

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

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

9:02 a.m./~~p.m.~~ on February 22, 1989 in room 254-E of the Capitol.

Members present:

Senators Morris, Doyen, Francisco, Hayden, Kanan, F. Kerr, Martin, Rock and Sallee

Committee staff present:

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

Conferees appearing before the committee:

John Smith, Department of Revenue  
Don Garner, Amalgamated Transit Union, Local 1360, Topeka  
Janette K. Hanzlick, Kansas Public Transit Association  
Paul Fleenor, Kansas Farm Bureau  
Tom Whitaker, Kansas Motor Carriers Association  
Continued Hearing on S.B. 250 - Kansas uniform commercial drivers'  
license act.

John Smith, Department of Revenue, answered questions the Committee had had on the previous day. He said farm vehicles were exempt within a 150 mile radius of the farmer's home and this included borders unless it conflicted with another state's rules. In regard to the hazardous material, if it is required to be placarded it would have to come under the federal laws. 1000 lbs. of gas would be required to be placarded.

Don Garner, Amalgamated Transit Union, is a bus driver and was speaking as a professional driver. He had several concerns about the bill. A copy of his statement is attached. (Attachment 1).

Janette K. Hanzlick, Kansas Public Transit Association, said portions of the bill were unclear concerning definitions and they requested clarification concerning volunteer drivers. A copy of her statement is attached. (Attachment 2).

Paul Fleenor, Kansas Farm Bureau, said this bill incorporates the exemptions for farm vehicles in a way that is in keeping with the final disposition written by the Federal Highway Administration. A copy of his statement is attached. (Attachment 3).

There was some discussion on the need for clarification regarding ammonia nitrate and who should be licensed and also what was going to be considered as excess speeding.

Tom Whitaker, Kansas Motor Carriers Association, said they support the bill. They still have problems with some sections of the bill and were willing to work with all parties and would give them their best information and assistance. A copy of his statement is attached. (Attachment 4).

A statement was submitted by Howard W. Tice, Executive Director, Kansas Association of Wheat Growers, in support of S.B. 250 but they did have some items that needed clarification. A copy of this statement is attached. (Attachment 5).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
room 254-E, Statehouse, at 9:02 a.m./p.m. on February 22, 1989

Action on S.B. 128 - Requiring vehicle dealers to have a bond.

The committee discussed this bill and whether the bond would work a hardship on any of the small dealers. A motion was made by Sen. Rock to amend the bill on line 134 by changing the amount to \$20,000 in place of \$25,000. Motion was seconded by Sen. Francisco. A motion was made by Sen. Francisco to recommend S.B. 128 as amended, favorably for passage. Motion was seconded by Sen. Rock. Motion carried.

Discussion on S.B. 129 - Vehicle registration fees, county treasurers.

Ben Barrett, distributed a 1987 Table of Vehicle Registrations by counties. (Attachment 6). The committee discussed the salaries of the county treasurers and the four largest counties. There was to be an amendment to handle the four counties differently.

A motion was made by Sen. Hayden and was seconded by Sen. Sallee to approve the Minutes of February 21, 1989. Motion carried.

Meeting was adjourned at 10:00 a.m.

GUEST LIST

COMMITTEE: SENATE TRANSPORTATION & UTILITIES COMM.

DATE: 2-22

| NAME (PLEASE PRINT)     | ADDRESS             | COMPANY/ORGANIZATION      |
|-------------------------|---------------------|---------------------------|
| Nancy Welsh             | Douglas Co.         | Co. Treasurer             |
| Gracie B. Colter Wroter | Douglas Co          | Co. Treasurer Office      |
| Glancy Barnes           | Douglas Co          | Co. Treasurer Office      |
| Susan A. DeVatz         | Douglas Co.         | Co. Treasurers Office     |
| TOM SKINNER             | TOPEKA              | DMV                       |
| MARK BURGHART           | "                   | REVENUE                   |
| SANDRA DEXTER           | TOPEKA              | REVENUE                   |
| DON L. GARNER           | 1165 MEDFORD TOPEKA | ATU                       |
| Gen. Crocker            | 410 SW Whitell      | Seas. /<br>Rocks          |
| Tom Whitaker            | Topeka              | Ks Motor Carriers Assn    |
| Ima Shields             | Topeka              | ATU                       |
| TOM GREENE              | 2430 NE 39TH        | TOPEKA MTA                |
| Cindy Kelly             | Topeka              | KASB                      |
| Janette Houghish        | Topeka              | KS<br>Public Transit Assn |
| Gene Johnson            | Topeka              | KS. Comm. A SAPAC         |
| John W SMITH            | Topeka              | K. P. O. R.               |
| Mary E. Turkington      | Topeka              | Ks Motor Carriers Assn    |
| Lt. BILL JACOBS         | TOPEKA              | KHP                       |
| Carol Hill              | Topeka              | Ks Motor Carriers Assn    |
| ED SCHUBB               | Topeka              | COSTAL CORP               |
| Paul E. Fleener         | Manhattan           | Kansas Fabric Process     |
| MIKE BEAM               | TOPEKA              | KS. LUSTK ASSN.           |
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Amalgamated Transit Union  
Local No. 1360  
TOPEKA, KANSAS



Senate Bill No. 250

My name is Don L. Garner I work for TMTA I have been driving for them two years, before that I was a owner/operator with Midwestern out of Ft. Scott. I was with them for 6 years. Before that I was with Arizona Tank Lines Where we hauled H2S04.I was with them 2 years. Before them I worked for a General Contractor in Cailf. I was a truck driver for him 5years. Before that I drove log truck. I have said all of this to let to know that I am a professional driver and I am concerned about what happens to this once honerable profession.

ATT. 1  
T&U  
2/22/89

(2)

Amalgamated Transit Union  
Local No. 1360  
TOPEKA, KANSAS



Senate Bill No. 250

Page 26 Lines 336 - 341 License Fee's

We have all read the amounts of the license and the different fee's for the endorsements. You could have a charge of \$15.00 to as high as \$51.00. I have attached copy of a application form from another stat which is already in compliance with the new Federal law. This application is for their new commerical license with endorsements. You will notice that you can get your license and endorsements for just \$10.00. Why are we so much higher?

Page 15 Section 20 (5) School Buses

This is the place that I have found school buses listed. These drivers are carrying our kids to and from school. I feel that this is a area that should looked over very closely.

Page 8 New Section 9 (B) Grandfathering

I have from 1967 untill now always had a class 1 license. There have been a few times that I have gotten off of the road for a year or so, and have gone back to it. The way that I read this bill I will not be able to keep my class 1 license because I am not driving semi at this time. I feel that you could find a way that us over the road drivers would be able to keep our license.

(3)

Amalgamated Transit Union  
Local No. 1360  
TOPEKA, KANSAS



Senate Bill No. 250

Page 1 New Section 3 (A) 1,2,3,4,

This section exempts farmers under certain conditions. I have read through this Bill and I can find no part of it that the farmers could not comply with. You feel that these laws are required to keep our highways safe for all that use them, including the farmers. It does not matter how far from home that determines when you have a accident. Most farmers that have bigger trucks that require a special license, have had them long enough to gain sufficient enough driving skills to pass driving road test. If not able to pass the test do you want them on the highways? The written test? The best teacher against accidents is a working knowledge of what you are doing. If they can not pass a written test, do you want them on our highways? One of the committee members, on Tuesday, remarked about a farm tank trailer venting off ammonia fumes. Are you aware that if another tank trailer, say, carrying sulfuric acid or a chloride gas vented off in the same area you would have a very toxic gas, or maybe even an explosion. You really should know what you are doing. Just Because you are exempt by state law, does not change the natural laws of chemicals. The same goes for loads, weights, and keeping your equipment in good and safe order. The testing for the appropriate license will make sure that the driver will have the knowledge to do the "TRUCKING" the right way. Another concern is the 150 mile limit! And being able to cross over into another

Amalgamated Transit Union

Local No. 1360

TOPEKA, KANSAS



state, or go clear accross our state, if need be, without being out side of the law. If the farmers had the proper class of license then they would not have to worry about being illegal. I feel that in the long run that it would be in their best interest if they were included with the other drivers affected by this bill.

Thank You

Don L. Garner

1165 Medford

Topeka 04

Testomony of Janette K. Hanzlick  
Regarding SB 250  
Senate Transportation Committee  
February 22, 1989

I am Janette Hanzlick, Director for the Kansas Public Transportation Association. Members of the association vary widely, from large traditional bus companies to the small, community or county operated "mini-van" type services for the elderly and handicapped, and other much smaller operators who provide public transportation.

I believe yesterday's testimony of Terry Stephens of the Topeka Transit pointed out many of the concern the larger operators have with this bill so I will not attempt to specifically review them.

I realize that this bill must conform to the federal requirements and commend the work of the Kansas Department of Motor Vehicles for producing this bill. There are, however, some confusing portions in this bill, especially for the smaller provider who is providing transportation services, not as a main focus, but as an added service to clientele. I am speaking of the community and county "area on aging vans", non-profit social service providers, and the like. Many of these entities utilize volunteers as drivers, even though some of the vehicles may be the slightly larger mini-vans or converted school bus type vehicles.

Portions of the bill are unclear concerning the definitions of "Commercial class A and B" licenses and "Class A and B" licenses. Perhaps language which would provide greater clarity in the differences would be appropriate. The portion which required that the driver have two years experience immediately preceding the application for license, (Item C on line 301,) severely limits recruitment possibilities for those agencies and seems excessively restrictive, especially if all other skills tests were passed.

Lastly, there is some confusion in the bill as to whether violations resulting in disqualifications for commercial drivers also applied while driving personal vehicles, especially as those regulations relate to alcohol concentrations and some other traffic violations.

The association supports the concept of the bill, but encourages greater clarification and, if possible, additional consideration of the smaller operator. Thank you for the opportunity to appear before you.

ATT. 2  
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2/22/89





# PUBLIC POLICY STATEMENT

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

**RE: S.B. 250 -- enacting the Kansas Uniform Commercial Drivers' License Act**

February 22, 1989  
Topeka, Kansas

Presented by:  
Paul E. Fleener, Director  
Public Affairs Division  
Kansas Farm Bureau

**Mr. Chairman and Members of the Committee:**

My name is Paul E. Fleener. I am the Director of Public Affairs for Kansas Farm Bureau. We want to express our appreciation to the Chairman and Committee Members for hearing our very brief statement on **S.B. 250**, the legislation designed to bring Kansas into compliance with, and designed to implement the federal Commercial Motor Vehicle Safety Act of 1986.

We recognize, as the Chairman has stated to this Committee, that Kansas must comply with the federal legislation on commercial drivers' licenses. The highway funds of this state would be in jeopardy if we did not comply in a timely fashion. The time has come for compliance.

Mr. Chairman, you and your Committee Members will remember that we came before your Committee when legislation to bring Kansas on board as one of the states complying with the Motor Vehicle Safety Act of 1986 was discussed in another session of the Legislature. We asked you to withhold consideration of that bill last year so that we might respond fully and completely to the proposed rules advanced through the Federal Register by the

Federal Highway Administration (FHWA), USDOT. We were, very frankly, seeking from DOT an exemption for farm vehicles and the drivers of those vehicles.

Section 12013 of the Act provides the Secretary (USDOT) with authority to waive any class of drivers or vehicles from any or all of the provisions of the Act or the implementing regulations, if the Secretary determines the waiver is not contrary to the public interest and does not diminish the safe operation of commercial vehicles.

In response to the notice published in the Federal Register in April, 1988, there were more than 1,700 comments regarding the CDL and waivers from the licensing and other provisions of the Act. FHWA has indicated the majority of those were from individual farmers or firefighters supporting the waiver. FHWA also received more than 140 letters from members of Congress expressing support for the waivers for these two groups. We are pleased to report that our Kansas Congressional Delegation was unanimous in supporting our efforts to obtain waivers for farmers and the vehicles they drive in their farming operation.

**S.B. 250** carries out what USDOT and the Federal Highway Administration determined would be the final disposition of the waiver issue. In regard to farmers, whom we are here representing, the Secretary determined it would not be contrary to the public interest to allow states, at their discretion, to waive certain farmers from the requirements of the CDL program. I hasten to tell you that absent such waiver, which you have incorporated in S.B. 250, all farmer operators of vehicles over 26,000 pounds would be subject to the CDL program. We express our

appreciation to the Committee in having a draft prepared which will exempt farm vehicles in a way that is in keeping with the final disposition written by FHWA. The waiver is listed in new section 3 as an exemption for farm vehicles registered as such in Kansas (KSA 8-143) which are used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm. The exemption is also granted for vehicles not used in the operation of a common or contract motor carrier, are used within 150 miles of the person's farm.

We seek the same clarification as the Chairman and other Members of the Committee sought yesterday in questioning as to the full intent of the writing and of the granting of the exemption. What about that 150 miles as it relates to crossing state lines? Our reading of the waiver makes no distinction between intrastate and interstate transportation for the farm vehicle. We hope that is abundantly clear in S.B. 250.

Mr. Chairman attached to our statement is a copy of the FHWA notice of final disposition contained in 49 CFR Parts 383 and 391. The waiver and exemption provisions were set forth on September 19, 1988.

We would be pleased to respond to any questions. We do thank you for the opportunity to testify.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 383 and 391

[FHWA Docket No. 88-8 ]

RIN 2125-AB68

COMMERCIAL DRIVER'S LICENSE PROGRAM; WAIVERS; NOTICE OF FINAL DISPOSITION

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of final disposition.

SUMMARY: A variety of parties requested exemptions from the commercial driver testing and licensing standards (49 CFR 383), and other provisions of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. L. 99-570, 100 Stat. 3207-170). The specific waiver requests considered were for drivers of six different groups:

- (1) Farm vehicles;
- (2) Firefighting equipment;
- (3) Military vehicles;
- (4) Transit buses;
- (5) Certain vehicles used by railway companies; and
- (6) Public utility vehicles.

The FHWA has decided that it is not contrary to the public interest to grant waivers to firefighters and certain farmers from the Federal commercial driver's license regulations (49 CFR Part 383). The effect of this action is to allow States the option to exclude these groups in State implementation of the Federal regulations.

The FHWA also finds that it not contrary to the public interest to waive non-civilian operators of military equipment owned or operated by the Department of Defense (DoD), including the National Guard, from the requirements of 49 CFR Part 383. For the other groups, (transit buses, certain railway vehicles and public utility vehicles) the FHWA has determined that waivers from the requirements will not be granted, at this time, so as to lessen the possibility of diminishing commercial vehicle safety and assuring that the public interest continues to be served.

**EFFECTIVE DATE:** (Upon the date of publication in the Federal Register).

**FOR FURTHER INFORMATION CONTACT:** Ms. Jill L. Hochman, Office of Motor Carrier Standards, (202) 366-4001; or Mr. Paul L. Brennan, Office of the Chief Counsel, HCC-20, (202) 366-1350, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

**SUPPLEMENTARY INFORMATION:**

**BACKGROUND:**

The Commercial Driver's License (CDL) program was established by the Commercial Motor Vehicle Safety Act of 1986 (Act). The Act requires that the driver of a commercial motor vehicle (1) have a single driver's license, (2) be tested for the knowledge and skills needed to drive a commercial motor vehicle, and (3) be disqualified from driving a commercial vehicle if the driver commits certain criminal or traffic violations.

The provisions of the Act apply both to interstate and intrastate drivers involved in trade, traffic, and transportation. The Act includes many persons and vehicles, particularly those in intrastate commerce, not previously covered by Federal Motor Carrier Safety Regulations (FMCSRs).

#### Waiver Procedures

Section 12013 of the Act provides the Secretary with the authority to waive any class of drivers or vehicles from any or all of the provisions of the Act or the implementing regulations, if the Secretary determines that the waiver is not contrary to the public interest and does not diminish the safe operation of commercial vehicles. Under Federal regulations (49 CFR 383.7), a person may petition the Federal Highway Administrator for a waiver. The Administrator may deny the petition if it is determined to be without merit. If the Administrator determines that the petition may have merit, the FHWA will publish a notice in the Federal Register to provide opportunity for comment. After analyzing the comments, the Administrator may grant or deny the waiver. The FHWA will then publish a notice of its decision on the petition in the Federal Register.

#### Response to Notice

In response to the notice published in the Federal Register on April 14, 1988 (53 FR 12504), the FHWA received over 1,700 comments regarding commercial driver's license waivers. The majority were from individual farmers or firefighters supporting the waiver. Over 140 letters from members of the Congress also expressed support for waivers for these two groups. Most of the information presented referred to the issue of whether or not the public interest would be served by allowing waivers.

Farmers - The FHWA has determined that it is not contrary to the public interest to allow States, at their discretion, to waive certain farmers from the requirements of the CDL program. Absent a waiver, all farmer operators of commercial vehicles of over 26,000 pounds and of vehicles carrying hazardous material in amounts sufficient to be placarded would be subject to the CDL program. Based on the farm vehicle operations safety data available to FHWA at this time, comments to the docket, and the potential burdens imposed on the farmers, FHWA believes that a waiver for farmers involved in small scale farm to market transportation movements is appropriate. The FHWA believes that it is contrary to public interest to waive long haul farm vehicle movements, as well as persons that provide for-hire trucking services to the farm community.

To ensure that any waiver is focused on legitimate farm to market operations by farmers, the group of farm vehicle operators the State may waive is limited to those operators of a farm vehicle which is:

- controlled and operated by a farmer;
- used to transport either agricultural products, farm machinery, farm supplies or both to or from a farm;
- not used in the operations of a common or contract motor carrier; and
- used within 150 miles of the person's farm.

This limited exemption will provide States with the flexibility to address the concern of farmers, yet retain the safety enhancements included in the Act and implementing regulations for commercial motor vehicles drivers.

In response to the petitions and the subsequent notice, over 700 comments were submitted from either individual farmers or groups, such as the American Farm Bureau, which represent farmers. Of these, the vast majority were in favor of waiving farmers from the CDL requirements and believe that farm operations are generally different from typical "over the road" business. They note that farm vehicles are used for shorter, more localized trips and farm vehicles are used seasonally. Also, farm vehicles are usually driven by family members or seasonal employees who drive only incidentally, i.e., to pick-up and deliver supplies, or during the harvest season, to farming. The FHWA traditionally has recognized these differences in farm operations and has included exceptions in the Federal Motor Carrier Safety Regulations for certain farm operations.

In response to the petitions requesting waivers for farmers, the FHWA, in cooperation with the Department of Agriculture (DOA), requested the University of Michigan Transportation Research Institute (UMTRI) to examine the data relating to farm truck safety. The UMTRI study developed farm and non-farm safety estimates for vehicles in weight classes of 10,000 pounds Gross Vehicle Weight Ratings (GVWR) and higher. These estimates were developed using the information in the Census Bureau's Transportation Inventory and Use Survey (TIUS) along with samples of the original TIUS vehicle registration data from R. L. Polk Company, information developed by UMTRI through their own surveys and data in the Trucks Involved in Fatal Accidents File (TIFA), and recent UMTRI nationwide studies of truck operations.



The UMTRI estimates show that farmers constitute a very small proportion of fatal truck accidents and are significantly under-involved in such accidents for the vehicle weight classes for which data is readily available., i.e., classes of 10,000 pounds GVWR and higher. For example, in 1982 (the most recent year the TIUS is available), fatal farm accident involvement for various vehicle weight classes compared to fatal non-farm accident involvement as follows:

Involvements in Fatal Accidents  
(Fatalities per hundred million miles traveled - 1982)

|                                      | <u>FARM<br/>VEHICLES</u> | <u>NON-FARM<br/>VEHICLES</u> |
|--------------------------------------|--------------------------|------------------------------|
| Vehicles above 10,000<br>pounds GVWR | 2.95                     | 6.64                         |
| Vehicles above 26,000<br>pounds GVWR | 2.81                     | 7.25                         |

Thus, the accident rate for farm vehicles in 1982 was less than one half of the rate for non-farm vehicles. The FHWA has no information which would indicate a change in these accident rates for more recent years. (The FHWA will continue to moniotr and re-evaluate data and information related to farm vehicle safety to determine whether the waiver for such operation continues to be justified on a safety basis.)

Data available from the Research and Special Programs Administration's Hazardous Materials Information System indicates that there have been no fatalities reported by farmers related to light or heavy vehicles, which carry hazardous materials. Also, the 1982 farm vehicle fatal accident involvement rate is about the same

as that for passenger vehicles. Thus, the FHWA believes that farm vehicle operations, both for small and heavy vehicles, have a better safety record than average non-farm commercial motor vehicle operations. The FHWA concludes that a waiver of this group would not result in a reduction in the safe operation of a commercial motor vehicle. The FHWA will continue to monitor the data to ensure that the waiver continues to be warranted from a safety standpoint. More specifically, the FHWA will re-evaluate farm vehicle accident rates when the 1987 TIUS data becomes available. That data collection is now underway, and processing should be completed by early 1990.

Several commenters suggested that inclusion of farmers in the CDL system may impede the overall effectiveness of the CDL program or overburden many States' administrative processes. The National Transportation Safety Board (NTSB) also recognized the potential problem of adding farmers to the CDL program in its comments to the docket. The NTSB stated:

"If the presence of a large number of farmers in the commercial driver's license system (CDL) causes the testing and licensing standards to be less stringent, then the overall safety impact could be reduced."

The FHWA estimates that there may be 1.1 million farm vehicles included in the definition of a commercial motor vehicle. Of these, only 178,000 vehicles are believed to be heavy vehicles above 26,000 pounds GVWR. The majority of the farm vehicles included in the definition are pick-up trucks or other light weight trucks (under 26,001 pounds GVWR) which are used to transport pesticides, fertilizers, or other products integral to farming; but which are

defined as hazardous materials. Based on this number of vehicles, the FHWA estimates that there may be as many as 1.8 to 3.0 million drivers that may from time to time operate a vehicle meeting the definition of a commercial motor vehicle.

The FHWA believes that the imposition of the CDL program on the entire farm community, even spread over the next four years, could be contrary to the public interest. As indicated at the time of the request for comments on the CDL waivers, the Department indicated that it wanted to take a reasonable common-sense approach in implementing the CDL legislation. Thus, the FHWA endorses an exemption that would be allowed for short haul farm to market movements. The waiver would not be available to operators of farm vehicles who operate over long distances, operate to further a commercial enterprise, or operate under contract or for-hire for farm cooperatives or other farm groups. Such operators drive for a living and do not drive only incidentally to farming.

Firefighters and Operators of Emergency Equipment- Over 900 comments were from groups or individuals who addressed waivers for firefighters. Of these, most supported a waiver and stated that firefighters, especially volunteers, would find the financial burden imposed by the commercial driver license requirements onerous. Most firefighting organizations have extensive initial training as well as retraining requirements for their equipment operators.

Therefore, the FHWA believes it not contrary to the public interest to waive operators of firefighting and other emergency equipment from the requirements of the Act. Drivers who operate emergency or fire equipment which is necessary to the preservation

of life or property or the execution of emergency governmental functions perform under emergency conditions and are not subject to normal traffic regulation. These vehicles are equipped with audible and visual signals and are operated by a person in the employ of a volunteer or paid fire organization. Emergency equipment such as a fire truck, hook and ladder truck, foam or water transporter or other vehicles used only in response to emergencies are included.

Military Personnel - FHWA has determined that military vehicles when operated by military personnel in pursuit of military purposes are beyond the intended coverage of the Act. Virtually all states currently make no effort to regulate operators of military vehicles, and FHWA finds no public interest or safety benefit to be gained by requiring such state regulations at present. The DoD administers the Defense Traffic Safety Program which assures adequate training and supervision of military drivers.

Although the FHWA does not collect data for civilian versus non-civilian accidents, the DoD provided some information in its docket submission. These data show that during 1987 approximately 10,500 DoD vehicles of commercial design (i.e., vehicles which would meet the definition of a commercial motor vehicle) traveled 52 million miles on and off military installations. These vehicles were involved in 3 fatal accidents.

The FHWA believes that commercial vehicle safety will not be diminished if all non-civilian operators of equipment owned or operated by the Department of Defense are waived from the Act's requirements. This waiver applies to any active duty military personnel, and members of the reserves and national guard on active

duty including personnel on full time national guard duty, personnel on part-time training and national guard military technicians (civilians who are required to wear military uniforms and are subject to the code of military justice).

Transit Operators, Railroad Employees, Public Utility Employees and Other Groups - The information available to the FHWA at this time indicates that these commercial motor vehicle operations are conducted by a wide variety of business entities, which are subject to varying degrees of regulation by Federal, State, and local authorities. These groups do not specifically deal with the protection of life and property. Moreover, these groups operate a large number of vehicles nationwide under all types of conditions (i.e., in urban, suburban, and rural areas; on highways and other roads; with varying speeds and traffic congestion; and in all weather conditions and at all times of day). For example, transit buses carry millions of passengers each day with the ever present threat of an accident involving a high loss of life. Public utility and railroad employees both operate large or hazardous material laden vehicles both day and night throughout the year, sometimes under the most adverse weather conditions. Finally, these vehicles are operated by drivers who tend to be highly trained to provide other services and who may receive extensive job safety training, but who oftentimes have limited opportunities to acquire knowledge of, and develop skills for, the safe operation of commercial motor vehicles. Accordingly, the FHWA is unable to conclude that granting waivers to these groups at this time will not be contrary to the

public interest or will not diminish the safe operations of commercial motor vehicles.

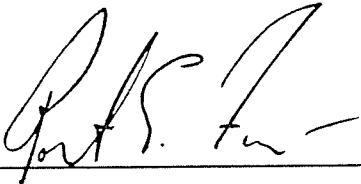
Further, many of the commenters requested waivers because of misunderstandings about the requirements of the CDL program. Some of the major areas of confusion that were reflected in the comments to the docket relate to the price of the CDL, age requirements to obtain a CDL and the inter-relationship(s) between the new CDL requirements and the more traditional Federal requirements found in Parts 390-399. With respect to the price for a CDL, many commenters believe the CDL will cost \$450.00. Under Part 383, each State will establish its own fee structure. One State, which currently has a classified licensing and testing system in place that is very similar to the types of licensing and testing required under the CDL program, charges between \$38.00 and \$42.00 for a license which is good for four years. The FHWA does not expect that a \$450.00 fee or an almost 10-fold increase in the price of a similar license is likely. With respect to the minimum age to obtain a CDL, many commenters believe all CDL holders need to be 21 years of age under Part 383. However, drivers who do not operate in interstate commerce and even certain interstate farm vehicle drivers do not have to be 21 years old unless that is the minimum age their State requires. Finally, many commenters seem to believe that CDL holders need to keep log books or that vehicles operated by a CDL holder automatically become subject to the Federal vehicle inspection requirements. Under the CDL program, this is not the case unless the driver or the vehicle is already subject to such requirements. Thus, the FHWA believes that when such groups gain a complete

understanding of the requirements as included in the Final Rule issued on July 21, 1988, many of their concerns may be resolved.

When the promulgation of all requirements of the Act is completed, FHWA intends to amend the regulation to reflect these waivers.

**AUTHORITY:** Title XII of Pub. L. 99-570, 100 Stat. 3207  
170; 49 U.S.C. 3102; 49 U.S.C. App. 2505; 49 CFR 1.48.

**Issued on:** September 19, 1988



Robert S. Turner

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

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Concerning enactment of the Kansas Uniform  
Commercial Drivers' License Act.

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Presented to the Senate Transportation &  
Utilities Committee, Senator Bill Morris,  
Chairman; Statehouse, Topeka, Wednesday,  
February 22, 1989.

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director of the Kansas Motor Carriers Association with offices in Topeka. I am here this morning along with Mary E. Turkington, the Association's Executive Director, representing our member firms and the highway transportation industry in support of the enactment of the Kansas Uniform Commercial Drivers' License Act.

KMCA strongly supports a unified effort by the federal government, the states and the industry to establish a commercial drivers' licensing system that assures that unqualified persons cannot obtain a commercial drivers' license, and that unsafe commercial drivers who are engaging in unsafe driving practices can be identified through their license record and have their driving privilege suspended or revoked.

The highway transportation industry supports strengthening driver licensing and testing standards. No industry is more concerned with the safe operation of all motor vehicles.

ATT. 4  
T&U  
2/22/89



Senate Bill 250 is a complex legislative proposal. Several major questions have been raised with respect to definitions and application of the proposed sections of the legislation before your committee.

We do not propose a section by section analysis of the proposal here this morning but we do have some major policy questions to draw to your attention.

The language governing the intended exemption for certain farm vehicles needs clarification. As we read the bill, there is no exemption for a farm truck tractor and semitrailer combination registered under K.S.A. 8-143.

Perhaps vehicles of this size were intended to be governed by the commercial drivers' license requirements.

At the very least, combination vehicles transporting more than 66,000 pounds gross vehicle weight should be required to obtain the regular Class A license.

The language on pages 14 and 15 of the bill need to be addressed to clarify the requirements accordingly.

We also have some concern for the definition of a "serious traffic violation" as the Federal Highway Administration still has this matter under a proposed rulemaking procedure. The excessive speeding provision for instance, is one which merits further attention.

We believe that every effort should be made to minimize the imposition of unnecessary burdens on licensing agencies and persons seeking to be licensed. To that end, we support provisions which will "grandfather" qualified persons currently employed as commercial drivers so that they do not have to undergo driving skill tests for license renewal. We also support testing by qualified third parties.

The language at the bottom of page 7, should be reviewed. Beginning with the language on line 261, paragraph (b), we would like to suggest:

"(b) except as otherwise provided in this act, the following criteria shall be met before an applicant who has been licensed to drive a commercial motor vehicle prior to July 15, 1988, and is currently licensed, may be exempt from the driving skills portion of the commercial driver license testing. Waivers may not be obtained for the written knowledge test and written tests for required endorsements. The applicant shall provide evidence and certify that the applicant: "

The frame of reference for the criteria which is included on page 8, lines 269 through line 303 is somewhat confusing to us as we attempt to follow the chronology of the information. We also have some question as to what is an "adverse action pending" and how the criteria applies throughout this section.

On pages 12 and 13, language addresses tests for alcohol concentration or the presence of other drugs. We would ask the committee to include "or other drugs" in line 429 of page 12 and to include on page 13, line 466, a reference to other drugs along with alcohol.

We also wonder at the provision on page 14, lines 504 through 511 which provide that a driver whose commercial license has been suspended, revoked or otherwise disqualified, would be able to secure a noncommercial driver's license for the period of suspension, revocation or disqualification of the commercial driver's license. We can't believe that this is sound public policy.

There are other sections of the bill on which we might comment. We would be pleased to work further with the Department, with this committee and with any other interested enforcement or regulatory group to develop the best work product current FHWA guidelines provide.

Our industry strongly supports the concept of the Commercial Drivers' License proposal and we will be pleased to bring to this issue the best information and assistance we possibly can provide.

Thank you Mr. Chairman and members of the Committee for the opportunity to bring these comments to you this morning. I will be pleased to attempt to answer questions at this time.

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# Kansas Association Of Wheat Growers

**"ONE STRONG VOICE FOR WHEAT"**

TESTIMONY - SB 250

Senate Committee on Transportation and Utilities  
Chairman: Senator Bill Morris

Submitted by Howard W. Tice, Executive Director

We regret that we are unable to present verbal testimony, but a conflict with another hearing makes that impossible. However, we appreciate the opportunity to submit our questions in writing.

We recognize the need for improved methods of insuring highway safety, so we would be basically supportive of the idea behind SB 250. We certainly appreciate the sensitivity displayed toward agriculture, in the first day of hearings. At harvest time, especially, requiring a special commercial drivers license to drive a load of grain to the elevator would seriously hamper many farm operations. The best example of that would be the situation where a friend or relative that only helps out during harvest, would be needed to drive the grain truck. It would also pose a major problem if the "regular" driver got sick, or was hurt, and no one else had the needed license. It appears that concern has been addressed, and we appreciate it greatly.

We assume that custom harvesters, who travel across the country, will need the commercial license, due to the size of the loads they will be hauling, and the fact that their services are "for hire." Some Kansas farmers do custom harvesting within the state only. They would need to know if a commercial license would be required if they travel less than 150 miles from their farm. It appears that the farm vehicle exemption would not apply if they are over 150 miles from the farm. Clarification may be necessary from staff.

A similar question involves those situations that arise when an injury or sudden illness sidelines a farmer at harvest time, and someone else has to cut his crop. If local friends and neighbors are unable to step in and get the work done, a relative, for instance, from another county, might transport a combine to harvest the crop. It would probably be quite rare that a distance of 150 miles would be involved, but the sick or injured farmer might wish to reimburse his harvester for expenses, and even pay him a fee. Would the commercial license be required in that circumstance?

The third question would involve a farmer who purchases a used tractor in another state, or even within the state, but more than 150 miles from his farm. Farmers do often use their large grain trucks to pick up such a purchase and transport it back to the farm. Would they be required to have a commercial license for that purpose?

Our intent is not to broaden the farm vehicle exemption, or to ask for special treatment where it may not be warranted. Our questions are asked to clarify the issue for our members, so they can properly comply when the bill becomes law.

We appreciate the efforts of the Department of Transportation and the Senate Transportation Committee, to make certain that noncommercial drivers aren't included in regulations intended for professional over-the-road drivers.

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KANSAS DEPARTMENT OF REVENUE  
DIVISION OF VEHICLES  
TOTAL REGISTRATIONS FOR 1987 BY COUNTY

| COUNTY       | AUTO      | MOTOR CYCLE | TRAILER | MOBILE HOME | TRUCK   | MOTORIZED BIKE | VEHICLE DEALER | TOTAL     |
|--------------|-----------|-------------|---------|-------------|---------|----------------|----------------|-----------|
| ALLEN        | 8,218     | 515         | 754     | 161         | 5,275   | 271            | 16             | 15,208    |
| ANDERSON     | 4,692     | 272         | 490     | 193         | 3,582   | 94             | 6              | 9,329     |
| ATCHISON     | 9,587     | 425         | 559     | 203         | 4,998   | 64             | 24             | 15,860    |
| BARBER       | 3,666     | 177         | 514     | 139         | 3,144   | 54             | 11             | 7,705     |
| BARTON       | 19,858    | 939         | 1,963   | 615         | 10,872  | 141            | 57             | 34,445    |
| BOURBON      | 8,435     | 429         | 662     | 135         | 4,891   | 129            | 20             | 14,701    |
| BROWN        | 6,584     | 397         | 665     | 57          | 4,035   | 108            | 21             | 11,867    |
| BUTLER       | 30,002    | 1,529       | 2,267   | 1,121       | 16,000  | 333            | 73             | 51,325    |
| CHASE        | 1,828     | 88          | 196     | 40          | 1,661   | 12             | 3              | 3,828     |
| CHAUTAQUA    | 2,344     | 97          | 348     | 142         | 2,520   | 27             | 1              | 5,479     |
| CHEYENNE     | 11,546    | 513         | 757     | 240         | 7,171   | 123            | 32             | 20,382    |
| CHEYENNE     | 2,147     | 151         | 344     | 23          | 2,313   | 14             | 5              | 4,997     |
| CLARK        | 1,595     | 99          | 191     | 45          | 1,530   | 17             | 6              | 3,483     |
| CLAY         | 5,434     | 276         | 452     | 74          | 3,725   | 61             | 14             | 10,036    |
| CLOUD        | 6,878     | 389         | 616     | 85          | 4,268   | 34             | 25             | 12,095    |
| COFFEY       | 5,056     | 336         | 447     | 222         | 3,657   | 90             | 11             | 10,010    |
| COMANCHE     | 1,391     | 64          | 177     | 20          | 1,442   | 4              | 4              | 3,102     |
| COWLEY       | 20,490    | 1,107       | 1,533   | 807         | 11,553  | 289            | 51             | 35,830    |
| CRAWFORD     | 20,198    | 980         | 1,152   | 414         | 9,693   | 418            | 59             | 32,914    |
| DECATUR      | 2,619     | 164         | 362     | 73          | 2,593   | 11             | 8              | 5,630     |
| DICKINSON    | 11,782    | 599         | 770     | 175         | 7,037   | 147            | 23             | 20,533    |
| DONIPHAN     | 4,646     | 246         | 567     | 237         | 3,448   | 8              | 16             | 9,168     |
| DOUGLAS      | 39,182    | 2,114       | 1,584   | 1,080       | 12,711  | 836            | 73             | 57,580    |
| EDWARDS      | 2,440     | 177         | 297     | 13          | 2,277   | 36             | 11             | 5,251     |
| ELK          | 1,950     | 69          | 254     | 70          | 1,943   | 20             | 4              | 4,310     |
| ELLIS        | 15,937    | 776         | 1,144   | 350         | 7,712   | 164            | 50             | 26,133    |
| ELLSWORTH    | 3,868     | 266         | 439     | 170         | 3,058   | 71             | 11             | 7,883     |
| FINNEY       | 17,362    | 957         | 1,240   | 921         | 9,262   | 135            | 57             | 29,934    |
| FORD         | 15,019    | 766         | 998     | 478         | 8,265   | 116            | 68             | 25,710    |
| FRANKLIN     | 13,154    | 752         | 1,141   | 318         | 7,208   | 278            | 47             | 22,896    |
| GEARY        | 21,105    | 1,415       | 514     | 899         | 5,971   | 181            | 67             | 30,152    |
| GOVE         | 2,221     | 175         | 326     | 82          | 2,469   | 41             | 7              | 5,321     |
| GRAHAM       | 2,361     | 154         | 336     | 71          | 2,194   | 24             | 6              | 5,146     |
| GRANT        | 3,952     | 315         | 711     | 359         | 3,367   | 33             | 9              | 8,746     |
| GRAY         | 3,016     | 201         | 404     | 154         | 3,237   | 14             | 7              | 7,033     |
| GREELEY      | 1,135     | 51          | 202     | 51          | 1,455   | 2              | 2              | 2,898     |
| GREENWOOD    | 4,520     | 225         | 624     | 126         | 3,996   | 69             | 17             | 9,577     |
| HAMILTON     | 1,548     | 110         | 227     | 37          | 1,769   | 14             | 2              | 3,707     |
| HARPER       | 4,604     | 247         | 478     | 67          | 3,697   | 38             | 16             | 9,147     |
| HARVEY       | 18,891    | 1,225       | 1,324   | 464         | 8,330   | 300            | 53             | 30,587    |
| HASKELL      | 2,305     | 169         | 342     | 202         | 2,544   | 24             | 4              | 5,590     |
| HODGEMAN     | 1,489     | 105         | 204     | 51          | 1,971   | 2              | 4              | 3,826     |
| JACKSON      | 6,900     | 345         | 605     | 167         | 4,797   | 37             | 24             | 12,875    |
| JEFFERSON    | 9,550     | 499         | 925     | 407         | 6,480   | 87             | 20             | 17,968    |
| JEWELL       | 2,808     | 163         | 537     | 103         | 2,978   | 12             | 8              | 6,609     |
| JOHNSON      | 241,496   | 6,286       | 5,486   | 695         | 43,918  | 2,160          | 181            | 300,041   |
| KEARNEY      | 2,363     | 182         | 325     | 243         | 2,396   | 20             | 7              | 5,536     |
| KINGMAN      | 5,123     | 307         | 666     | 63          | 4,515   | 23             | 17             | 10,714    |
| KIOWA        | 2,307     | 165         | 242     | 49          | 2,004   | 14             | 3              | 4,784     |
| LABETTE      | 13,396    | 706         | 821     | 362         | 7,821   | 154            | 43             | 23,303    |
| LANE         | 1,697     | 90          | 268     | 35          | 1,805   | 17             | 5              | 3,917     |
| LEAVENWORTH  | 32,463    | 1,496       | 1,583   | 379         | 13,339  | 309            | 56             | 49,625    |
| LINCOLN      | 2,201     | 131         | 257     | 49          | 2,249   | 20             | 5              | 4,912     |
| LINN         | 5,165     | 249         | 674     | 239         | 3,901   | 52             | 11             | 10,291    |
| LOGAN        | 2,173     | 161         | 280     | 67          | 1,880   | 21             | 7              | 4,589     |
| LYON         | 18,150    | 1,026       | 1,046   | 935         | 9,247   | 221            | 50             | 30,675    |
| MARION       | 7,608     | 468         | 573     | 145         | 5,203   | 72             | 17             | 14,086    |
| MARSHALL     | 7,303     | 318         | 749     | 98          | 5,151   | 63             | 29             | 13,711    |
| MCPHERSON    | 15,987    | 1,091       | 1,419   | 476         | 9,637   | 213            | 36             | 28,859    |
| MEADE        | 2,802     | 153         | 320     | 70          | 2,777   | 24             | 7              | 6,153     |
| MIAMI        | 13,759    | 639         | 1,303   | 381         | 8,332   | 141            | 22             | 24,577    |
| MITCHELL     | 4,586     | 283         | 558     | 67          | 3,730   | 41             | 18             | 9,283     |
| MONTGOMERY   | 22,441    | 1,143       | 1,268   | 468         | 11,601  | 486            | 57             | 37,464    |
| MORRIS       | 3,699     | 169         | 370     | 128         | 2,958   | 27             | 10             | 7,361     |
| MORTON       | 2,008     | 92          | 269     | 81          | 2,097   | 24             | 5              | 4,576     |
| NEMAHA       | 6,265     | 369         | 561     | 120         | 4,347   | 48             | 22             | 11,732    |
| NEOSHO       | 10,005    | 662         | 966     | 232         | 6,254   | 218            | 37             | 18,374    |
| NESS         | 2,946     | 149         | 483     | 100         | 3,264   | 16             | 9              | 6,967     |
| NORTON       | 3,924     | 261         | 408     | 69          | 2,882   | 37             | 14             | 7,595     |
| OSAGE        | 9,452     | 551         | 1,057   | 399         | 6,067   | 253            | 22             | 17,801    |
| OSBORNE      | 3,255     | 198         | 443     | 106         | 2,843   | 35             | 17             | 6,897     |
| OTTAWA       | 3,606     | 174         | 408     | 60          | 3,082   | 63             | 14             | 7,407     |
| PAWNEE       | 4,608     | 280         | 476     | 131         | 3,155   | 48             | 8              | 8,706     |
| PHILLIPS     | 4,449     | 351         | 663     | 123         | 3,423   | 74             | 7              | 9,090     |
| POTTAWATOMIE | 10,153    | 495         | 838     | 622         | 6,153   | 84             | 23             | 18,368    |
| PRATT        | 6,374     | 310         | 759     | 222         | 4,280   | 40             | 26             | 12,011    |
| RAWLINS      | 2,187     | 136         | 250     | 69          | 2,413   | 13             | 5              | 5,073     |
| RENO         | 38,338    | 2,576       | 2,735   | 580         | 18,103  | 248            | 130            | 62,710    |
| REPUBLIC     | 4,371     | 240         | 603     | 59          | 3,613   | 30             | 18             | 8,934     |
| RICE         | 6,792     | 420         | 766     | 84          | 4,476   | 101            | 14             | 12,653    |
| RILEY        | 24,578    | 1,274       | 947     | 1,192       | 7,547   | 278            | 47             | 35,863    |
| ROCKS        | 4,107     | 223         | 626     | 49          | 3,354   | 21             | 8              | 8,388     |
| RUSH         | 2,680     | 132         | 292     | 34          | 2,398   | 8              | 6              | 5,550     |
| RUSSELL      | 5,627     | 304         | 759     | 97          | 4,291   | 80             | 13             | 11,171    |
| SALINE       | 31,708    | 1,800       | 1,561   | 478         | 12,472  | 325            | 104            | 48,448    |
| SCOTT        | 3,420     | 272         | 542     | 161         | 3,077   | 31             | 7              | 7,510     |
| SEDGWICK     | 246,615   | 10,270      | 8,918   | 4,326       | 78,091  | 1,800          | 473            | 350,493   |
| SEWARD       | 11,290    | 689         | 948     | 733         | 5,704   | 221            | 48             | 19,633    |
| SHAWNEE      | 100,609   | 4,417       | 3,754   | 2,005       | 31,291  | 1,022          | 256            | 143,354   |
| SHERIDAN     | 2,084     | 156         | 356     | 41          | 2,343   | 87             | 9              | 5,076     |
| SHERMAN      | 4,265     | 291         | 498     | 91          | 3,204   | 71             | 17             | 8,437     |
| SMITH        | 3,295     | 156         | 525     | 54          | 3,164   | 7              | 11             | 7,212     |
| STAFFORD     | 3,442     | 176         | 474     | 105         | 3,063   | 19             | 3              | 7,282     |
| STANTON      | 1,385     | 109         | 211     | 60          | 1,639   | 5              | 3              | 3,412     |
| STEVENS      | 3,029     | 186         | 676     | 218         | 2,952   | 25             | 5              | 7,091     |
| SUMNER       | 15,001    | 769         | 1,299   | 505         | 10,010  | 198            | 29             | 27,811    |
| THOMAS       | 5,042     | 313         | 604     | 182         | 3,943   | 45             | 16             | 10,145    |
| TREGO        | 2,691     | 140         | 386     | 42          | 2,278   | 25             | 8              | 5,570     |
| WABAUNSEE    | 4,098     | 188         | 345     | 96          | 3,058   | 21             | 8              | 7,814     |
| WALLACE      | 1,151     | 86          | 211     | 52          | 1,448   | 5              | 2              | 2,955     |
| WASHINGTON   | 4,615     | 260         | 533     | 43          | 3,721   | 16             | 13             | 9,201     |
| WICHITA      | 1,636     | 137         | 266     | 64          | 1,907   | 4              | 5              | 4,019     |
| WILSON       | 6,254     | 378         | 562     | 179         | 4,471   | 103            | 12             | 11,959    |
| WOODSON      | 2,322     | 130         | 300     | 59          | 2,141   | 63             | 7              | 5,022     |
| WYANDOTTE    | 90,806    | 3,281       | 4,067   | 1,034       | 29,058  | 435            | 197            | 128,878   |
| TOTALS       | 1,489,313 | 69,532      | 90,195  | 31,767      | 688,840 | 15,306         | 3,312          | 2,368,265 |

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|  |        |
|--|--------|
| Kansas Based I.R.P. Registrations in 1987          | 27,570 |
| Kansas Based Plates Issued Under Proration in 1987 | 98,259 |
| Kansas Disabled Veterans Plates Issued in 1987     | 434    |
| Kansas Special Interest Plates Issued in 1987      | 594    |
| Kansas Amateur Radio Plates Issued 1987            | 1,806  |
| Kansas 72-Hour Permits                             | 35,901 |
| Kansas 30-Day Permits                              | 4,404  |
| Kansas Antique Plates Issued in 1987               | 3,280  |

The above figures reflect registrations sold in the counties and reported to the Department of Revenue, Division of Vehicles, and should not be construed to be an exact number of vehicles on the highways of the state.