

Approved 3/10/87 Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at  
Chairperson

9:00 a.m./~~p.m.~~ on March 6, 19<sup>87</sup> in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

Hank Avila, Legislative Research Department  
Ben Barrett, Legislative Research Department  
Bruce Kinzie, Revisor  
Louise Cunningham, Committee Secretary

Conferees appearing before the committee:

Hannes Zacharias, City of Lawrence  
M. Slankard, City of Lawrence  
George Simmons, Topeka Waste Systems  
Ed DeSoignie, KDOT  
Ron Desch, Chief Motor Carrier Inspection Bureau, Department of Revenue

HEARING ON S.B. 308 - Concerning exemptions for certain vehicles from weight limitations.

Bruce Kinzie said this bill had been requested by Sen. Winter on behalf of the City of Lawrence. Last year the haulers had requested an exemption from weight restrictions. The private trash haulers were not exempted while the public haulers were. The private haulers wanted an "even playing field", so last year the House Transportation Committee instead of granting an exemption, put the same weight limitations on all the haulers. The City of Lawrence then requested this bill.

Hannes Zacharias, Lawrence, said in order to comply they would have to shorten their routes and add an axle to each truck. He said it was impossible to determine the weight of their loads as it depends on the weather, what type of trash they are picking up, etc. This bill could cause a 10% increase in cost to consumers just for an occasional occurrence as the weight is not always in excess of the limitation. They wanted more time to plan for these changes. He submitted a statement in support of S.B. 308 dated March 6, 1987. A copy is attached. (Att. 1).

M. Slankard, City of Lawrence, spoke of the increased cost to the city because they would have to make more trips and there would be increased overtime. At the present time there is no competition in Lawrence and the loads of the commercial and industrial users vary in weight.

George Simmons, Topeka Waste Systems, said he was neither for nor against this bill. They are not in competition with the City of Lawrence but a non-profit, tax-exempt business would be cheaper than a private enterprise. This bill would give them another distinct advantage.

Ed DeSoignie, KDOT, said the language in the bill last year was to give all the haulers an "even playing field". This bill gets back to a situation where it is not fair and there would be a discrepancy among competing firms. Their main concern was for the roads and bridges and the effect these trucks have on the system. We might not see the damage in the short term but eventually the Department would have to be asking for funds to repair the damage.

Ron Desch, Chief Motor Carrier Inspection Bureau, said they realize they have a problem. They have enforcement problems. They would like to see some kind of limitation. Some carriers are taking off axles and are carrying

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
room 254-E, Statehouse, at 9:00 a.m./p.m. on March 6, 1987

heavy loads with no limitation. He would like to consider some kind of 15% grace as that which is permitted for farm trucks during harvest time. A city sand truck now can be overloaded but they would have to ticket a private hauler for the same offense. The Chairman told Mr. Desh to visit with the Revisor about legislation which could remedy the situation.

A motion was made by Sen. Francisco and was seconded by Sen. Hayden to recommend S.B. 308 adversely. Motion carried.

SUB-COMMITTEE REPORT ON S.B. 260- Concerning the operation of bicycles.

Sen. Bond reported on the sub-committee meeting. Members are Sen. Vidricksen and Sen. Francisco. He said there were concerns that the definition of "vehicle" would change reporting of accidents, have an effect on insurance and there was also concern from law enforcement about the left hand turn. He requested that no action be taken on this bill during this session and that next year it should be taken up early in the session and the committee should have input from the insurance industry and policemen who had called this a "nightmare".

Sen. Bond made a motion that the Committee adopt the sub-committee report. Motion was seconded by Sen. Doyen. Motion carried.

ACTION ON S.B. 298 - Services to be provided to drivers of vehicles displaying handicapped license plates or placards.

A motion was made by Sen. Bond to amend S.B. 298 conceptually to require service for the handicapped only when the person is unaccompanied by another person. Motion was seconded by Sen. Hoferer. Motion carried.

A motion was made by Sen. Bond and was seconded by Sen. Hayden to conceptually amend S.B. 298 to have a service charge not to exceed \$1.00 for service to the handicapped. Motion carried.

A motion was made by Sen. Bond and was seconded by Sen. Martin to recommend S.B. 298 as amended, favorably for passage. Motion carried.

It was brought out that this bill had no "teeth" in it and it might be a good idea to pass a Resolution requesting service stations to voluntarily perform this service.

ACTION ON S.B. 306 - Suspension or revocation of drivers' licenses.

A motion was made by Sen. Bond and was seconded by Sen. Martin to change the word "shall" to "may" on line 82 on page 2. Motion carried.

It was brought out that this may raise more questions than it solves because the Department would be sitting in judgement on a decision that had been made in another state and it would be difficult to get the material to review the decision. The person could always appeal in the other state.

Meeting was adjourned at 10:00 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3-6-87 Place 254-E Time 9:00

GUEST LIST

NAME

ADDRESS

ORGANIZATION

M J Shankard 114 Rockfence Place Lawrence City of Lawrence

Hennus Fairbanks Box 708 City of Lawrence

George Simmons Box 19047 Topeka 66619 Topeka Water System

Alan Steppat Topeka McGill & Assoc.

GEORGE J. WILLIAMS Box 708 LAWRENCE 66044 CITY OF LAWRENCE

KEVIN COLEMAN Box 708 Lawrence

*By  
Hannes Zacharias*

Statement by Kevin Coleman  
City of Lawrence

Presented to the Senate Transportation and Utilities  
Committee--March 6, 1987

RE: In support of SB 308--removing weight limitations on City/County Sanitation Trucks.

Mr. Chairman, members of the Committee, I am Kevin Coleman of the City of Lawrence and I am here to testify in support of SB 308.

SB 308 acts to reinstate an exemption removed during last year's legislative session. Until last year, publicly owned and operated sanitation trucks were exempt from the gross weight limits placed on vehicles using state highways. We feel that this action has not achieved the intent of the change and support SB 308 to correct that action.

In the 1986 session, Senate Bill 276 was passed. As originally drafted in 1985, the bill exempted privately owned sanitation trucks from the state's axle weight limits. Through amendment by the House Transportation Committee, SB 276 applied the gross weight limits on private haulers. In addition, in a later amendment, the House Committee placed publicly owned trucks under the same limits. SB 276 was passed as amended.

We believe that the intent of this action is to create an equal environment for competition between private and public haulers. By placing both parties under the same weight limits, last year's action attempted to equalize competition between private and public haulers. The apparent intent of SB 276 was to place public and private operators on an equal basis. We feel that this intent is not being achieved.

If we must meet the state weight requirements, we will. We have and continue to have an efficient system. These weight limits will not increase competition. The efficiency of our system does not rest on such a cost margin that our system will not be able to compete

with others in Lawrence. Like all other collection systems, we have established our needs for equipment and personnel based on our service area. Our routes have been drawn to cover this area as efficiently as possible. To comply with these limitations, we would need to shorten our routes. Shorter routes would mean the addition of personnel, replacement of equipment or the retooling of existing equipment. According to our research, the most effective way to comply with the law is to add an axle to each truck. This additional axle would increase the weight a truck could carry. The estimated cost of these axles is about \$4,500 each, for 15 trucks, for a total cost of \$67,500. This cost would be reflected in higher rates to our customers and still not guarantee that we are satisfying the law. Effectively, these weight restrictions will increase the costs to our customers and will not create the benefit of increased competition.

Because of the type of payload a sanitation truck carries, it is impossible to determine its weight while on the route. Garbage is measured by volume, not by weight. The can of garbage you set out today may not weigh the same as the garbage you set out next week, or next summer, or next year. Its weight depends on the recent weather, the type of trash, whether you trimmed your bushes recently or even whether you did your spring cleaning. To meet the weight restrictions, we would have to assume that all trash was at its heaviest. The vast majority of the time, our trucks would be operating below its capacity for both weight and volume. And still there would be times when we would be in violation of the law.

When truck weight limitations were originally adopted, laws were drawn up with normal trucks in mind. These laws do not take the special problems sanitation trucks face in meeting weight limits. Truck manufacturers have looked into the possibility of making a lighter truck and have concluded that the unique functions required of the truck severely limit modifications. Trucks must be strong enough to withstand any material

placed inside, durable enough to withstand off-road use in landfills and have a short enough wheel span to maneuver down city streets.

KSA 8-1911 designates an application process for both public and private haulers to receive a permit to exceed their limits. This permit would be issued by the Kansas Department of Transportation, if KDOT was convinced it was needed. Ideally, this system allows for protection from undue hardship on any system with a special concern. The Lawrence system faces a unique situation, in that we must travel seven miles on state highways outside our city to reach our landfill. However, KDOT rejected our application for a permit. KDOT reasoned that garbage hauled by sanitation trucks is not a divisible load. This reasoning subverts the intent of the permit process. If the garbage we haul is indivisible, then the garbage hauled by all other collection systems must be indivisible as well.

In conclusion, the garbage collection system of the City of Lawrence faces many problems in meeting its weight limits. Some of these are general problems faced by collection utilities, some are unique to our system. We do not argue that these problems are unfair to us. If we need to, we will comply with these limitations. The above review of possible legislative intents of last year's bill hopefully shows that it has created more potential problems in our industry, than competition. In this light, it is our hope that you will pass SB 308, rescinding last year's action.

Thank you for your time and consideration. We will be glad to answer any of your questions.