

Approved 4-28-90
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~am~~/p.m. on February 22, 1990 in room 519-S of the Capitol.

All members were present except:

Representatives Dean and Gross, excused.

Committee staff present:

Bruce Kinzie, Revisor of Statutes
Hank Avila, Legislative Research
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Pat Hubbell, Kansas Railroad Association
Mr. Don Lindsey, Jr., United Transportation Union
Mr. Leroy Jones, Brotherhood of Locomotive Engineers
Mr. Roger Barr, Transportation Communication Union
Mr. Jim Dobbins, Goff, Kansas
Mr. Roy Roper, Overland Park, Kansas
Ms. Mary Turkington, Kansas Motor Carriers Association
Mr. Warren Hoemann, Yellow Freight Systems
Mr. Thomas Hardeman, United Parcel Service
Mr. John Golden, Goodland Area Chamber of Commerce
Mr. Bob Brock, Yellow Freight Systems
Mr. Bill Murray, Goodyear Tire & Rubber Co.
Mr. Jim Kasperski, Roadway Express, Inc.
Mr. Richard Walker, Driver
Mr. Paul Sweaney, Consolidated Freightways

The meeting was called to order by Chairman Crowell, and the first order of business was a hearing on HB-2959, prohibiting the issuance of special permits by the Secretary of Transportation for certain vehicle combinations.

Chairman Crowell clarified with the Committee that when the Committee introduced HB-2959 it was not the intent to place restrictions on the current operations of trucks traveling on the Kansas Turnpike.

Mr. Pat Hubbell, Kansas Railroad Association, testified in support of HB-2959. (See Attachments 1 and 2)

Mr. Don Lindsey, United Transportation Union, testified in favor of HB-2959. (See Attachment 3)

Mr. Leroy Jones, Brotherhood of Locomotive Engineers, testified in support of HB-2959. (See Attachment 4)

Mr. Roger Barr, Transportation Communications Union, spoke in support of HB-2959. (See Attachment 5)

Mr. Jim Dobbins, Nemaha County, Kansas, testified in favor of HB-2959. (See Attachment 6)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S Statehouse, at 1:30 ~~am~~/p.m. on February 22, 1990

Mr. Roy Roper, Overland Park, Kansas, testified in support of HB-2959. (See Attachment 7)

Written testimony was passed to Committee members from Kyle Railroad Company in support of HB-2959. (Attachment 8)

Ms. Mary Turkington, Kansas Motor Carriers Association, testified in opposition to HB-2959. (See Attachment 9)

Mr. Warren Hoemann, Yellow Freight System, Inc., testified in opposition to HB-2959, and showed a video tape concerning the safety of pulling triple trailers. (See Attachment 10)

Mr. Tom Hardeman, United Parcel Service, testified in opposition to HB-2959. (See Attachment 11)

Mr. John Golden, Goodland Area Chamber of Commerce, testified in opposition to HB-2959. (See Attachment 12)

Mr. Bob Brock, Yellow Freight Systems, testified in opposition to HB-2959. (See Attachment 13)

Mr. Bill Murray, Goodyear Tire & Rubber Company, testified in opposition to HB-2959. (See Attachment 14)

Mr. Jim Kasperski, Roadway Express, Inc., testified in opposition to HB-2959. (See Attachment 15)

Mr. Richard Walker, Roadway Express, testified in opposition to HB-2959, and said three trailers pull as easily as two.

Mr. Paul Sweaney, Consolidated Freightways, testified in opposition to HB-2959. (See Attachment 16)

Chairman Crowell said the hearings on HB-2959 would be continued on a later date.

The meeting was adjourned at 3:30 p.m.



Rex Crowell, Chairman

GUEST LIST

COMMITTEE: Transportation

DATE: 2-22-90

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
Harold Nottingham	725 N. 78th St	PRIVE
ROBERT A. LOWER	GLADSTONE, MO	CONSOLIDATED FREIGHTWAYS
Ken Bissel	Stilwell Ks	United Parcel Service
Tim Foster	Overland Park, KS	United Parcel Service
JEFF GAYLORS	KC KS	United Parcel Service
GARY GREENBERG	TOPEKA	KDOT
Roy Roper	Overland Park, Ks.	Myself & concerned Drivers
James Dohbinn	Loff, ks	Dohbinn Farms
Bart Bessie	Starly, Ks	CF
Rosie L. Evans	3403 N. 60th Terr.	Brotherhood of Maintenance of Way
Roger W. BARR	TOPEKA, Ks	T. C. U
Dough Simpson	OKAWATOMIE	UTU
Kate Schull	TOPEKA	KS. RR ASSN,
Mike Hogan	TOPEKA	Ky. Automobile Dealers Legislative Coalition
Burt Stucht	Kansas City, KANSAS	Consolidated FREIGHTWAYS
Jess Freeman	Kansas City, Mo	Yellow Freight System
LLOYD PENDEKGRASS	K.C. Ks.	ANR FREIGHT SYSTEM.
Douglas Cook	Overland Park Ks	Yellow Freight System
Len Smith	STILWELL Ks.	YELLOW FREIGHT SYSTEM
Robert Varnish	" "	" "
Richard	KDOT TOPEKA	KDOT
John Scheerman	" "	"
Alvare F. Jander	ANR ^{wichita, ks} Freight System	ANR.
David J. Ron	ANR ^{TOPEKA, KS} FREIGHT SYSTEM	ANR
JOE LITTLE	OVERLAND PARK, Ks.	UPS
KEITH TUTTLE	LENEXA Ks.	UPS

GUEST LIST

COMMITTEE: TransportationDATE: 2-22-90

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
TEO STEPHENS	14650 SANTA FE TRAIL, LEWEN, KS	UNITED PARCEL SER.
TOM HARDEMAN	greenwich office park, 5 greenwich CT 06831	UNITED PARCEL SERVICE
MARY E. TURKINGTON	Topeka	Kansas Motor Carriers Assn
Tom Whitaker	Topeka	Kansas Motor Carriers Assn
Bob Brock	Goodland KS	Yellow Freight
JOHN GOLDEN	GOODLAND, KS	CHAIR TRANSLUM GLD CHAMBER
DAVID HOENBAKER	TOPEKA	KHP
Michael Kuhn	Topeka	KHP
Ken Gudenkauf	Topeka	KDOT
Stephen C. Zimmerman	Topeka	KDOT
Ram Somerville	TOPEKA	KDOT
David Lord	Topeka	KDOT
Howard Eynck	Topeka	MEIC
July King	TOPEKA	CF
R. J. Koelgaard	Kansas City Mo	CF
Michael J. Maier	KANSAS City Mo	CF
FRED FULTON	WESTON Mo	CF
Randy Hall	Gladstone, Mo.	C.F.
John Blankenship	Birmingham Mo	CF
Paul Miller	KC, KS.	CF
Alan David	Leavenworth Kan	C.F.
Paul R. Swanson	Merriam KS	CF
THURM SHERARD	Walnut Creek, CA	Western Highway Inst.
Warren Hoemann	Overland Park, KS	Yellow Freight System
W.R. MURRAY	Topeka	Goodyear Tires & Rubber
DON LISK	TOPEKA	CHURCHILL TRUCK LINES

KANSAS RAILROAD ASSOCIATION

920 S.E. QUINCY

P.O. BOX 1738

TOPEKA, KANSAS 66628

PATRICK R. HUBBELL
DIRECTOR-PUBLIC AFFAIRS

913-357-3392

Statement of the Kansas Railroad Association

Presented to the House Transportation Committee
The Honorable Rex Crowell, Chairman

Statehouse
Topeka, Kansas
February 22, 1990

* * * * *

Members of the Committee:

My name is Pat Hubbell. I am Director of Public Affairs for the Kansas Railroad Association and I appear here in support of House Bill 2959. House Bill 2959 will prohibit the Kansas Department of Transportation Secretary from adopting rules and regulations which would allow triple trailer trucks to operate on Kansas highways. Railroads have traditionally opposed triples along with public opinion which is overwhelmingly against triple trailer trucks. A Wyoming poll showed statewide that 75.8% opposed triples, while only 13.9% favored triples. I have attached this Wyoming poll which is broken down statewide by age, education, marital status, occupation, housing, income, sex, and years in the State of Wyoming.

The AAA of New Mexico has conducted a similar survey. When asked: "Should the trucking industry be permitted to use triple trailer trucks on New Mexico highways?", .6% said yes; 91% said no. When asked: "Do you think speed limits are adequately enforced for heavy trucks in New Mexico?", 1.6% said yes; 80% no. When asked: "Are you in favor of requiring trucks to pay user fee taxes based on the weight of their trucks and the distances traveled within the state?", 80% responded yes; 1.3% no. I have included a complete copy of the AAA survey with my testimony.

Highway safety concerns have increased as cars get smaller and trucks get bigger. Studies have found that triples pose potential safety hazards in a number of ways. Triples heavier weights mean they have trouble maintaining consistent speeds on uphill and downhill grades. It takes much longer to pass and significant speed differences between autos and trucks increase accident rates. There is also significant amplification of rapid steering movements on the rear-most trailers.

Att. 1

Experience with triples is not as good as proclaimed. In a California test over a 1,000 miles, triples swayed in a serpentine motion with the third trailer whipping from side to side for 75% of the test mileage. Furthermore, when braking, triples did not always stop in a straight line or remain in their own lane. The test occurred on flat terrain with no winds. I have given the Chairman of the Committee a fourteen minute edited tape from the California Department of Transportation which shows very dramatically the characteristics of triple trailer and double trailer operation.

Throughout the debate of triple trailers Yellow Freight has claimed its safety record is beyond reproach. I do not claim to be an expert on Yellow Freight's safety record but in a story appearing February 1, 1990 in the Kansas City paper, Yellow Freight is quoted as saying one of the reasons it lost 27.7 million dollars in the last quarter is because it had to set aside money, mainly to boost its workmen's compensation reserves. Yellow Freight goes on to say the money was set aside because a study showed, "unfavorable growth trends in the cost of workmen's compensation claims." In my opinion one of two things occurred. Number one, the cost of their workmen's compensation plan increased because of anticipated triple trailer operation or the increase in cost was because of a higher number of injuries due to accidents. I have included a copy of the article on Yellow Freight with my testimony.

Traffic World magazine reported January 22, 1990, Mr. Clifford J. Harvison, President of the National Tank Truck Carriers, Inc., told the Houston Traffic Club: "Deregulation of the trucking industry has left companies so financially strapped that new equipment purchases have virtually stopped and safety is being compromised at times. Stripped of its political tinsel and evasive rhetoric, model deregulation has killed people and has left in its wake an infrastructure and plant capacity totally incapable of meeting the transportation needs of the next decade."

There are many questions which should be answered before Kansas allows triples to operate on the state highway system. Questions such as:

Where are the staging areas in Kansas for assembling and disassembling these combinations?

Will Kansas rest areas be used and are they designed to accomodate both automobiles and triple trailer operations?

Who pays for these support facilities?

Where on Kansas highways will the third box be dropped when weather conditions are bad?

Who will pay for the construction of the staging areas or turnouts on highways when climate conditions prevent travel?

Who will pay the Kansas Highway Patrol for the additional enforcement of traffic and safety regulations?

Why did California and New Mexico study triples and decide not to allow them?

How many jobs have been lost in other states because they allowed triple trailers to operate?

In a recent study released by the Kansas Department of Transportation it shows in one particular area of the state where rail abandonment may occur the annual cost of truck damage to Kansas rural highways amounted to \$138,274.00 per year for farm to elevator movements of grain. Incremental road damage cost due to rail abandonment was estimated to be \$55,961.00 per year for intercity grain traffic.

You may ask what effect triples will have on branch line sales and abandonments in Kansas. It's simple, the railroads must pay 100% of the capital cost of maintaining the road bed in a safe and efficient operating condition and to do this they need freight from all segments, not just grain, automobiles, steel and coal but also the LTL business. With the emergence of double stack container trains there are new markets which will open up for intercity movements of LTL freight. I have furnished for each member of the Committee a summary of the report, "The Impact of Rail Branch Line Abandonments on Rural Highways: The Case of South Central Kansas" which was released in December of 1989 by the Kansas Department of Transportation.

I urge the members of the Committee to vote favorably on House Bill 2959. Thank you.

#####

821 Hubbel

Kansas Department of Transportation
Bureau of Rail Affairs
December 1989

**THE IMPACT OF RAIL BRANCH LINE ABANDONMENT
ON RURAL HIGHWAYS:
THE CASE OF SOUTH CENTRAL KANSAS**

by
Victor E. Eusebio
and
Stephen J. Rindom

**MIKE HAYDEN
GOVERNOR OF KANSAS**

**HORACE B. EDWARDS
SECRETARY OF TRANSPORTATION**

Attach. 2

THE IMPACT OF RAIL BRANCH LINE ABANDONMENT ON RURAL
HIGHWAYS: THE CASE OF SOUTH CENTRAL KANSAS

Victor E. Eusebio
and
Stephen J. Rindom*

December 1989
No. 89-1

* The authors are Research Analysts of the Kansas Department of Transportation (KDOT). Sincere appreciation is expressed to Denver Tolliver of the Upper Great Plains Transportation Institute, for his assistance in the development of the theoretical framework section of this study and to Orlo Sorenson of Kansas State University, John Scheirman of KDOT and Dennis Slimmer of KDOT, for reviewing this paper. Special thanks are also due to the following KDOT personnel: Ron Balsters and Ben Neaderhiser for the Kansas road section data; Clarence Startz, Clayton Ijams and Shona Hadden for the truck weight and volume data; Brian Logan for the county maps; Neil Rusch for the road surfacing cost data; Oscar Albrecht for the rail abandonment data; and Kathie Farrell for the computer graphics. The views expressed by the authors are not necessarily those of KDOT.

EXECUTIVE SUMMARY

The major objective of this study was to develop a systematic procedure to estimate incremental highway costs associated with rail branch line abandonment in Kansas. The procedure was tested in an area in south central Kansas where three Missouri Pacific (MP) branch lines were recently placed in Category I abandonment classification. Documentation of the process is done in this paper.

A shipping cost minimization, transportation network model was used to generate two sets of grain traffic flow data. The first set was generated from a network model that simulates traffic flow under the assumption of continued MP operations while the second set was generated under the assumption of MP branch line abandonment. For each set of traffic data, two types of truck movements were identified. The first involves farm to local elevator movements of grain by farm trucks (SU-2AX) over a combination of county, municipal and state roads. The second involves local elevator to terminal elevator (intercity) movements of grain by commercial trucks (CO-5AX) over the same combination of roads. For each origin-destination grain movement by truck, the shortest combination of road sections was identified and total truck trips were calculated. These were done for the two sets of data.

A series of steps were then used to transform the two sets of grain traffic flow data, truck routes and truck trip

calculations into estimates of additional truck damage on Kansas highways resulting from rail branch line abandonment. Firstly, the effective equivalent single-axle load (ESAL) road life of each highway section was estimated using the Highway Performance Monitoring System (HPMS) pavement damage functions. Road section data were obtained from KDOT's Bureau of Transportation Planning and from County Engineer's Offices in south central Kansas. Secondly, pavement damage (in ESALs) was estimated for each highway section using the American Association of State Highway Officials (AASHO) traffic equivalency formulas for single and tandem axles. Data on loaded and empty axle weights for the SU-2AX and CO-5AX trucks were obtained from KDOT's Bureau of Transportation Planning. Thirdly, pavement rehabilitation costs per ESAL-mile for each road type were obtained by dividing per-mile pavement repair cost by the effective ESAL life. Lastly, truck-accountable road damage costs for each highway section were calculated using pavement consumption estimates in conjunction with cost per ESAL-mile calculations.

Using the procedure, it was found that abandoning the three MP branch lines in south central Kansas would result in an estimated additional annual truck damage to Kansas rural highways amounting to \$ 138,274 for farm-to-elevator movement of grain. Increased damage to Kansas roads was attributed to farmers trucking their wheat over longer distances to local elevators with rail connections. Incremental road damage cost due to rail abandonment was estimated to be \$55,961 per year for intercity

grain traffic. Increased (intercity) road damage cost was attributed to traffic diversion from rails to trucks as wheat was moved from local elevators (which lost MP service) to the various terminal elevators. However, incremental (truck-accountable) road damage costs as a result of branch line abandonments could have been much higher had not a significant amount of grain traffic continued to be moved by rail, as grain was diverted from local elevators which lost MP service to nearby local elevators with connections to Atchison, Topeka and Santa Fe (ATSF) and/or Southern Pacific (SP). Also, some of the additional truck traffic generated between local and terminal elevators, as a result of branch line abandonment, moved on road sections specifically designed to handle heavy loads. These highway routes include some major arterial sections along U.S. Highway 50 (southwest of Hutchinson) and U.S. Highway 54 (west of Wichita).

Additional road damage cost resulting from rail abandonment when calculated on the basis of per bushel-mile of grain moved yielded the following results. The cost of rail abandonment (the additional damage to rural roads resulting from rail abandonment) was estimated to be 0.90 cent per bushel-mile for farm-to-elevator movements of wheat and 0.17 cent per bushel-mile for intercity movements. The corresponding costs of shipping grain by truck for farm and intercity movements were estimated at 0.97 and 0.27 cent per bushel-mile respectively.

In conclusion, this analysis demonstrates the usefulness of this procedure for estimating additional truck damage to Kansas

roads due to rail branch line abandonment. Its use will enable planners and policymakers to determine the impact of proposed abandonments and hence provide an additional decision tool for public policy.

**STATEMENT OF DONALD F. LINDSEY, JR., DIRECTOR
KANSAS STATE LEGISLATIVE BOARD
UNITED TRANSPORTATION UNION
IN SUPPORT OF H.B. 2959**

**PRESENTED TO
HOUSE TRANSPORTATION COMMITTEE
THE HONORABLE REX CROWELL, CHAIRMAN**

Mr. Chairman and Members of the Committee, I am Don Lindsey, Director of the Kansas State Legislative Board, United Transportation Union. I am a duly elected officer, authorized to speak on behalf of our some 6,000 active and retired members and their families who reside in the State of Kansas. I appear in support of H.B. 2959.

On January 18, 1990, Secretary of Transportation, Horace B. Edwards, published a Notice of Hearing on Proposed Administrative Regulations in the Kansas Register, Vol. 9, No. 3. Had this notice been overlooked, triple trailers would not only be allowed on Kansas Highways but the gross weight would have been increased from 80,000 lbs. to 110,000 lbs. All this on the whim of an appointed public official accountable to only the Governor, if, even to him.

Since this plan was made known to the general public and H.B. 2959 was introduced, the Secretary has postponed any further action at this time. The UTU feels strongly that no individual or agency should be allowed to make a special interest decision of this magnitude without approval of the legislative branch.

H.B. 2959 removes the issuance of special permits allowing the operation of triple trailer combinations from the Secretary of Transportation or any local authority. H.B. 2959 places that decision making process in the hands of the legislature. The UTU believes that the citizens of Kansas deserve the courtesy of having their elected officials decide how their highways will be used.

I would like to point out several observations the UTU has regarding the Secretary's proposed rule making changes:

- 1.) Spokesmen for the trucking industry say these proposed changes would apply west of Topeka, only on I-70. Yet, nowhere in the 20 plus pages of the regulations and impact statements is anything mentioned other than the state highway system. When I asked an attorney in the Office of Chief Counsel, Kansas Department of Transportation, if these proposed rule changes could conceivably allow triple trailers on any highway in Kansas he informed me I should read the proposed regulation as written. He also stated, while probably not likely, the Secretary could issue a permit for any segment of highway in Kansas. This could include two lane highways.
- 2.) If triples are allowed on I-70, west of Topeka, what would stop the Secretary from issuing a permit allowing them on I-35, south from Kansas City to Emporia? If this happens, a substantial loss in revenue from the turnpike operation, would occur. The question then arises, "How will this loss of revenue be made up?"
- 3.) Since only 4 of the 50 states allow triples by administrative rule making, according to information furnished by the Motor Carrier's Association, the UTU seriously questions if this makes the other 92% of the states wrong for not allowing triples by administrative rule making.
- 4.) The UTU cannot understand the motor carriers assertion that the increase in gross weight to 110,000 lbs. in Colorado in May 1989, created an immediate competitive problem for Kansas. At last check the State of Kansas was not competing with anyone for trucking contracts.
- 5.) In researching the effects heavy trucks have on highways, I did not find one study that said heavy trucks are good for highways. While there are, agreeably, varying degrees of damage, the fact remains heavy trucks take a toll on our highway system.

The UTU acknowledges the need for the trucking industry and appreciates its role. However, to continually ask and in some instances mandate the citizens of Kansas to subsidize this industry is wrong.

Last but probably most important is if the trucking industry and the Secretary expected to live up to the proposed rule changes, they would never have suggested them. I refer to K.A.R. 36-1-28 (i) and I quote, "SVC travel may be prohibited or restricted to specific routes, hours of operation, specific days or seasonal periods, when adverse conditions, traffic, weather or other safety considerations make such travel unsafe or inadvisable. SVC's shall not be dispatched during adverse weather conditions, such as those caused by high winds, snow, ice, sleet, hail, fog, mist, rain, dust, smog, or smoke. (highlighting mine). If adverse weather or road conditions are encountered, the driver of the SVC shall proceed to the next available exit and wait for conditions to improve." Assuming that a driver did live up to this provision, when one considers Kansas weather, it could take him a week to get across the state. This certainly would not be considered competitive by the trucking industry.

In closing, I would like to share with the committee a quote which appeared in a recent edition of the Topeka paper, "You can't come up with an idea so bad that somebody won't think it's a good one". Passage of H.B. 2959 will keep any Secretary present or future from embracing another bad idea.

Brotherhood of Locomotive Engineers

Kansas State Legislative Board

P.O. Box 66 • Osawatomie, Kansas 66064



STATEMENT

BY

LEROY JONES

CHAIRMAN

KANSAS LEGISLATIVE BOARD

BROTHERHOOD OF LOCOMOTIVE ENGINEERS

TO

THE HOUSE COMMITTEE ON TRANSPORTATION

ON

HOUSE BILL NO. 2959

FEBRUARY 22, 1990

A + + . 4

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you today on House Bill 2959.

I am Leroy Jones, Chairman of the Kansas Legislative Board for the Brotherhood of Locomotive Engineers. I am also appearing on behalf of the Kansas Federation of Labor AFL-CIO. I am here today to speak in support of House Bill 2959.

One of the positive things that this bill has already accomplished is to create economic development for the State of Kansas. Since this bill was introduced, there has been so many representatives and lobbyists from the trucking companies spending their time and money here in Topeka, that our state sales tax receipts has to be much higher.

On a more serious note, I think there needs to be some clarification on what this bill does and doesn't do. A number of legislators have stated that they have received a number of letters from truck drivers and trucking industry employes who are afraid that with the passage of House Bill 2959 that the use of triple trailers will no longer be allowed on the Kansas Turnpike. First of all, this bill only prohibits the issuing of special use permits to allow triple trailers on our highways. Secondly, it does not make any sense to me why, for an example, a truck driver would oppose this bill. It only make sense that if you allow three trailers verses two on our highways, they are going to need less drivers, thus creating higher unemployment. So if you have received letters from employes of certain trucking companies, in my opinion, its the companies that are really speaking.

Thank you for allowing me to speak on this issue.



KANSAS STATE LEGISLATIVE COMMITTEE

*TRANSPORTATION • COMMUNICATIONS
INTERNATIONAL UNION*



ROGER W. BARR, JR.
State Legislative Director
2644-D Arrowhead Road
Topeka, KS 66614

February 12, 1990

TESTIMONY OF

ROGER W. BARR

Kansas Legislative Director

For The

Transportation Communication Union

As A Proponent Of

House Bill No 2959

AN ACT prohibiting the issuance of
special permits by the secretary of
transportation for certain vehicle
combination; amending K.S.A. 1989 Supp.
8-1911 and repealing the existing section

Presented at Hearing

Before The

House Transportation Committee

Topeka, Kansas

February 15, 1990

Attach. 5

Mr. Chairman, and members of the Committee, I am Roger W. Barr and I am the Kansas Legislative Director for the Transportation Communications Union representing over 8,000 working and retired employees of the transportation industry in Kansas.

We rise in support of House Bill No. 2959 which proposes to stop the issuance of special permit issued by the secretary of transportation or any local authority, except as provided in subsection (G) of K.S.A. 8-1904, and amendments thereto, to allow the operation of any vehicle combination consisting of a truck tractor operated in combination with a semitrailer, trailer and trailer.

We are concerned with two areas safety and road damage on Kansas highways.

All of these bigger truck combinations take more space on the highways, are harder for drivers to control. They will not just be on the interstate highways because the staging areas are usually on state and county roads.

More tonnage moving on bigger trucks would inevitably cause greater damage to the states highways and cost the taxpayers much more maintenance.

Rutting has been one of the big problems and causes the following problems for drivers.

1. Wheel paths when filled with water reduce skid resistance called aquaplaning.
2. Centerline crowding to avoid water filled wheel paths during or following wet weather.
3. Water spray from other vehicles traveling in water filled paths cause visibility problems.
4. Freezing water in wheel paths results in the added hazard of dangerous patches of ice covered pavement.

As increased use by heavier and more numerous trucks escalates the deterioration of the highways and as more of the taxpayers funds go into the highway system, the motor carrier essentially receive a subsidy from the government and from the highway users. While the shipping public may get the benefit of reduced direct transportation cost, they, as well as the rest of the public, must also pay the increasing cost of repairing and maintaining the highways.

The opportunity to present testimony on this most important legislation is appreciated, Mr. Chairman. If I have failed to make our position clear or raised any questions, I will certainly try to respond. Thank you.

Roger W. Barr

ROGER W. BARR,

Kansas Legislative Director

Transportation Communications Union



PROGRAM AUDIT REPORT

Maintaining Kansas Highways


**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
January 1979**

Kan.
Y6.13
M226



Photograph III-2. Bleeding appears as patches of tar on the road and can be especially slick when wet, causing drivers to lose control of their cars. Most bleeding is caused by improper mixtures of asphalt and stone. The bleeding pavement shown here is on U.S. 283 in Norton County.

Kansas plans to seal its highways once every seven years to renew skid resistance, fill small cracks, and rejuvenate the surface. Two main types of seals are used--conventional seals (spraying the road surface with asphalt then sprinkling stone chips over it) and machine seals (spreading a less than three-quarter inch layer of blacktop on the road surface). Both have approximately the same life expectancy. The consultant noted, however, that machine seals tend to increase bleeding problems and reduce skid resistance. Machine seals also cost considerably more to lay than conventional seals: \$11,700 per mile compared with \$4,500 per mile (based on 1977 costs). As a result, the consultant recommended that the Department of Transportation re-evaluate its use of machine seals.

 **Wheel ruts.** The consultant also found a problem with wheel ruts on Kansas highways, most notably on I-70 in Sherman County. Because they are lower than the surrounding road surface, wheel ruts can be dangerous when they fill with rainwater or ice and reduce skid resistance. Most wheel ruts in Kansas are caused by truck traffic that is heavier than the road was designed to carry. These ruts have become an increasing problem in Kansas since 1974, when the maximum weight of trucks allowed on Kansas' highways was raised from 73,280 pounds to 85,500 pounds (80,000 pounds on interstate highways). Legislative Post Audit estimates that the changes in weight limit laws could reduce the useful life of Kansas' highways by up to 18 percent. For example, a highway that might normally last about 15 years might need to be reconstructed after only about 12 years.

One solution to wheel ruts is to fill them in and then sufficiently overlay rutted highways with from two to six inches of asphalt to add strength and support to the roads. Three of the four neighboring states operate substantially larger overlay programs than Kansas to deal with such problems.

Dobbins

Testimony before the House Committee on Transportation,
on Feb.22, 1990, concerning House Bill No. 2959.

My name is James Dobbins. I am a grain and livestock farmer residing near Goff, Kansas, in Nemaha county. My residence is situated on K-9 Highway between the towns of Goff and Corning.

Since the discontinuance of rail service in my area in November of 1986, truck traffic, particularly grain truck traffic, has increased greatly. With the increase in traffic has come a perceptible decline in the quality of the asphalt surface of K-9 Highway.

In the February 1986 issue of Kansas Government Journal, Thomas Mulinazzi, Professor of Civil Engineering at Kansas University, cited a study by the America Association of State Highway Officials (AASHO) showing that it "takes the passage of approximately 9600 cars to equal the effect of the passage of one 80,000-pound truck, assuming maximum axle loadings". So the three eastbound grain trucks I observed Tuesday morning between 6:30 and 7 a.m. actually equalled 28,800 passenger cars passing my front gate. Should those cars pass my gate at the rate of one every 10 seconds beginning at 7 a.m. last Tuesday, they will not finish passing until 3p.m. on Friday, which is tomorrow. My point is that trucks, especially heavily loaded trucks, do a lot of damage to the roads of our state.

It grieved me that the legislature passed the highway bill last session without adequate provisions to make those that damage the roads most, truckers, pay their share of the damages. The general public has subsidized the trucking industry for years, and the highway bill you passed is further proof of that.

I have recently been involved with a group trying to get the local rail line reopened. It is my opinion that sometime in the near future this country will again encounter an energy shortage. Being a farmer that ships grain, shipping costs are important to me. In the recent past, trucks have been cheaper. But why shouldn't they be when the public at large is paying most of the upkeep on the roads? How much fuel tax and registration fees would have been collected on those 28,800 cars versus the three trucks?

Our county has a prime example of a road being torn to shreds by trucks. Many of you probably have heard of the Bern-Sabetha road. Bern has a dog food plant that uses about 40,000 bushels of corn per month, most of which is shipped in by semi-trailer over a county road from Sabetha which is on US 75. This road is being rebuilt, after much controversy. I hope it holds up, as a lot of money is being spent, but I have my doubts that it will.

The state of Kansas needs to look to the future transportation needs of the state. If rail branch lines continue to disappear at the present rate, trucks will tear up the state's roads at an ever-increasing rate.

These are some of the reasons that I stand in support of HB 2959. Trucks need no more breaks from the state of Kansas!

Attach. 6

Feb. 22. 1990

Mr. Chairman and Ladies and Gentlemen of the Transportation committee:

I decided to come speak after sitting around listening to some of the drivers I work with out on the road. Everyone seemed to think someone ought to do something about this triples situation. So at the risk of making a big fool out of myself here I am. I want it to be known I am here on my own and not being paid by anyone. I have been around machinery and equipment all of my life and have been driving over the road for over twenty five years. I have pulled doubles for over nineteen years and triples over five years.

A few years ago they wanted to haul more weight, 73 up to 80 thousand pounds gross. Then they wanted to have wider trailers. Which I don't think was a very good idea either. Now it's longer trailers. I don't know where they're going to stop on that. And now it's triple trailers on the Interstate highway system. I think it's about time somebody put a stop to all this foolishness. These triples are unsafe and unstable under about any conditions.

I have pulled doubles across western Kansas for years. I've seen wind gusts blow the back trailer clear off the ground. Even in a strong wind they will pull to the side taking up the whole lane that you are driving in and with triples it is even worse. If the pavement happens to be rutted out, they have a tendency to follow into the ruts. If the front of the tractor steering axle gets to following the ruts a little movement at the front makes a lot of difference at the back of the back trailer. You learn never to swerve hard to miss anything in the roadway if at all possible because the back trailers will be all over the road if you would brake at the same time this could be a real disaster. Try and remember the longer they are the more of a "crack the whip" effect it will have. Such a thing as not having enough grease on the fifth wheels of the convertor dollies can cause the trailers to get wild and weave back and forth over the road. Most of the time when trailers are loaded with LTL freight they are heavy in the nose because they put all the freight they have in the front and save room at the back for more shipments that might arrive before the time that it is to close it out for shipment. This is not to bad for the trailer that is hooked onto the tractor, but the one that is hooked in back makes the convertor dolly axle heavier than the trailer axle it is hooked up to. This can also help to cause problems if anything goes wrong. With LTL freight it is very hard to get trailers loaded evenly. Once in a great while you will have a trailer on the back that is "wild" it will whip back and forth for no apparent reason. Also it should be known that you have no control over the back trailer and very little over the second one.

All of these companies purchase the cheapest road equipment that they can find. Sometimes the maintenance and repair gets a little lax. Each terminal that has a shop tries to keep their costs down to look good to the company. So sometimes the attitude is to

A + + . 7

say it'll make another trip thinking that the next terminal shop will repair what is wrong.

All companies have Safety Departments, but they are just a figurehead for the company and do pretty much as they are told by management.

All these companies claim they need to pull triples because they need a break to cut costs of operating. I think they need to start managing their operations a little better. Most of these outfits are so mismanaged its ridiculous. One of the main reasons they want this is that for every two sets of triples that they send out puts one driver out of work and one road tractor less that they need; also they will need fewer mechanic's. Another reason is that a driver hardly gets anything for pulling the third trailer; for example from Topeka to Kansas City will not pay a driver enough for him to buy a cup of coffee at a decent restaurant. It's just not worth the hassle. The companies are already discounting rates to shippers of 40% to 50% and more. If they get what they want they will discount even more and they will be in the same financial shape they are in now in a very short time.

It seems the ones who are pushing the hardest for this are the ones who don't have to drive or be around them. While a driver is out in the middle of the night during a blizzard trying to stay on the road and keep from running over someone these people will be at home in a nice warm bed.

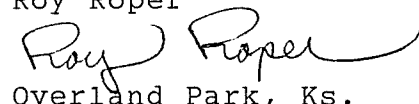
I have heard a lot of comments from other drivers such as: "What about us? The guys that have to drive them. What makes them think triples are safe when even doubles aren't safe." Another driver said "People that are for this must not know much about equipment." Another driver said "Every driver knows that they aren't safe if he's honest." The only drivers that I know who say they are safe and don't mind pulling them are the ones that are just kissing management's backside and will do anything the company wants them to.

The general motoring public doesn't want triple trailers on the road. No independent truck drivers like them on the road. In fact I don't know of anyone that wants them on the roads except a few greedy company executives who don't care about anything or anybody, just profits.

I also want it to be known I am not representing the railroads either. I just want to shed a little common sense on this triple trailer issue. I strongly urge support of House Bill 2959. I believe the safety risks are just to high and they should not be allowed on the Interstate Systems of Kansas or any other state.

Thank you very much for letting me express my views.

Roy Roper



Overland Park, Ks.



Kyle Railroad Company

3rd & Railroad Ave.

P.O. Box 566

Phone 913-543-6527

Phillipsburg, Ks. 67661

February 21, 1990

Rex Crowell
House Transportation Committee Chairman
Capital Building
Topeka, Kansas 66612-1568

Dear Sir:

This letter is to express the concerns of Kyle Railroad Company regarding the allowance of heavier load limits on certain truck shipments and various "three trailer" configurations.

The railroad industry continues to battle the trucking industry for its market share of the transportation of the different commodity groups. This is especially difficult for the shortline and regional railroads considering they maintain and repair their roadbed in addition to paying debt service on reversionary land below the roadbed, while the trucking industry has not comparative cost of doing business.

The State of Kansas in 1989 approved an "emergency" highway bill that was designed to alleviate a portion of its structural problems in existence at that time. This was presented to the legislature and the public as a "crisis bill". A substantial amount of information was presented declaring the accelerated wear of the highway system. With the "crisis bill" having been approved, it is not logical to me why a subsequent bill would be introduced that contradicts earlier action by increasing wear and tear of the highways.

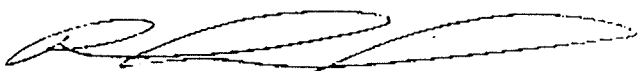
Additionally, Kyle Railroad expects an immediate adverse impact from the approval of the "Trucking Bill". This applies to our ability to compete for the transportation of shingles and rolled roofing from Tamko Roofing in Phillipsburg, Kansas. Tamko consistently ships approximately 70-100 trailers of product per day. Our company is just now beginning to see a shift

Attach. 8

in some of this business to the railroad. If the truck industry is allowed to increase its load limit by adding trailers, we will lose any hope of transporting shingles for this company. Kyle Railroad will not only lose, but the highway system in this part of the state will suffer a substantial loss.

Kyle Railroad Company is expressing complete and total support for H.B. 2959.

Respectfully,



Rick Cecil
Vice President Operations

RC:ekd

Mary T

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Presented to the House Transportation Committee,
Rep. Rex Crowell, Chairman; Statehouse, Topeka,
Thursday, February 22, 1990.

Opposing House Bill 2959 which would
prohibit the issuance of special permits
for the operation of triple combination
units on 4-lane interstate highways.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. I appear here today with representatives of the highway transportation industry to oppose House Bill 2959.

House Bill 2959 would prohibit the secretary of transportation or any local authority from issuing a special permit for the operation of a truck tractor in combination with three 28-foot "triple" trailers. We believe the proposed amendment to the special permit section not only would prohibit operation of "triple" combinations on the 4-lane interstate routes but also jeopardizes the operation of such combination units on the Kansas Turnpike.

Other industry representatives will address the productivity of "triple" combinations.

I want to speak to the integrity of the industry's efforts to meet a competitive situation which developed following the adjournment of the 1989 session of the Kansas Legislature.

Att. 9

Following the adjournment of the 1989 session of the Kansas Legislature, Colorado completed a rulemaking authorizing operation of triple trailer combinations at a gross weight of 110,000 pounds. As my letter of February 6 to the Legislature pointed out, Colorado has allowed operation of triple combinations since 1981 at 80,000 lbs. Until that state increased its permissible gross weight limit to 110,000 pounds in May, 1989, it was not feasible for companies to operate triple combinations. This development created an immediate competitive problem involving freight movements into and through Colorado. Retention of Kansas jobs and the economy of Kansas communities are involved.

Our industry approached the Kansas Secretary of Transportation to determine whether a solution to this problem existed under current statutory authority. Legal research indicated that statutory basis already existed through the state's special permit provisions to issue special permits for these longer combination vehicles. The Secretary, however, requested that a rulemaking procedure be initiated to develop specific, controlled conditions under which a two-year demonstration project could be considered to measure the safety performance, equipment requirements, driver qualifications, economic impact and related operational procedures governing triple combinations.

During the intervening months, substantial effort has been invested by the KDOT staff and by the industry to develop a comprehensive, workable set of proposed regulations. Proper notice of a public hearing (previously scheduled for February 19, 1990) was published in the Kansas Register to receive public comments on the proposed rules and regulations.

This industry did not attempt to circumvent the legislative process in any way. The complexities of developing adequate, workable rules and regulations and the need for a closely-controlled environment (including rules that prohibit operation of such units in inclement weather conditions) all are addressed in the rulemaking procedure.

Under the proposed rulemaking, triples could operate only under special permits on 4-lane interstate routes with five-mile access to freight terminals. Strict standards will be imposed far above those applicable to other trucks. Companies must qualify individually for the permits and any who abuse that privilege may have their permit revoked. Indeed, the Secretary of Transportation may discontinue the program altogether. The two-year, pilot project is designed to measure the efficiency of triple combinations, to preserve and expand Kansas jobs and to keep Kansas transportation capabilities competitive. Our state, in both the public and private sectors, continuously dedicates substantial resources to accomplish these same goals.

I sincerely hope these facts explain clearly why the rulemaking approach was initiated. We believe the rulemaking should be continued.

I also want to make it indelibly clear that our industry's request to operate triple combinations on interstate routes had no linkage whatsoever to our industry's support of the comprehensive highway program in 1989. I can stand before God and all of His angels and clearly say to all who would hear -- there never was and never will be any "deal" on this issue. I would ask your respect not only for our industry's integrity but for my personal integrity on that matter. Our industry accommodated substantial tax increases but fought hard for that highway program because we believed in the need for an adequate highway system in Kansas.

No one would have sacrificed the substantial tax increases on our industry at large -- or jeopardized the integrity of the comprehensive highway program for those companies who, through the rulemaking procedure, propose the operation of triples. Anyone who would suggest otherwise simply is not telling the truth.

Our industry has worked diligently to resolve the competitive situation Kansas carriers now face with Colorado freight movements. Freight transported in triple trailers is "less than truckload" (LTL) freight and will not involve freight transported by railroads. Nor will triples affect trailers moving via "piggyback" on the rails. Union contracts require LTL carriers to move trailers over the highway when equipment and drivers are available. This is not a "truck vs. railroad" issue. Our industry works directly with the railroads in many freight movements. We are, in fact, a good customer of the rail industry. Frankly we do not believe the railroads have any legitimate reason to limit our productivity and thereby hold our transportation costs artificially high-- unless the rails wish to "force feed" higher rail and truck costs to Kansas shippers.

Safe, controlled operation of triple combination units makes good business sense. Highway wear is reduced through lower axle limits. Triples will weigh some 16,600 pounds per axle, well under the 20,000-pound single axle limit authorized by Kansas law. Triples are the safest units operating on public highways. Our testimony will document that statement. In 1989, all of the companies operating triples on the Kansas Turnpike had no accidents -- a great safety record! This same equipment has operated safely and successfully on the Kansas Turnpike for 30 years. Distribution centers have located in Kansas accordingly.

I stated earlier that H.B. 2959 is not a "rail vs. truck" issue. It is an issue involving Kansas jobs, Kansas employers, Kansas shippers and the Kansas economy. It is an issue involving the message we send to companies with substantial facilities already located in Kansas who want to grow -- safely and successfully.

Included in the folder of information provided for you are three abstracts of employment information.

One list includes a summary of the "Employment Trends in Triple States." You may examine that summary at your convenience. The chart clearly shows a substantial increase in the number of jobs in states where triple operations are conducted. You may wish to examine the one footnote that explains that Idaho had a reduction in employment when ANR moved its corporate headquarters from Pocatello to Denver. All other states listed clearly show that jobs increase rather than diminish!

Perhaps of even more significance to Kansas are two other employment charts that summarize employment and wages paid by the "Less than Truck Load" (LTL) carriers who seek authorization for the operation of triples on 4-lane interstate routes in Kansas in addition to present operations on the Kansas Turnpike.

One chart lists by areas, the number of employees and wages paid by these LTL carriers in 1989. We would ask that you review this summary to become aware of the Kansas towns which enjoy this employment and to note the substantial wage dollars paid to Kansas people. These are wage dollars. If you compound them by any accepted multiplier, these figures become even more significant in terms of purchasing power in Kansas communities.

The final chart reflects a total of 7,569 Kansas employees who work in Kansas for the nine LTL carriers who are directly interested in operation of triple combination vehicles on the interstate system in Kansas. Those 7,569 Kansas employees were paid wages of \$196,759,831.99 in 1989 -- almost a \$200 million dollar payroll.

The bottom line is that productivity must be expanded if companies are going to have jobs to offer. The jobs will go where the freight moves. Kansas has the opportunity to offer the productivity these companies need to keep jobs in Kansas and to offer efficient service to Kansas shippers and consumers.

Kansas can keep this industry and this purchasing power without it costing taxpayers one dime. Expanded operations of triple combination units actually will increase the amount of highway user taxes paid to our state. The jobs and the stimulus to the Kansas economy are vital to us all.

House Bill 2959 sends a negative message. We submit that it does not establish good public policy. The conferees who follow me will outline more fully the economic impact that productivity of equipment will produce. We will be pleased to respond to your questions upon completion of our testimony. We respectfully ask that you not recommend H.B. 2959 for passage.

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Before the

Kansas House Transportation Committee

Testimony of

Warren Hoemann

Yellow Freight System, Inc
Overland Park, Kansas

House Bill 2959

February 22, 1990

Att. 10

House Bill 2959

My name is Warren Hoemann. I am Director of State Government Relations for Yellow Freight System of Overland Park. I am here in opposition to House Bill 2959.

Yellow Freight is a nationwide carrier of LTL (less-than-truckload) general commodities -- shipments averaging 800 - 1,000 pound each, usually consumer products moving to stores and distribution centers. We operate through a network of 641 local terminals, freight consolidation points, called "breakbulks", and driver relays, and serve over 30,000 communities directly. Here in Kansas, we have our corporate headquarters plus 15 terminals. We employ over 2,200 people in Kansas with a direct payroll over \$74 million. A detailed breakdown is in your packet.

You also have in your packet a colored map that shows where triples are currently authorized. Eleven states, three Turnpikes and four Canadian provinces allow triples -- all under special permits and strict rules and regulations. Here in Kansas, triples have operated on the Turnpike for 30 years. In 1989, the Kansas Turnpike Authority reported zero triples accidents among all the carriers operating there. A 1988 letter from the Turnpike Authority is included in your packet telling of the excellent experience the Turnpike has had with triples.

WHY A RULEMAKING

The colored map show that Colorado and Oklahoma, neighbors to Kansas, also allow triples. Colorado also began with a test and then went to permanent authorization. Oklahoma followed a similar pattern. While these states have tested or allowed triples since 1981 and 1986, respectively, neither offered sufficient gross weight to make triples economically feasible -- until last year.

In late 1988 Colorado began a rulemaking to increase the available gross weight on triples from 80,000 pounds to 110,000 pounds. That rulemaking became final in May, 1989, after the Kansas legislature had adjourned.

Two things are useful to note about the Colorado rulemaking. First, Colorado's special permit statute reads word-for-word the same as the special permit statute in Kansas. In fact, Utah, Nevada, Idaho and Oregon all initiated their triples programs (over 20 years ago) by administrative rulemaking. The Utah and Nevada statutes are also identical to Colorado's and Kansas'. And the same language was approved by the federal government for special permit operations way back in 1975.

Second, the Colorado rulemaking was not opposed, by the railroads or by labor.

At the same time, Oklahoma began a rulemaking to increase its available gross weight from 90,000 pounds to a proposed 105,500 pounds. That has not yet gone into affect because of differing legal opinions. But triples continue to operate in Oklahoma.

These developments in Colorado and Oklahoma put Yellow Freight at a competitive disadvantage with carriers whose facilities were located in those states. Specifically, Yellow Freight has a driver relay in Goodland, 17 miles this side of the Colorado line. In Goodland we have a \$1.3 million payroll. One of our competitors has its relay in Burlington, Colorado, 15 miles the other side of the line. That competitor can operate triples to and from Denver on that leg of I-70; we cannot because we are in Kansas. This costs Yellow several hundred thousand dollars a year.

Similarly, we have a breakbulk facility in Baxter Springs, one mile from the Oklahoma line. If Oklahoma does increase its weight, Yellow Freight will again face a competitive disadvantage. At stake in Baxter Springs is the competitiveness of an \$11 million payroll.

After the Colorado rulemaking became final, we approached the Kansas DOT to see if there was any administrative relief possible. We did not want to be penalized for being in Kansas. We were KMCA, representatives from Goodland and Baxter Springs, and ANR Freight System, which was interested in Goodland as a driver relay.

After much legal research and engineering review, the response from KDOT was that the statutory basis existed for the issuance of the special permits -- and, as we have seen, legal precedence existed in Colorado, Utah and Nevada -- but that a rulemaking was necessary to specifically address triples. This would only be done under a tightly-controlled test, which could be discontinued at any time. Again, this practice had been followed by several other states who had conducted tests first, under rulemaking procedures, before permanently authorizing triples.

Let me make two things perfectly clear at this point: One, there were no deals made with KDOT or anyone else in return for Yellow Freight's support for the highway bill. In fact, we emphasized to KDOT that we in no way wanted to jeopardize the highway program and would understand if the triples test could not proceed.

Two, we did not seek triples to save taxes or because of the increased cost of the Kansas highway program. We sought triples to protect Kansas jobs from the competitive imbalance presented by the other states. We believe triples would bring increased highway tax revenues to Kansas.

PUBLIC POLICY

We are really not here today to debate triples, although I will talk about safety, effects on pavements and bridges and the fact that triples do not compete with railroads. We are here instead to decide whether Kansas will put an artificial cap on the future productivity of an industry in the state. The LTL carriers who would utilize triples already employ over 7,500 people in Kansas and pay nearly \$197 million in direct wages. These companies are able to pay such wages because, like all successful businesses, they are constantly looking for ways to make their service more efficient and more productive. Those companies that stand still do not succeed.

Last week, our president, George Powell, III, wrote a letter to Governor Hayden. Allow me to quote:

"We also believe House Bill 2959 is bad public policy. Yellow Freight strongly believes in the free enterprise system. We believe every industry and every business should have the ability to improve itself, its product or its service so long as public safety is protected. To that end, we have never opposed the efforts of our competitors or of any other industry to better their situation. But House Bill 2959 is just such an attempt to artificially limit ours. House Bill 2959 sends the wrong message to present and prospective Kansas businesses."

These same concerns over Kansas' posture toward business led the Executive Committee of the Overland Park Chamber of Commerce to oppose House Bill 2959.

SAFETY

A 1979 U.S. DOT report states "On the whole it would appear from the literature available and conversations with state officials that the experience of states that allow triple trailer combinations to operate has been positive." (U.S. DOT; Outsize Vehicle Study, Sept. 19, 1979).

We don't have to go back to 1979 for that conclusion, though. Included in your packet are recent letters from state officials in Utah, Montana Oregon and Colorado all commenting favorably on their triples experiences. Also included are excerpts from studies conducted by the state of New Mexico and in Minnesota, again with excellent results. You have seen the Kansas Turnpike figures.

Now here are Yellow Freight's own figures. We operate triples in 12 states. Through the third quarter of 1989 (our last full set of figures), Yellow operated triples over 23 million miles in the last two years with but one reportable accident. That is the equivalent of you driving your personal car 20,000 miles a year for 1,150 years without an accident.

If triples have such a fine safety record, you may ask, what about the California test where trailer sway occurred? You have in your packet two letters from Viking Freight System, the contractor for that test, and an excerpt from the critique of the test prepared by Western Highway Institute. I was general counsel of WHI at that time. All three sources point out that the test was conducted under unnatural circumstances -- note the lengthy entourage that accompanied the triples as recorded by WHI -- and the driver found he was nervous on stage.

The California test is put in its proper context by the most recent natural study of longer combination vehicles, such as triples. This study was produced for the American Trucking Associations Foundation, but it was performed by the same contractors using the same sources and methodologies they are employing today in research for the Federal Highway Administration.

Here is their overview: 14 states report positive experiences with special permit systems. 12 states report positive accident records or tests. 1 state (California) reports an unfavorable test. No states report unfavorable accident experience.

I will close on the issue of safety with another exhibit from that recent report. These are actual quotes from states on triples. In Kansas, we proposed the same rules and regulations, the same stringent equipment requirements and driver training, the same restrictions against operation in inclement weather and the same limitation to Interstate highways that are found in other states. There is no reason a similar excellent safety record would not be obtained here.

PAVEMENTS AND BRIDGES

In your packet is a diagram of a set of doubles (two 28-foot trailers) and a set of triples as proposed in Kansas. You will see that, even at the 110,000 pounds maximum weight proposed for triples, the average axle weight for the triples is some 800 pounds less than for the doubles at the legal 80,000 pounds maximum. Axle weights, not gross weights, affect pavements. Triples are better for pavements than doubles.

Bridges are affected by how the gross weight is spread over the length of a truck combination. The spreading of that weight is one of the functions of the federal bridge formula that controls operations on the Interstate highways. At 110,000 pounds, triples are well below the weight the federal bridge formula would allow. Bridges are fully protected.

These two conclusions also indicate that triples do not necessitate increased highway taxes. The special permit fee chosen by KDOT would be over and above all the other taxes paid by the triples operators. The fee is intended to cover all the costs of state administration of the triples program. The level of the fee falls in the mid-range of what other states assess for special permits on triples. The increased LTL traffic that will be attracted to I-70 in Kansas will generate additional highway tax revenues for the state.

TRIPLES DO NOT COMPETE WITH RAILROADS

I would have no qualms offering triples to you if they were directly competitive with railroads. We believe competition is healthy.

But the fact is triples will not move one pound of freight off the rails. I've prepared a summary sheet on rail competition, rail jobs and rail pensions. Each point is documented from sources outside the trucking industry.

Let me quickly point to a couple items in your packet. First, a reprint of a Burlington Northern Railroad in-house article "Trucks Giving Railroads A Run For The Money". But all trucks?

No. The article says that truck competition is not the "big-name" carriers such as Roadway or Consolidated Freightways (somehow they missed Yellow) because LTL carriers have high overhead and pay union wages. The rails compete against the truckload, non-union owner/operator who drives the 48-foot semitrailer.

Next, look at the Association of American Railroads (AAR) presentation to the Transportation Research Forum. In the very first paragraph, the "rail-competitive" trucking companies are defined as the truckload carrier and not the LTL carrier. In the first footnote, AAR itself says that in 1986 only 0.007% of rail tonnage was LTL freight. That's hardly a case for competition.

Of course, railroads do offer piggyback service for transporting trailers. (Note that the freight is still picked up and delivered by trucking companies.) But, examine the December, 1989 article in Traffic World where Michael Haverty, President of Santa Fe Railroad, is quoted on Santa Fe's relationship with LTL carriers, including Yellow. The article specifically notes that the Teamster contract unionized LTL carriers operate under forbids LTL carriers from utilizing piggyback when Teamster drivers and equipment are available to put the trailers on the highway. Yellow cannot take trailers off a piggyback that we cannot contractually tender to the rails in the first place.

Finally, you have two letters from Overnite Transportation supporting triples and opposing this bill. Overnite is a subsidiary of the Union Pacific.

Why, then, do the railroads oppose triples? Footnote 30 of the AAR paper says why. The rails fear twin 48-foot semitrailers (Turnpike Doubles) which, at gross weight "up to 134,000 pounds", would give more productivity to truckload carriers. Triples are seen by the rails as a foot in the door.

Yellow has no interest in twin 48's. The rulemaking does not allow them. That is someone else's business, just as triples are not the rails' business.

I am sure the good people from the rail unions who have visited you firmly believe triples are a threat to their jobs. I am sorry they have been misled. Let us also be assured that retired rail workers are well-protected by a federal fund and triples will not affect their pensions.

In closing, I urge you to defeat HB 2959. I also urge you to look toward the future of Kansas. In Wyoming, for example, the carriers and the Teamsters are in agreement in favor of triples. The labor/management negotiations in Wyoming have yielded a triples proposal that protects Teamster jobs, assures safety and brings needed productivity. That same negotiation process can and will work in Kansas -- but only if you defeat HB 2959.

Thank you.

Testimony of Thomas Hardeman
Vice President
United Parcel Service

Before the
Kansas House Transportation Committee
on
H.B. 2959

February 22, 1990

A++ 11

Mr. Chairman, committee members, thank you for giving me the opportunity to represent United Parcel Service before you today in opposition to House Bill 2959.

My name is Tom Hardeman, and I'm a Vice President with United Parcel Service. I've been a member of the UPS team for over 35 years.

UPS people take pride in their company and in their jobs, and they share a common purpose: to offer customers the best possible service at the lowest possible cost. This legacy of service dates all the way back to 1907 and our company's humble beginnings in a basement office under a Seattle sidewalk.

The constant pursuit of service excellence over the years has enabled our company to develop a business now capable of serving more than 180 countries and territories worldwide. On the road to becoming a truly international company, UPS has grown dramatically in recent years. The UPS of 1990 employs 235,000 people, including 3,500 men and women right here in Kansas.

Our 1989 Kansas payroll was over \$72 million. We serve every address -- every nook and cranny -- in Kansas, and last year we picked up and delivered over 82 million parcels here in Kansas. Consequently, we feel we're justified in the belief that we are vital partners in the state's future success.

We strongly oppose H.B. 2959. Passage of this "special interest" legislation would decrease our current operating effectiveness, increase costs and impair future productivity gains. We believe H.B. 2959 is supported by the railroad industry in an effort to drive up the cost of surface transportation, thereby causing rail transportation to be more attractive. Who would pay for this unjustified cost escalation? Basically the consumer, since nearly every product is moved by truck at some point.

Now, I'd like to briefly touch on two points which we feel are of critical importance in this matter: jobs and safety.

SAFETY

UPS travels more miles in tractor-trailer operations each year than any other carrier in the U.S. That includes over 600 million miles in 1989, and 12 million of those miles were operated as triple trailers -- with only one accident. In fact, our overall feeder accident frequency was one for every three million miles, making triples more than four times as safe as the record for conventional tractor-trailers. And our total accident frequency is nearly 10 times better than the industry average.

That safety record is evident here in Kansas. On the Kansas Turnpike, we traveled 1.3 million accident-free miles with

triples last year. So, as far as we're concerned, charges that triple trailers are unsafe simply don't stand up against the facts.

We certainly have no aversion to the effective use of rail transportation. As a matter of fact UPS is one of the nation's largest users of rail services, paying over \$440 million to have our trailers move on the rails last year. However, safety is a major source of concern to us when we look at the railroad industry's record in this regard.

We believe these facts strongly suggest that, as far as safety is concerned, the rail industry would be better served in directing its efforts away from the use of triple trailers in highway transportation -- which have proven to be both safe and efficient -- and instead concentrate on the pressing railroad safety issues under their direct control. For example, 594 people were killed at public rail crossings in 1988 alone.

JOBS

Turning to the topic of jobs, UPS currently employs 165,000 Teamsters. In the 13 states where we operate triples, our employment has increased from 23,360 to 33,203 or 42% over the last 5 years. Here in Kansas we have realized a 53% growth.

We also believe that our business has helped with the growth of the railroad industry as well. For example, let's take a look at what our company has paid for rail services in each of the past five years:

1985 -- 388 million dollars
1986 -- 392 million dollars
1987 -- 422 million dollars
1988 -- 435 million dollars
1989 -- 442 million dollars (12% growth)

So, in conclusion, the people of UPS urge you to vote "no" on this legislation which would have such damaging repercussions as far as UPS service in Kansas is concerned.

And, on behalf of our company, thank you for listening to UPS's viewpoint on this very important matter.

Golden

HOUSE TRANSPORTATION COMMITTEE

Hearing on H.B. 2959

Room 519 - 1:30 p.m.

February 22, 1990

John Golden - Chairman, Goodland Area Chamber of Commerce
Committee on Transportation

MR. CHAIRMAN & MEMBERS OF THE COMMITTEE:

I. COMMITTEE LEADERSHIP ROLE

A. MUST EMULATE OUR GREAT KANSANS

PRESIDENT EISENHOWER - FOUNDER/INTERSTATE SYSTEM

ELIZABETH DOLE - SECRETARY OF TRANSPORTATION

SEN. NANCY KASSEBAUM - SENATE TRANSPORTATION COMMITTEE

B. BE COGNIZANT OF ALL FORMS OF TRANSPORTATION

RAIL - AIR - HIGHWAYS

IMPROVING ALL FACETS SO THEY MAY BETTER SERVE THE PEOPLE

II. GOODLAND AND SHERMAN COUNTY ROLE

A. RAIL - RESTORATION OF RAIL SERVICE

B. AIR - TOP MUNICIPAL AIRPORT IN KANSAS AND SUPPORTED LOCAL
AIR SERVICE IN KANSAS

C. HIGHWAYS

(a) I-70 - two interchanges

-- new concrete

-- city bypass K-27

(b) Freight relay point

Att. 12

III. THE FUTURE VISION FOR TRUCK FREIGHT

WE REQUESTED SECRETARY OF TRANSPORTATION TO ISSUE SPECIAL PERMIT IN MAY FOR WEST 20 MILES.

THIS COMMITTEE NEEDS TO WORK WITH BUSINESS & INDUSTRY.

THIS BILL AS PRESENTED SENDS A NEGATIVE SIGNAL TO ALL.

A. KANSAS NEEDS TO MAKE THE STATE ATTRACTIVE

(a) THE BUSINESS ENVIRONMENT

-- REASONABLE REGULATION

-- RESPONSIVE TO THE NEEDS OF COMMERCE

(b) SERVE THE NEEDS OF KANSAS COMMUNITIES

-- COST EFFECTIVE & EFFICIENT SERVICE

-- LTL FREIGHT ON INTERSTATE WILL ALLOW THE ACCESSIBILITY & ECONOMIC VITALITY FOR KANSAS COMMUNITIES

IV. SUMMARY

A. SAFETY - TURNPIKE & UTAH

B. WEIGHT PER AXLE IS LESS

C. THE SECRETARY OF D.O.T. HAS THE AUTHORITY TO ISSUE SPECIAL PERMITS

LET H.B. 2959 DIE SO KANSAS MAY LIVE AND GROW

BEFORE THE KANSAS HOUSE TRANSPORTATION COMMITTEE

ON

HOUSE BILL 2959

Mr. Chairman, Ladies and Gentlemen

My name is Bob Brock. I am from Goodland, Kansas. I am a Teamster, a former Kansas highway patrolman, and a truck driver for Yellow Freight System, Inc., where I have worked for 11 years.

Last October I had driven 1,000,000 miles without an accident while employed at Yellow Freight. An accident, as far as a driver is concerned, is any property damage involving one of our trucks, whether the driver caused the damage or not. The only two exceptions are, being involved while legally parked or by hitting an animal.

I drive a truck, usually doubles, between Goodland and Denver 6 times per week in all types of weather. The only time I don't drive is if the Interstate is closed, due to bad weather. It takes 10 years to drive 1,000,000 miles. It is not easy to drive 1,000,000 miles without an accident. However, 6 of the 11 drivers in Goodland that have more than 10 years of service, have at least 1,000,000 miles without an accident.

I think that safety is a major concern of everyone when it comes to allowing triples on our interstate.

As a driver, I was also concerned until I started talking to other drivers who had pulled triples and saw the records dealing with their safety.

For instance, last year on the Kansas Turnpike, not one accident involving triples was reported.

In Utah, 23 million miles were traveled with only one accident.

In Colorado, 30 companies pull triples, and in 4 years, not one accident was reported.

South Dakota has had only one accident involving triples since 1985.

In Nevada, single unit 45-foot trailer trucks have an accident rate of 2.12 per million miles and triples have an accident rate of only .34 per million miles.

While talking to the drivers in Goodland, I find that almost all of them think that we will be pulling triples in the near future, whether in Kansas or somewhere else. We all hope that Kansas will allow them, because if they don't, we will probably be moved to the first state, either Nebraska or Oklahoma, that does allow them. Kansas would then be used very little.

There are 34 Yellow drivers in Goodland, as well as ABF and PIE. If these companies would leave Goodland, Yellow alone would take with it 1.33 million dollars in wages.

Goodland, in the 16 years I have lived there, has gone from a population of 6,500 to 4,800. In those years, we have lost the Great Western Sugar factory, Rock Island Railroad, the FAA, Time DC, Mclean and Navaho truck lines, Ulysses Irrigation, and many small businesses.

There are 150 homes for sale in Goodland. Seventy of these homes stand vacant. There are 6 vacant buildings on Main Street.

If triples were allowed to travel on Kansas Interstates, I have been told that more trucking companies would move a relay point to Goodland and between 60 and 100 families would move to the Goodland area. If only 60 drivers would move to Goodland, that alone would mean \$2,400,000 in wages, alone, to the community.

I enjoy living in Goodland and the passage of HB 2959 would have a negative effect of \$3.7 million in wages alone, and could mean the loss of 50 more families. I understand that wages change hands 7 times in a community before it goes out of the community. \$3.7 million times 7 is \$25 million annually lost in Goodland, if Nebraska or Oklahoma pass triples legislation before Kansas does.

There are a total of 2,277 Yellow Freight employees in Kansas, with \$74 million in wages paid annually. In addition to that, there are 7 other major freight companies in Kansas with 5,000 more employees, with wages of an additional \$130 million. If Kansas does not get triples, there will be lost jobs, lost revenue from road use and fuel taxes, to Oklahoma or Nebraska.

The trailers I pull from Goodland to Denver contain LTL freight, LTL is less than a trailer load. (This does not mean the trailers are not full.) It means there may be 50 or more pieces of freight from 50 or more shippers, going to 50 or more consumers, on every trailer.

The railroads ship less than .007 LTL, so I don't feel that railroads stand to lose very much if triples were allowed in Kansas. In addition, when trailers are shipped piggy-back on rail cars through Kansas, they pay no road taxes or fuel taxes to the state.

In conclusion, Kansas stands to gain considerably if triples are allowed. The facts demonstrate that triples are safe. The loss to the railroads is insignificant compared to the gains for Goodland and the rest of Kansas.

The Goodyear Tire & Rubber Company

MIDLAND DISTRIBUTION CENTER
P. O. BOX 1917 - HIGHWAY 24, WEST
TOPEKA, KS 66601

STATEMENT
BY THE
GOODYEAR TIRE AND RUBBER COMPANY
PRESENTED TO THE COMMITTEE ON TRANSPORTATION
FEBRUARY 21, 1990
CONCERNING HOUSE BILL NO. 2959

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Bill Murray, Traffic Manager for the Topeka Plant and Distribution Center for the Goodyear Tire and Rubber Company. I come before you today to speak in opposition to the proposed legislation. As a major consumer of transportation services in this area we are in favor of the use of Triple Trailer combinations with a gross weight of 110,000 LBS.

Our company employs 2150 people with an annual payroll of \$81,000,000. Our local purchases of material and supplies within a 100 mile radius adds another \$20,000,000 in purchasing power. As you can see the economic impact on this area is quite sizeable.

We are constantly striving to improve our operations and to remain competitive in the market place by utilizing state of the art technology and the latest in industrial innovations. We feel that the use of Triple Trailers falls into this category; it is definitely an innovation of existing technology which provides a win-win situation for all parties involved.

Modernization and expansion is just one example of how the industrial and commercial segment of our economy is able to remain competitive and even expand. At the present time our plant is undergoing a \$33,000,000 modernization and expansion to its Radial Truck Tire Production. This expansion is on schedule and should be completed by the third quarter of this year. This expansion alone will add approximately 100 new jobs to our payroll. Economic growth becomes the life blood of our company, community and state. This is the win-win scenario that I am talking about.

We, Goodyear, are no longer competing against manufacturers within the 48 contiguous United States. We are now the only remaining major American-Owned Tire Company. Uniroyal-Goodrich was bought by Michelin (French); Firestone by Bridgestone (Japan); General Tire by Continental (German).

A + t. 14

My job at this facility is to make sure that we have an oderly flow of raw materisal and finished goods into and out of our plant. In order that we may accomplish this end we spend approximately \$25,000,000 annually on transportation services which are suitable to the type of material and the level of service required by our plant or our customers. To this end we use Rail, Piggy-Back Rail Trailers, Truckload Carriers (van, flatbed, and tank-type) as well as LTL connon carriers and air freight.

Each of the above modes of transportation plays an important role in our being able to manufacture a product and deliver it to our customer in the most economical manner. Our customers expect us to use the latest in technology and innovation. Can we expect anything less from the companies providing services to us? The answer is no. Each of us must do our part to help Kansas grow; we cannot be by-passed.

Our distribution center here in Topeka was selected as a major supply point for the farm-tire market due to its geographic location and its easy accessibility to efficient and economical transportation services. We secured this work because we are able to provide service to our customers. Our plant produces tires which are regulary shipped into our distribution center in Denver, Colorado, and in some instances direct to the customer in Colorado. When necessary we can and do provide overnight service into this market. The availability of such LTL services has enabled us to inprove our operations and still maintain the same high level of service demanded by the marketplace.

One of the current buzz-words in industry today is just-in -time (JIT). This method of operation has enabled industry to save literally millions of dollars by being able to reduce their on-hand and in-transit inventories. In so doing it has become even more necessary that the transportation industry be able to provide service levels for these smaller shipments which will allow us to still keep all operations running in a efficient manner. This same type of thinking has also been adopted by the tire dealer in America. He or she can no longer afford the luxury of large on-hand inventory. Consequently our customers expect the LTL Trucking companies to provide a highly efficient level of service that will do exactly the same thing for their business.

Innovation and technology have kept American industry and commerce competitive. We as citizens must have the ultimate in purchasing power that is available to us. We cannot accomplish this end if we have artificially created barriers to progress. Legislation should no create industrial feather-bedding, it must promote harmony among all parties and foster the well-being of all its citizens.

We urge your rejection of this proposed legislation.


Bill Murray
Traffic Manager

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ROADWAY EXPRESS, INC.

TESTIMONY BEFORE THE

KANSAS HOUSE TRANSPORTATION COMMITTEE

TOPEKA, KANSAS

February 22, 1990

Att. 15

Good afternoon. I am pleased to have the opportunity to testify before the House Transportation Committee regarding House Bill 2959. My name is Jim Kasperski and I am the relay manager for Roadway Express in Kansas City. I also have with me one of Roadway's drivers, Richard Walker. Mr. Walker also plans to make a few comments.

Roadway Express is a motor carrier of general commodity freight operating over 600 terminals throughout the United States. We are extremely concerned that enactment of House Bill 2959 would have a tremendous impact on our vital Kansas operations. In Kansas alone we employ 640 people with an annual payroll of over \$16 million. During 1989 Roadway operated more than 16 million miles in the state.

Roadway Express has been operating triples on the Kansas Turnpike for 12 years. Our 1989 safety record on the Kansas Turnpike was outstanding - we did not experience any accidents.

The safety standards that are currently applied to our drivers and equipment on the Turnpike are the same standards used for our triples operation throughout the company. Passage of this legislation would prevent our safe and efficient method of operation from future expansion. In other words, future growth of Roadway's operations in Kansas would be stifled and this would be a loss to both the resident and business communities in the state.

I urge the defeat of House Bill 2959 and would be pleased to answer any questions you may have.

Mr. Chairman, my name is Paul Sweaney, I live in Merriam, KS and I work for CF.

I have been chosen to be the spokesman for the road drivers of CF. We have eight drivers here who have over 16 million miles of safe driving to their credit. We all have and are now pulling three trailers on the Kansas Turnpike.

To the credit of the men here, we have 15 state titles, 1 national title, and a number of 2nd and 3rd places at the state and national level.

If you would use the average miles of a person that drives a car per year of about 10,000 to 11,000 miles, you would have about 1,600 years of driving safe by the eight drivers here today. Not bad for the drivers that drive the roads of Kansas and live in and call Kansas home.

This operation of triples trailers in Kansas on some highways would give the customers of Kansas better rates and lower their cost of shipping and receiving.

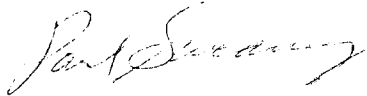
Also, this is our livelihood. We, as drivers, would like to take this opportunity to express the need to allow triples across the state. We would be first to allow this type of operation and claim the jobs that go with it before our neighbors to the North and South of us do so.

The road drivers of CF are of the \$50,000 job bracket. If you just think of the impact this would have on the state. Most of us who live here now would not have to move to other states.

We have raised our families here and some of us have buried members here, so you see this is our state that we love so dearly, just the same as you people that are our leaders.

Now, Mr. Chairman, I want to thank you for allowing me to address you on Bill #2959. For the good of all of us, I am requesting that you oppose the passage of this bill. Thank you.

Paul Sweaney

A handwritten signature in cursive script, appearing to read "Paul Sweaney".