear axle. The provisions of this subsection (a) (4) does not apply to the national system of interstate and defense highways. For vehicles and combinations of vehicles, the maximum gross weight under this subsection (a)(4) shall not be more than 90,000 pounds.

(5) Any vehicle or combination of vehicles carrying a load of livestock may exceed the maximum load as permitted by such section on only one axle, only one tandem axle, or only one group of axles when the distance between the first and last axle of the group of axles is six feet or less if the excess load on the axle, tandem axle, or group of axles is caused by a shifting of the weight of the livestock by the livestock and if the vehicle or combination of vehicles is within the maximum gross load as permitted by such section.

(b) Any vehicle registered under the laws of this state which vehicle is designed and used primarily for the transportation of property or for the transportation of 10 or more persons may, at the time of its registration, be subjected by the director of vehicles to investigation or test as may be necessary to enable such director to determine whether such vehicle may safely be operated upon the highways in compliance with all provisions of this act. Every such vehicle shall meet the following requirements:

(1) It shall be equipped with brakes as required in K.S.A. 8-1734, and amendments thereto.

(2) Every motor vehicle to be operated outside of business and residence districts shall have motive power adequate to propel such vehicle and any load thereon or to be drawn thereby, at a speed which will