

Approved 3-31-92  
Date

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 March 25, 19 92 in room 254-E of the Capitol.

~~All members were present except~~ Members present:

Senators Morris, Doyen, Brady, Hayden, Kanan, Martin, Rock, Sallee, Thiessen and Vidricksen.

Committee staff present:

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

Conferees appearing before the committee:

Marlin Nickerson, Craftsman  
Ken Gudenkauf, Department of Transportation

Hearing and Action on H.B. 2982 - Exempting certain private carriers from regulation.

Marlin Nickerson, a wood craftsman appeared before the committee to relate problems that people had on their way home after attending a crafts festival at Baldwin. Some of them were ticketed for not having a KCC license. He complained that they were only engaged in making small crafts to supplement retirement income and did not wish to become involved in all the paperwork involved with a KCC license. A copy of his statement is attached. (Attachment 1).

The committee discussed this bill and felt there should be no harassment from the highway patrol and perhaps the whole situation needs to be reviewed in an interim study.

A motion was made by Sen. Sallee to submit this for an interim study. Motion was seconded by Sen. Kanan.

There was some discussion that perhaps an amendment that would apply only for the arts and crafts people and not to include commercial type people would help the situation.

A conceptual substitute motion was made by Sen. Martin to amend H.B. 2982 to take care of the arts and crafts people so they will not be stopped for not having a KCC license. Motion was seconded by Sen. Hayden. Motion carried.

A motion was made by Sen. Martin to recommend H.B. 2982 as amended, favorably for passage. Motion was seconded by Sen. Hayden. Motion carried.

Hearing and Action on H.B. 3133 - Width of loads; special permits.

Ken Gudenkauf, KDOT, said the purpose of this legislation was to modify the requirements for "oversize load" signs in accordance with recommendations of the American Association of State Highway and Transportation officials, to address safety considerations about the operation of custom combine equipment, to remove or clarify regulatory or outdated language, and to enable KDOT to establish an annual permit fee for oilfield servicing rigs. (Attachment 2).

A motion was made by Sen. Martin to recommend H.B. 3133 favorably for passage. Motion was seconded by Sen. Rock. Motion carried.

Hearing and Action on H.B. 3157 - Designation of emergency vehicles.

Ken Gudenkauf, KDOT, said they are responsible for granting authorization for the use of privately-owned vehicles as emergency vehicles. Normally, these vehicles are used by volunteer fire fighters, privately owned ambulance services and similar entities.

KDOT does not monitor the vehicles after the authorization is granted. Some law enforcement officials have expressed concerns that numerous vehicles respond to the emergency causing traffic problems. Passage of this legislation would transfer the authority of issuing emergency vehicle designations to the county commissioners so the activity can be properly monitored and enforced under one local jurisdiction. (Attachment 3).

A motion was made by Sen. Rock to recommend H.B. 3157 favorably for passage. Motion was seconded by Sen. Martin. Motion carried.

A motion was made by Sen. Sallee to approve the Minutes of March 19, 1992. Motion was seconded by Sen. Brady. Motion carried.

Meeting was adjourned at 9:45 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 2-25-92 Place 254-E Time 9:02

GUEST LIST

NAME

ADDRESS

ORGANIZATION

DON CARLILE

Topeka

KCC

Ken Guderkauf

Topeka

KDOT

Tom Whitaker

Topeka

Ks Motor Carriers Assn

MARY E. TURKINGTON

Topeka

Ks Motor Carriers Assn.

Nancy Bagnia

Topeka

KDOT

Last October on the way home from the Maple Leaf Festival at Baldwin, Brenda Now of Burlingame, was given a ticket for not having a KCC license. Other were ticketed too. Brenda, who is a crafts person, was told she had to have a KCC license if she transported goods for resale over 25 miles. Brenda was 28 miles from home at the time. She had to go to court and was fined. Brenda was unable to appear today because of a prior commitment.

This was the first any of us craft people knew this law existed

I am Maclin Nickerson. My wife and I go to nearly all craft shows to prep our tapes which have doubled in recent years.

We are senior people and this is one way we can supplement our small retirement income. If we encountered fines or even the paperwork of having a FCC license would put us out of business, since our profit level is so small. Yet we do not want to break the law.

We know other senior people who do arts & crafts merely to keep active & the prices they charge only covers their materials.

It is a well known fact that small towns are dying in Kansas and many of them sponsor annual arts & crafts shows to bring people into their community. If

people were afraid to  
travel to these shows  
there would be no  
shows.

This senate hearing  
came on such short  
notice that we didn't  
have time to get other  
crafters together but  
I assure you there  
are many of us out  
there anxiously  
hoping the law will  
be amended.

Walter Nickerson  
wood craftsman.

att. 1  
3-25-2

(3-3)

**TESTIMONY BEFORE**  
**HOUSE TRANSPORTATION COMMITTEE**  
**REGARDING H.B. 3133**  
  
**CONCERNING STATUTE MODIFICATIONS GOVERNING OVERSIZE/OVERWEIGHT**  
**VEHICLES AND LOADS**

Mr. Chairman and members of the committee, I am Ken Gudenkauf, Assistant Chief of the Bureau of Traffic Engineering. On behalf of the Kansas Department of Transportation, I am here today to provide testimony in support of the proposed legislation.

The purpose of this legislation is to modify the requirements for "oversize load" signs in accordance with recommendations of the American Association of State Highway and Transportation Officials (AASHTO), to address safety considerations about the operation of custom combine equipment, to remove or clarify regulatory or outdated language, and to enable the Department of Transportation to establish an annual permit fee for oilfield servicing rigs.

The suggested statutory changes would also provide the Secretary with the authority to promulgate rules and regulations relating to all oversize/overweight permit programs and withhold the issuance of a permit if a firm has not complied with the applicable rules and regulations. Removing some requirements from the statutes and placing them in regulations instead would make it simpler for Kansas to keep up with changes in the industry and

standard practices that are agreed upon with other states. The changes regarding combine equipment would clarify safety considerations. Verbiage was added to allow custom combine operators to tow custom combine equipment on a trailer within legal dimensions or a trailer especially designed for the transportation of combine or combine equipment. Existing verbiage was revised to clarify with no change in existing operations. Verbiage was added that the move must be completed during daylight hours. Finally, the yearly permit to operate oilfield servicing rigs would accommodate concerns expressed by the oilfield industry about the inefficiencies associated with obtaining daily or monthly permits.

The Kansas Department of Transportation has developed a policy for the operation of oilfield servicing rigs. This policy was developed with the cooperation of the oil industry representatives and an annual permit was one of the goals of the new policy. An annual permit fee of \$125 for each certified oilfield servicing rig was discussed during the process.

In summary, the Department supports House Bill 3133. The Department feels that the passage of this legislation will improve the clarity, enhance the enforcement of oversize and overweight statutes, and provide more uniformity with adjoining states.

This concludes my testimony. I will be glad to try and respond to any questions that you may have.



**TESTIMONY BEFORE  
HOUSE TRANSPORTATION COMMITTEE  
REGARDING H.B. 3157**

**CONCERNING TRANSFER OF AUTHORITY TO DESIGNATE PRIVATELY OWNED  
VEHICLES AS EMERGENCY VEHICLES FROM THE SECRETARY OF  
TRANSPORTATION TO THE BOARD OF COUNTY COMMISSIONERS**

Mr. Chairman and members of the committee, I am Ken Gudenkauf, Assistant Chief of the Bureau of Traffic Engineering. On behalf of the Kansas Department of Transportation, I am here today to provide testimony in support of the proposed legislation.

The Secretary of Transportation is currently responsible for granting authorization for the use of privately-owned vehicles as emergency vehicles. Normally, these vehicles are used by volunteer fire fighters, privately owned ambulance services and similar entities. Presently, the applicant is required to obtain the signature of the county sheriff before a permit is granted for a vehicle.

The Department of Transportation does not monitor the vehicles after the authorization is granted. Some law enforcement officials have expressed concerns to our agency about unauthorized designated emergency vehicles. Some of the concerns addressed are:

Numerous vehicles respond directly to the emergency causing problems with access for fire trucks, first responder vehicles or regular law enforcement vehicles.

The privately owned emergency vehicles respond from several directions creating unsafe conditions.

Some applicants use this designation to drive at unsafe speeds and intentionally avoid obeying traffic control devices or to operate as a law enforcement officer.

A sufficient number of emergency responders exist for a specific area.

Some applicants use the authorization more as a service function rather than responding to emergencies.

Passage of this legislation will transfer the authority of issuing emergency vehicle designations for privately-owned vehicles to the board of county commissioners, so the activity can be properly monitored and enforced under one local jurisdiction.

This concludes my testimony. I will be glad to try and respond to any questions that you may have.