

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairperson Mike Petersen at 8:30 am on Thursday, January 21, 2016, 546-S of the Capitol.

All members were present except:

Senator Steve Fitzgerald – Excused
Senator Anthony Hensley – Excused
Senator Jacob LaTurner – Excused

Committee staff present:

Scott Wells, Office of Revisor of Statutes
Jill Shelley, Legislative Research Department
Whitney Howard, Legislative Research Department
Adam Siebers, Office of Revisor of Statutes
Carolyn Long, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Tom Whitaker, Executive Director, Kansas Motor Carriers Association

Others in attendance:

[See Attached List](#)

Possible bill introductions

Chairman Petersen opened the meeting and asked if there were any bill introductions.

Colonel Mark Bruce, Superintendent, Kansas Highway Patrol asked the Committee for a bill that would increase vehicle registrations fees in the amount of \$2 in order to create a fund for Patrol staffing and training. After Colonel Bruce provided some clarifying answers to questions by the Committee, there were no objections by the Committee.

Dan Murray, representing custom harvesters, asked for legislation creating a hazmat exemption if the person is transporting 1000 gallons or less of fuel, to mirror a recent change in federal law. There were no objections from the Committee.

Presentation on:

Chairman Petersen welcomed Tom Whitaker, Executive Director, Kansas Motor Carriers Association ([Attachment 1](#)). Mr. Whitaker said that his presentation would be to inform the Committee on the latest ruling by the Federal Motor Carrier Safety Administration (FMCSA) as directed by the Moving Ahead for Progress in the 21st Century Act (MAP-21) which was approved by Congress and signed by the President on July 6, 2012, requiring the use of electronic logging devices (ELDs). This would require truck drivers to use the ELDs to comply with the Hours-of-Service rules. Drivers are limited to 14 consecutive hours on duty and no more than 10 hours driving in a 24-hour period. In addition,

CONTINUATION SHEET

MINUTES of the Committee on Transportation at 8:30 am on Thursday, January 21, 2016 in Room 546-S of the Capitol.

drivers are limited to no more than 60 hours in a seven-day period or 70 hours in an eight-day period should the company have an operation schedule of seven days a week. There is, however, a "re-start provision" on the 60-hour and 70-hour rules if the driver takes 34 consecutive hours off duty. This rule, as it currently stands, applies to all interstate motor carriers over 10,000 lbs. gross vehicle weight rating and intrastate hazardous material transporters' vehicles requiring placarding. ELD rules are not in effect for other intrastate carriers until they are adopted by the Kansas Corporation Commission. Vehicle drivers currently exempted by the Legislature in the 2015 Session from certain safety requirements (2015 SB 21) and farm registered vehicles are exempt.

This ruling requires fleets and drivers currently using paper logs to adopt to ELDs by December 2017 unless they are currently using automatic on-board recording devices meeting the current standards for Automatic On-Board Recording Devices, to continue usage of such devices until December 2019.

The final rule allows limited exceptions, including:

- Drivers using paper logs for not more than eight days during a 30-day period;
- Those who conduct driveaway-towaway operations where vehicle is the product being delivered;
- Those operating vehicles manufactured before model year 2000; and
- Drivers operating a logbook timecard exception (short-haul 100-air mile).

To ensure against harassment and protect driver privacy, motor carriers are prohibited from using information from ELDs to pressure drivers into violating regulations. The final rule requires ELDs to automatically mute or allow a driver to turn off or mute the volume when they are logged into the sleeper berth status. It also only records location during on-duty time within approximately one mile and during off-duty time within 10 miles.

The final rule requires fleets to retain up to eight supporting documents verifying on-duty, not driving time. In order to qualify as a supporting document, it must contain this information: driver identification, date, vehicle location and time. If the motor carrier has more than eight documents with that information, they must retain the supporting documents nearest the beginning and end of the driver's shift.

Mr. Whitaker said that shippers will have to change the way they do business and receivers how they receive and unload shipments. "Creative time management" will be a thing of the past once this ruling is implemented. He also noted that the average age of a driver is 53 years of age. There is a current shortage of 24,000 drivers with an anticipated shortage of drivers in 10 years of 100,000.

Mr. Whitaker answered questions from the Committee and the Chair thanked him for his appearance. The meeting adjourned at 8:54 a.m.

The next meeting is scheduled for Tuesday, January 26, 2016.