

Approved: 2/2/95
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Kenneth King at 1:30 p.m. on February 1, 1995 in Room 519-S of the Capitol.

All members were present except:
Representative Pottorff, excused

Committee staff present: Hank Avila, Legislative Research Department
Tom Severn, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:
Representative Steve Lloyd
Representative Robin Jennison
Paul Fleenor, Kansas Farm Bureau
Lynn Rundle, Kansas Association of Wheat Growers
Rich McKee, Kansas Livestock Association
Ken Gudenkauf, Department of Transportation
Mary Turkington, Kansas Motor Carriers Association

Others attending: See attached list

Chairman King called the meeting to order at 1:30 p.m.

The Chair opened hearings on **HB 2118, regulating traffic, concerning the axle weight limitations on certain vehicles**, and called on Bruce Kinzie to give an overview of the bill.

The first proponent to appear before the committee was Representative Steve Lloyd. He stated **HB 2118** was common sense legislation that would enable harvest to run smoothly and still keep damage to roads from overweight trucks to a minimum and asked support for this legislation. (Attachment 1)

The Chair recognized Representative Robin Jennison. He told the committee over the years changes have taken place in agriculture that have dramatically altered the way the producer does business and those changes, coupled with stricter enforcement of weight laws, made it necessary for legislation to be introduced which would look at the problem. He also included several letters he had received concerning this problem. (Attachment 2)

Paul Fleenor, Kansas Farm Bureau, rose in support of **HB 2118**. He stated, as Director of Public Affairs for the Kansas Farm Bureau, he represented the views of farmers and ranchers in the 105 counties in Kansas who belong to the County Farm Bureaus. He referred to the policy adopted on axle limits which encouraged a change in the Kansas law regarding weight limits for farm trucks and the necessity for farmers to have load flexibility in axle and bridging limits. He also referred to two letters from members of the Farm Bureau regarding this issue. (Attachment 3)

The Chair recognized Lynn Rundle, Executive Vice-President of the Kansas Association of Wheat Growers. He stated the bill does not ask for any special privileges regarding gross weight limits but is a reasonable step in providing farmers regulatory relief. (Attachment 4)

Rich McKee, Executive Secretary, Feedlot Division, Kansas Livestock Association, next gave testimony in support of **HB 2118**. He told the committee that KLA members have found it difficult to comply with the current axle weight restrictions when harvesting crops, specifically silage, and hauling the commodity to storage, due to the physical characteristics of silage, which is normally 70% moisture, making it more subject to unpredictable shifting when driving from the field to storage. He asked for support of **HB 2118**. (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 519-S Statehouse, at 1:30 p.m. on February 1, 1995.

The Chair called attention to written testimony submitted by Ivan Wyatt, President, Kansas Farmers Union in support of **HB 2118**. (Attachment 6)

The proponents stood for questions from the committee following their testimony.

Chairman King next called on the opponents to **HB 2118** and recognized Ken Gudenkauf from the Department of Transportation to give testimony. He told the committee the Department believes the current weight limits on Kansas highways are reasonable and to prevent excessive damage to the highways, those limits require many groups of highway users to operate within the current law. He concluded the Department is concerned that passage of **HB 2118** would damage the state's highways and encourage other highway users to come forward with similar requests. (Attachment 7)

Mary Turkington, Executive Director of the Kansas Motor Carriers Association, rose in opposition to **HB 2118**. She stated the language in the bill outlined no criteria for what constitutes "harvested crops" nor is there any definition of "field" or "storage" and they believe the reference to harvested crops could be broadened to cover any product including rock, sand, gravel, wood, produce of any kind, livestock and related farm commodities. She sited other questions that could be raised concerning this legislation and concluded that disregard for axle weight limitations and for weight distribution criteria would accelerate destruction of our highway system. (Attachment 8)

Following questions from the committee, the Chair closed hearings on **HB 2118**.

Chairman King then opened the floor for discussion and action on **HB 2128, relating to the highway patrol, concerning motor vehicles thereof**. He called on Bruce Kinzie to give a brief overview.

Representative Shore made a motion to pass **HB 2128** favorably. The motion died for lack of a 2nd.

Representative Powell moved to table **HB 2128**, seconded by Representative Humerickhouse. Representative Shore called attention to a handout which appeared in the Hutchinson News regarding police car advertising. (Attachment 9) Following discussion the Chair called for a vote on the motion to table. A consensus was not determined on a voice vote and Representative Edmonds requested a division. The motion to table carried on a vote of 10 ayes.

Chairman King adjourned the meeting at 2:30 p.m.

The next meeting is scheduled for February 2, 1995.



TOPEKA

HOUSE OF
REPRESENTATIVES

STEVE LLOYD
 REPRESENTATIVE, SIXTY-FOURTH DISTRICT
 CLAY, DICKINSON, GEARY,
 RILEY COUNTIES
 2421 7TH ST
 CLAY CENTER, KANSAS 67432
 (913) 632-5989

STATE CAPITOL, ROOM 181-W
 TOPEKA 66614-1504
 (913) 296-7636

COMMITTEE ASSIGNMENTS
 VICE CHAIRMAN: AGRICULTURE
 MEMBER: ENERGY & NATURAL RESOURCES
 FEDERAL & STATE AFFAIRS
 JOINT COMMITTEE
 CHILDREN AND FAMILIES

Chairman King and Members of the House Transportation Committee

I represent a district that is made up primarily of rural areas and small communities. The small towns all contain grain elevators and agriculture is the main business in the community.

HB 2118 is common sense legislation that would allow loaded trucks transporting newly harvested crops to arrive at these elevators (usually where the nearest scale is located) to unload the grain and do so legally. These trucks will still have to comply with the gross weight requirements, but will not have to comply with the axle load requirements.

This is extremely important to farmers who load grain "on the go" as it is difficult to even hit a moving truck at 6 m.p.h., let alone determine, to any degree of accuracy, how much weight you have on each axle until you reach the nearest scale, usually the nearest elevator.

Last year when harvesting sorghum and corn silage we loaded and unloaded 79 truck loads of freshly harvested feed to our silo, all of them within the legal gross weight limit but many overloaded on the rear two axles. You simply cannot tell how you are loading a truck. It is simply a guess. Technically, we were in violation of the law 79 times.

Common sense must prevail in these situations.

We are not in competition with the trucking industry and we don't want to be truckers. I think a reasonable amendment to this bill would be to put some mileage restriction between field and storage. This would keep farmers from hauling long distances before checking the axle weights on a scale.

This is common sense legislation that will enable harvest to run smoothly and still keep damage to roads from overweight trucks to a minimum.

I ask for your support and favorable action on HB 2118.

Thank you, Mr. Chairman, and I will be glad to respond to questions.

*House Transportation Committee
 February 1, 1995
 Attachment 1*

ROBIN L. JENNISON
CHAIRMAN APPROPRIATIONS COMMITTEE
RR1, BOX 132
HEALY, KANSAS 67850
(316) 398-2238
STATE CAPITOL
TOPEKA, KS 66612-1504
(913) 296-7631



TOPEKA

HOUSE OF
REPRESENTATIVES

STATE REPRESENTATIVE
117TH DISTRICT
HODGEMAN, LANE, NESS
RUSH AND FINNEY COUNTIES

January 31, 1995

Chairman King and Members of the Transportation Committee

Thank you for the opportunity to appear on behalf of HB 2118. HB 2118 is an attempt to address a growing problem in Agriculture. Over the years changes have taken place in Agriculture that have dramatically altered the way the producer does business. Those changes coupled with apparently stricter enforcement of weight laws have finally made it necessary for us to look at the problem. Over the years the quarter section family farm has turned into a high-volume low-margin family business. Machinery has replaced manpower and the successful producer must cut every corner and look for every efficiency he can.

Coupled with that, many farms have specialized more than in the past to get maximum efficiency out of the equipment they must use. This specialization has in essence put many farmers in the situation of having all their eggs (or a large portion of them) in one basket.

Take for instance a Western Kansas wheat farmer. He or she may work all year and their income all come in a 10-day to 2-week harvest period. To get that harvest in in a 10-day to 2-week time span, they must have a monstrous combine or have a custom cutter come in.

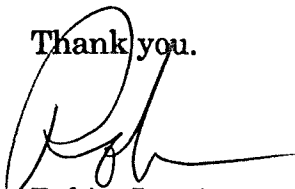
*House Transportation Committee
February 1, 1995
Attachment 2*

To keep the big machines running requires trucks that have a sizable payload. The problem that has developed is that as the harvesting machines, be it combine or forage harvester, got bigger it has become more difficult for a farmer to make one pay. So we have gone to custom cutters. Either our laws are stricter or our enforcement is, because some of the cutters are deciding it's not worth the hassle to come to Kansas. I have some letters from producers that express that concern. I would encourage you to look them over. We are also in the process of trying to find a book put out by the U.S. Custom Harvesters that lists the laws and regulations of the various states. Should we get hold of that book, I will send you copies of the surrounding states.

I would also note that this is not without precedent. We exempt garbage trucks from axle weights and we also have over-size and over-weight permits. HB 2118 may not be the answer but I believe we need to do something to give the agriculture community seasonal exemption from vehicle weights. I would remind the committee that 2118 only exempts trucks loaded in a field that go to storage.

Put yourself in the farmers shoes for a minute. If you had 10 days to cut a wheat crop in July with the threat of hail, or a silage crop that is losing moisture every day, thus losing money, wouldn't you fill your trucks? Without scales in the field to weigh a crop of silage, it's very difficult to know the weight of every load.

Thank you.



Robin Jennison

January 31, 1995

Chairman King and Members of the Transportation Committee

Members of Mayo & Sexton Land & Cattle, Garden City, Kansas most respectfully request serious consideration for passage of HB 2118, not because we feel ag producers deserve "special" treatment; we are in dire straits just delivering our crops to market without being affected by the law as it is now written.

Silage harvests the past two years have witnessed the most turmoil from trucks being overweight on the rear axle yet well under the allowable gross weight of 54,000. Case in point: On August 22, 1994 the seventh load from field #1 grossed 52,400 yet was 800# over the allowable rear axle weight of 34,000. The problem is not overloading of the silage truck itself but in the different qualities of silage as a finished product.

First, silage is approximately 70% at harvest with 68% being optimal. However, moisture of the silage is highly variable depending on the growing season and field location (i.e. top end of the field is irrigated better thus the corn is greener and silage wetter). This variation in moisture content can make it difficult to guess tonnage or weight loaded on a truck.

Second, and most important, is the fact that, unlike harvested grain that is more dense, silage is much less dense and has a tendency to move in the truck. In essence, no matter how careful a silage cutter operator may be in loading a truck (i.e. one attempts to load to the front of the box to more evenly distribute the load on the front axle) the

product has a tendency to shift to the rear when traversing over rough field roads. Thus, the rear axle which was loaded properly is now overweight and subject to fine.

The hardship that this dilemma has caused Mayo & Sexton and other area producers is a scarcity of custom cutters to harvest our crops. Quite frankly, they are intimidated by the current situation and are more willing to go to other states that have laws that help protect ag producers and harvesters. Simply put, we need your help to rectify this matter in order to harvest and haul to storage what is planted in the spring.

Thank you for your consideration

Stephen G. Sexton, Partner
Stephen G. Sexton, Partner
Mayo & Sexton Land & Cattle

January 31, 1995

Chairman King and Members of the Transportation Committee

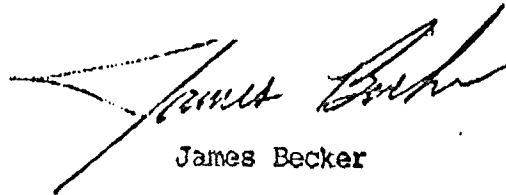
This letter is in regard to the present K.D.O.T. regulation referring to farm truck weight laws. I am a small farmer north of Garden City. We raise about 250 acres of wheat and 120 acres of milo a year.

During 1994 milo harvest, we had started test cutting a field when I was called on my 2-way that both of my grain trucks were stopped by the K.D.O.T. and being weighed for suspicion of overweight. At this point, I got off the combine (which was loaded waiting for my trucks to return) and went to the location of the check point and talked to an officer who stated that my trucks were not overweight by the gross weight but were over per axle. He cited me two overweight tickets per axle per truck. The fines were in excess of \$1200.00. I stated to the officer that there was no way of me knowing what each axle would weigh until I got to a scale (the elevator we were taking the grain to was the closest scale). He said he understood but the law had changed and we didn't have the right to go to the closest scale.

He released my trucks to dump and we returned to the field. We loaded the truck all to the front which the officer recommended. We then passed through the check point again, where he checked us again but stated to my driver that we were still overweight on one axle and again released the truck. When we passed through with the next load he said that axle was fine but the other axle was overweight.

We have no way of knowing what we have on each axle until we reach a scale. I understand there is legislation being discussed about

changing this law. I hope you read this letter and not take this with a grain of salt. This issue is very important to farmers all over this state. I personally will be watching how this issue goes and who and how it is voted on. It will be very important to how I vote in the next election.



James Becker

P.S. There should be careful consideration on even more sporadic crops such as silage, hay and cattle.

January 31, 1995

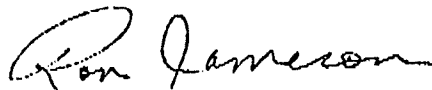
Chairman King and Members of the Transportation Committee

I am writing in regard to the proposed change in weight laws for farm vehicles. As you well know, enforcement of existing laws has led to numerous conflicts between farmers and KHP mobile enforcement officers.

I do not feel exempting farm vehicles is a solution. I can only see the farming sector alienating commercial carriers if that happens.

A possible solution would be allowing a set limit not to exceed 20,000 pounds for single axle trucks, and 54,000 pounds for tandems. Most of the problems occur in bridge laws where there is too much weight per axle. I would leave the existing limit for tractor-trailers.

One thing that does not need to happen is sacrificing safety for higher weight limits.



Ron Jameson
2070 E. Jameson Road
Garden City, Kansas 67846

January 31, 1995

Chairman King and Members of the Transportation Committee

The past two years we have had custom cutters, (silage harvesters) and grain harvesters. It seems as soon as the trucks pull out of the field -- the DOT's are set up and the axles are weighed and they will be overloaded, but the gross weight will be legal with the tags they have.

It would be impossible to weight each load as it comes out of the field. It looks like it is kind of ridiculous that they have to be so particular on each axle weight when total load (gross weight) is alright.

The harvest doesn't last very long -- so we are on the highways a short period. Our harvest averages 2-8 miles to feed lot destination. It is putting a great stress on the harvesters-farmers. It is getting harder and harder to get harvest crews in here to do the work, on account of the tickets that they get. Every cutter buys their permits and tries to abide by the law -- but that is not enough. At this note the custom cutters do not have a profitable business here.

If there is a way to drop the axle weight and go by gross weight on tags -- we could live with the law.

Daniel Moss
1545 Rodkey Rd.
67846

January 31, 1995

Chairman King and Members of the Transportation Committee

I am a custom cutter in the silage business. The way that law currently is on 34,000 on the rear axles and then split weighing them has caused considerable hardship on me as a custom cutter. Truckers here at Garden City, Kansas have completely quit hiring out to me because Garden City is a hot spot for D.O.T. and Highway Patrol working the highways. I had to turn down several jobs in the area there. Steve Sexton begged me to come. I told him I would, providing he would find the truckers brave enough to haul in that area.

We have to buy registration big enough to haul the load and then we find we can't haul that much because we can't place it on the truck properly. We are at the mercy of the D.O.T. because we don't know what the moisture is in the crop. Nor do we have scales to weigh the trucks in every field.

Please do something about this immediately as the farmers in this area have been hurt severely from this as well as I.

*Roy E. Daque
Scott City, KS
67871*

January 31, 1995

Chairman King and Members of the Transportation Committee

The on-going problem with axle weights being legal on farm trucks became critical last Fall during harvest. The gross weight usually is not a problem, but loading to satisfy predetermined specifications in field conditions is nearly impossible. It is certainly my hope as a farmer producer as well as a feedlot operator that this matter could be resolved.

From a practical standpoint, it would seem that a different set of regulations should apply to temporary hauling during harvest periods. Trucks hauling directly from fields where the produce originated to a point of storage usually travel very short distance on public roads.

There certainly are enough variables during this critical time of harvest such as weather, machine breakdown, labor problems, etc. that are almost uncontrollable, that I would hope we would recognize one area that can be controlled.

Any help you can give us would certainly be appreciated.

A handwritten signature in cursive script that reads "Cliff Mayo".

Cliff Mayo
Mayo-Sexton Land & Cattle

January 31, 1995

Chairman King and Members of the Transportation Committee

I feel there is a need to change the weight laws on silage trucks. There doesn't seem to be a problem with keeping silage trucks from over grossing but there is a problem with keeping them from axeling out under current weight laws.

As a farmer, we hire our silage cut every fall. Silage is crop that has to be harvested when it is ready, not when it is too dry, so the feed-lots won't accept it, or too wet that they won't accept it but at a time when the moisture content is 68-69%. So the crop needs to be harvested in a timely fashion. The past two years it seems to get harder and harder to finish our harvest in a timely fashion simply because the D.O.T's constantly weigh and write tickets to our custom cutters simply for being over weight on one axle.

Silage trucks need to be exempt from these laws and treated like the manure-hauling trucks. It gets difficult to get custom cutters here because they feel like they get harrassed by the D.O.T's. They don't seem to have these problems in other areas they cut in across the state.

In summary, the current weight laws on silage trucks are cutting into our profits and getting our crop out of the field in a timely fashion. There is a serious need to restructure the silage truck weight law so all who are involved can live with it.


Sincerely,
Wayne Cross

January 31, 1995

Chairman King and Members of the Transportation Committee

I have been informed that you are investigating the problem we are having with harvest truck weights. It has been difficult for many farmers to keep their axel weights legal even though their gross weight is legal.

Anything you can do to help with this problem, the feedlot industry would appreciate.


Joe Morgan



PUBLIC POLICY STATEMENT

HOUSE TRANSPORTATION COMMITTEE

RE: H.B. 2118 - Axle Weight Limit on Certain Vehicles

February 1, 1995
Topeka, Kansas

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

Chairman King and members of the committee:

Thank you very much for the opportunity to make a very brief statement to the Committee today in support of H.B. 2118. This legislation, understandably introduced by the Committee on Agriculture, but appropriately referred to your committee, is an important piece of legislation.

For the record, Mr. Chairman, my name is Paul E. Fleener. I am the Director of Public Affairs for Kansas Farm Bureau. We represent to you today in this committee, and in our efforts before other committees of the legislature, the point of view of farmers and ranchers in the 105 counties in Kansas who belong to the County Farm Bureaus. Those farmers and ranchers study the issues and adopt policy

*House Transportation Committee
February 1, 1995
Attachment 3*

position on a wide range of topics that are legitimately of interest to farmers. In this instance, we bring to you their views on truck weight limits ... and, more specifically and quite importantly ... their views on axle limits. Our policy on this matter follows:

Truck Weight Limits

We encourage a change in the Kansas law regarding weight limits for farm trucks. It is necessary for farmers to have load flexibility in axle and bridging limits.

Our purpose is not to carry larger gross weights, but to carry loads which are more compatible with the vehicle design. Without this reasonable flexibility, farmers will suffer great economic loss.

Mr. Chairman, and members of the committee: I want to provide you with some information from one of a number of people who have discussed this issue at our Farm Bureau meetings across the state and at the Annual Meeting for a year or two prior to the adoption of the resolution which you have just had an opportunity to review.

Randal Loder of Finney county, who had hoped to be here, but had a previously scheduled out-of-state meeting today, shared information with us and we make that available to you. In fact, it is addressed to you Mr. Chairman, but he faxed it to us. I want to make some references to it because this is actual experience out in the field. Randal describes the relative ease of loading a truck to comply with gross weight limits. He describes in some detail in his communication how exceedingly difficult it is to comply with the "overly restrictive axle weight limitations." (See his second paragraph.)

We have had calls from several of our members since the introduction of H.B. 2118. All have expressed support for moving

forward with it. Some expressed, as did some of our Voting Delegates when the issue was before them last November, that it should change the gross weight. That was argued down successfully by other delegates. It would be illogical then, it would be illogical now to come before you asking for special treatment or special consideration for load limits. But it is quite logical, based on actual experience out in the field, to come asking for your support of the modest change proposed in H.B. 2118. That change asks for an exception for axle limitations, and that such limitation not apply to "trucks transporting harvested crops from the field to storage."

Mr. Chairman, we thank you for the opportunity to make these brief comments. We would appreciate your favorable consideration of H.B. 2118.

January 31, 1995

Randal K. Loder
535 E. Hwy. 50
Garden City, KS 67846

Kenneth R. King, Chairman
House Transportation Committee
Kansas House of Representatives
Topeka, KS 66612

Chairman King and members of the Committee

I regret that a commitment to an out of state farm meeting prevents me from attending the hearing on H.B. 2118 before your committee. I would however, like to offer my support to H.B. 2118 in that it provides a reasonable remedy to a serious problem that has plagued the harvesting of my crops and those of my neighbors for the last two years.

While it is relatively easy to load harvest trucks in the field to comply with the current maximum gross weight allowance, it is extremely difficult to comply with the current overly restrictive axle weight limitations of Kansas statutes. Safely loaded trucks, while within gross weight allowances, frequently leave harvest fields illegally loaded because of axle weight violations. The resulting fines are substantial, even for modest violations. Get a second or third ticket within two years and the fines increase 50% and 100% respectively.

The seasonal nature of the use of farm trucks while hauling harvested crops from field to storage demands that they be able to perform their job at a maximum of safe efficiency. There just aren't enough farm or commercial trucks available to get the job done in a timely fashion and avoid the wraths of nature on unharvested crops, if trucks are hauling from the field partially loaded in order to avoid axle weight fines.

Adding to the seriousness of the problem, professional, or "custom harvesters", are avoiding jobs in our state because of

our overly restrictive allowable axle weights on trucks hauling harvested crops from the field to storage.

Early in January, a custom silage harvester from Oklahoma who has operated in the immediate Garden City area for the last two years, stopped by to inform me that he had committed to another job, outside of Kansas, and wouldn't be available to harvest silage for me next fall.

The gentleman was in town to take delivery on a new silage harvesting machine that he had purchased from a local dealer, having traded the machine he had purchased from the same dealer two years ago. These \$200,000 plus machines are available at any of the numerous dealerships in the number of states in which he operates. Likewise, the 4 rather specialized trucks that carry the harvested crop from field to feedlot, came from a dealership in Chanute, Kansas.

He enjoyed the size of the jobs available here that generated nearly \$75,000 in gross revenues. Likewise, the close proximity to the dealership where he purchased his harvesting machine, housing and restaurants for his 5 member crew, as well as fuel and repair suppliers during his 2½ week stay.

Unfortunately, he just couldn't operate with the problem of axle weights that he had endured here for that last two years. This, in spite of the fact that he was receiving a nearly \$15.00 per acre premium for his services.

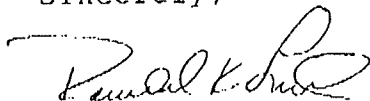
What an irony it is that next fall, this equipment with the strongest of Kansas connections, won't be operating in Kansas fields, harvesting Kansas crops for delivery to Kansas feedlots for the rations of Kansas fed beef!

The changes afforded in H.B. 2110 are still more restrictive than what many of the states in the central United States allow for trucks hauling harvested crops from field to storage. They are however, a **reasonable** solution to the current situation. As evidenced by the even less restrictive axle weight limitations in nearby states, the change will not jeopardize Federal funding.

I urge your support in passing H.B. 2118 favorably from your committee, and your continued support before the full House.

I thank you for your time, and consideration of this important matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Randal K. Loder". The signature is written in dark ink and is positioned above the printed name.

Randal K. Loder

Dear House Committee Members,

My name is Darwin Ediger and I farm in Meade County Kansas. I appreciate your allowing me to comment on an important issue for agriculture and the economy of Kansas. I am writing this letter because I was unable to come to you in person to express my concerns over the current axle weight restrictions that we face in agriculture.

Not to long ago I had a Kansas Hiway Patrol officer come to my farm to look at my trucks and instruct me how to load them to a legal limit. We both came away frustrated because we could see that to distribute weight legally for the axle laws, we would have to load so much grain to the front steering axle that in would be impractical and very unsafe. Ask yourselves, is it safer to have 10,000 lbs. on each of the two front steering tires and have 4,250 lbs. on each of the eight rear tires as the law allows now, or to even out the weight and have 5,000 lbs. on the front and 5,500 lbs. on the rear which is what common sense tells me to do. The last thing I want is more weight on the front tires than on the rear.

The biggest problem that I face is that I am unable to weigh my trucks until I get to the nearest delivery point where they have a scale. I must intentionally load far below the legal axle limits just to ensure that I won't be ticketed for exceeding the axle weight restrictions. Since I receive all of my income in two weeks out of the year and it is totally at the mercy of the weather, you can see why it is so important for me to make the most of my time and efforts.

I have only one request of you as lawmakers. Please seriously consider exempting farm trucks from axle weight limits to the first delivery point. I am not exaggerating when I say that it would add millions of dollars to the State economy and at the same time improve the safety and welfare of our roads. I can explain how shrinkage of grain left it in the field can reduce income substantially but this letter would become to long and drawn out. If any of you have comments or questions, please call or write me at the address listed below. Thanks so much for your time and keep up the good work.

Sincerely,

Darwin Ediger
23215 U Road
Meade, KS 67864
316-873-2023



1115 Westport, Suite G • Manhattan, KS 66502 • (913) 587-0007 • FAX (913) 587-0003

HOUSE TRANSPORTATION COMMITTEE

RE: H.B. 2118 - Axle Weight Limit on Certain Vehicles

February 1, 1995

**Presented by:
Lynn Rundle, Executive Vice-President
Kansas Association of Wheat Growers**

Mr. Chairman and Members of the Committee:

My name is Lynn Rundle and I am the Executive Vice-President of the Kansas Association of Wheat Growers (KAWG). On behalf of the 3,200 wheat producing members of the KAWG I appreciate the opportunity to address you today on H. B. 2118, a bill designed to permit farmers, during critical harvest times, to transport crops to storage.

The KAWG is made up of farmers, who's livelihoods depend on the production and safe storage of wheat. The current law before you places restrictions on axle weight distribution of loads. You are undoubtedly aware that during the harvesting of wheat, loads may shift dramatically during transport across uneven fields. Loads carefully distributed from the combine to trucks may also move dramatically during the process of transport to storage. Furthermore, the weight of a load, due to extreme ranges of the test weights of wheat (55-63 pounds per bushel), may cause an operator acting in good faith to be out of compliance with current law regarding tolerances of axle weight limits.

*House Transportation Committee
February 1, 1995
Attachment 4*

The range of test weights alone could make a 4000 pound difference on a 500 bushel load of wheat. The language in H. B. 2118 asks for a simple exemption from axle weight restrictions during critical times of harvest for farmers. The bill does not ask for any special privileges regarding gross weight limits nor should it. This bill is a reasonable step in providing farmers regulatory relief.

Steve Berry, a wheat producer and custom cutter from Lenora, Kansas in Norton county, told me this week that other states' regulations regarding harvest time axle weight distribution make much more common sense than current Kansas law. H. B. 2118 would give farmers the benefit of the doubt during harvest. This compromise would allow the Kansas Highway Patrol to do their important job of insuring safety while providing farmers common sense regulations on axle weight distribution during extremely busy harvest times.



*A Century of Service
1894-1994*

STATEMENT
OF THE
KANSAS LIVESTOCK ASSOCIATION
TO THE
House Committee on Transportation
Representative Kenneth King, Chairman
with respect to
HB 2118
Presented by
Rich McKee
Executive Secretary, Feedlot Division
February 1, 1995

Mr. Chairman and members of the committee, I am Rich McKee representing the Kansas Livestock Association. As most of you already know, KLA represents a broad range of farmers, ranchers and cattle feeders from across Kansas who are involved in literally every phase of red meat production. The Kansas Livestock Association supports HB 2118.

KLA members have found it difficult to comply with the current axle weight restrictions when harvesting crops, specifically silage, and hauling the commodity to storage. The physical characteristics of silage, which is normally 70% moisture, makes this commodity more subject to unpredictable shifting when driving out of a field to storage.

It is our understanding, other states have attempted to provide relief similar to that found in HB 2118 for producers during harvest. For this reason, custom cutters have told our members they are less inclined to provide their service to Kansas producers. With fewer custom cutters willing to come to Kansas, there is a greater chance of losing a perishable product. For every day silage harvest is delayed, a producer can lose one to three percent of his gross income simply due to shrink.

Thank you for considering our position. We respectfully ask for your support of HB 2118.

*House Transportation Committee
February 1, 1995
Attachment 5*

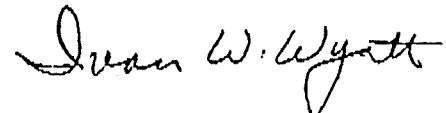
Statement
of
The Kansas Farmers Union
for
The Record of the House Committee on Transportation Meeting
of February 1, 1995
In Support of
House Bill No. 2118

Mr. Chairman, Members of the Committee:

We of the Kansas Farmers Union support House Bill 2118 exempting trucks, transporting harvested crops from a field to storage, from enforcement of the axle weight limitations, as long as such truck does not exceed the maximum gross weight limitations of such trucks.

This is a practical piece of legislation that, during the harvesting of crops, doesn't cause undo delay of the harvesting process, and serves to take the pressure off of law enforcement officials who can find themselves caught between understanding a situation of acting in a practical manner and enforcing the law.

Thank You



Ivan W. Wyatt, President
Kansas Farmers Union

House Transportation Committee
February 1, 1995
Attachment 6



KANSAS DEPARTMENT OF TRANSPORTATION

E. Dean Carlson
Secretary of Transportation

*Docking State Office Building
Topeka 66612-1568
(913) 296-3566
TTY (913) 296-3585
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Bill Graves
Governor of Kansas

TESTIMONY BEFORE

HOUSE TRANSPORTATION COMMITTEE

February 1, 1995

REGARDING HOUSE BILL 2118

Mr. Chairman and Committee Members:

On behalf of the Kansas Department of Transportation, I am here today to provide testimony opposing House Bill 2118.

The proposed legislation will allow trucks transporting harvested crops from field to storage on highways other than interstate highways to be exempt from axle load limits, but still requires these trucks to comply with gross weights. Allowing overloaded axles to operate on the highway will accelerate damage to the roadway. The amount of damage depends on the amount of weight carried by the axle group. For example, loading a set of tandem axles to a weight of 42,000 pounds approximately doubles the damage to the roadway that is done by a legal tandem weight of 34,000 pounds. To explain how an increase of 8,000 pounds can have such an impact, envision pavements performing similar to a piece of wire. Wire can be flexed moderately numerous times, but when the wire is bent severely or kinked, a weak spot occurs and its service life has diminished.

*House Transportation Committee
February 1, 1995
Attachment 7*

The fiscal impact on our agency will be difficult to ascertain, but any accelerated damage will cause shorter pavement life. The accelerated road deterioration caused by this bill would require replacement and/or repair sooner than programmed. Therefore, requirements for funding will increase and if the funds are not available, the condition of the highways will continue to deteriorate and become unacceptable to the driving public.

The Comprehensive Highway Program has enabled us to make improvements in the overall condition of the State Highway System. It seems counterproductive to begin making changes at this point that will accelerate the deterioration of the roadways Kansas has been working so hard to improve.

The Department believes the current weight limits on Kansas highways are reasonable. In order to prevent excessive damage to the highways, those limits require many groups of highway users to operate within the current law. The Department is concerned that passage of House Bill 2118 would damage the state's highways and encourage other highway users to come forward with similar requests.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Expressing opposition to H.B. 2118
which would eliminate axle weight
limits on certain trucks.

Presented to the House Transportation
Committee, Rep. Kenneth R. King, Chairman;
Statehouse, Topeka, ~~January 25,~~ 1995.

February 1

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 along with Tom Whitaker, KMCA Governmental Relations Director; representing our members and the highway transportation industry.

We can appreciate the problems the bill attempts to address but we must oppose this legislation for these reasons:

Kansas currently has adopted "formula b" which establishes axle spacing and weight limitations that meet current federal standards. The basic 20-year design life of our highway system relies on those limits.

Weight is transmitted to highway surfaces through axle weight configurations. Disregard for axle weight limitations and for weight distribution criteria will accelerate destruction of our highway system.

*House Transportation Committee
February 1, 1995
Attachment 8*

Such an economic loss would affect every Kansas citizen and would reduce the benefits of the investment Kansas citizens have made in our system of streets and highways.

Furthermore, any departure of this magnitude from federal standards, could jeopardize the more than \$48 million that Kansas now receives in federal highway funds to help build and maintain our state's highway system.

Our industry pays literally millions of highway user tax dollars into that fund. We do not want to jeopardize our state's ability to receive those funds.

As we understand the language in the bill, weight limitations prescribed by article 19 of chapter 8 of Kansas Statutes Annotated, would not apply to any axle for . . .".(3) trucks transporting harvested crops from a field to storage."

There appears to be no criteria for what constitutes "harvested crops" nor is there any definition of "field" or "storage." We believe the reference to harvested crops can be broadened to cover almost any product including rock, sand, gravel, wood, produce of any kind, livestock and related farm commodities.

The proposed revision apparently only refers to straight trucks as truck tractors, et al, are not included.

How could Kansas enforce weight limits for any straight truck?

What weight, for instance, would a tandem axle be allowed to carry? Would out-of-state owners of such trucks be allowed to abuse our weight laws? Where does it stop?

From the standpoint of public policy, how can one justify allowing such a broad exemption for some straight truck owners and not allow it for others?

The exemptions currently in the statute were adopted to accommodate operation of truck equipment with specialized modifications that are a part of the empty weight of the vehicle. Such operations are limited.

As Kansans we are working together to complete our comprehensive highway program to help preserve the investment Kansas citizens have made in our system of streets and highways. I do not believe that any of us deliberately would do anything to weaken that program nor to dilute appropriate enforcement of our size and weight laws. Our state soon will be challenged to move into the next level of highway building and improvements in our state.

It is for these reasons, Mr. Chairman and members of the Committee, that we must oppose House Bill 2118.

I'll be pleased to respond to questions.

#####

• AXLE DEFINITIONS •

"**Gross weight on any one axle**" means the total load on all wheels whose centers are included within two parallel transverse lines not more than 40 inches apart.

"**Tandem axle**" means two or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced not less than 40 inches and not more than 96 inches apart.

"**Triple axle**" means three or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced more than 96 inches and not more than 120 inches apart.

"**Quad axle**" means four or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced more than 120 inches and not more than 150 inches apart.

• WIDE-BASE SINGLE TIRES •

"**Wide-Base Single Tires**" means all tires having a section width, as specified by the manufacturer, of 14 inches or more.

WEIGHT LIMITATIONS: The maximum load for a wide-base single tire on a steering axle shall not exceed 600 pounds per inch of tire section width.

The maximum load for a wide-base single tire on any axle, other than the steering axle, shall not exceed 575 pounds per inch of tire section width.

RESTRICTIONS: No wide-base single tire shall exceed the load limit designated by the manufacturer.

No wide-base single tire shall exceed the maximum tire inflation pressure designated by the manufacturer.

• DUAL TIRES •

IT SHALL BE UNLAWFUL for any person to operate a vehicle with a single tire on any hubs configured for dual tires.

There are four exceptions:

- A truck registered for a gross weight of 20,000 pounds or less is exempt from this restriction.
- A vehicle or combination of vehicles operating with wide-base single tires is exempt from this restriction.
- A triple-axle combination can include a single-axle configured for a dual tire assembly so long as such single axle does not exceed 9,000 pounds.
- In case of emergency.

• AXLE LIMITATIONS •

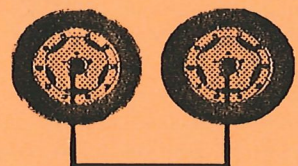
The gross weight on any one axle shall not exceed 20,000 pounds.

The gross weight on tandem axles shall not exceed 34,000 pounds.

The bridge table controls the weight distribution on a "spread axle" configuration.

The gross weight on any triple axle combination will be allowed to carry up to 42,000 pounds if the triple axle configuration measures more than 8' and less than 9'. The table applies for measurements 9' and over.

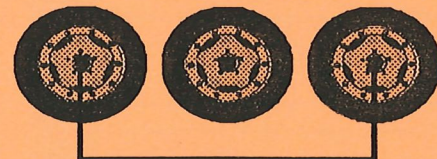
The gross weight on any quad axle combination will be allowed to carry up to 50,000 pounds if the quad axle measures up to 12'. The table applies for measurements over 12'.



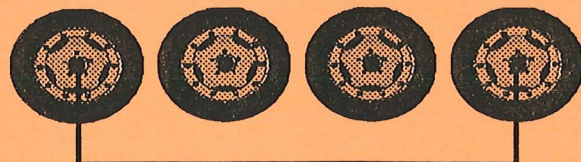
Not less than 40"; Not more than 96"



More than 8'



More than 96"; Not more than 120"



More than 120"; Not more than 150"

Kansas Gross Weight Table

8-1909. Gross weight limits for vehicles; exceptions; safety of certain vehicles for operation. (a) No vehicle or combination of vehicles shall be moved or operated on any highway when the gross weight on two or more consecutive axles exceeds the limitations prescribed in the following table:

	Distance in feet between the extremes of any group of 2 or more consecutive axles			Maximum load in pounds carried on any group of 2 or more consecutive axles			
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles
4	34,000						
5	34,000						
6	34,000						
7	34,000						
8 and less ...	34,000	34,000					
More than 8	38,000	42,000					
9	39,000	42,500					
10	40,000	43,500					
11		44,000					
12		45,000	50,000				
13		45,500	50,500				
14		46,500	51,500				
15		47,000	52,000				
16		48,000	52,500	58,000			
17		48,500	53,500	58,500			
18		49,500	54,000	59,000			
19		50,000	54,500	60,000			
20		51,000	55,500	60,500	66,000		
21		51,500	56,000	61,000	66,500		
22		52,500	56,500	61,500	67,000		
23		53,000	57,500	62,500	68,000		
24		54,000	58,000	63,000	68,500	74,000	
25		54,500	58,500	63,500	69,000	74,500	
26		55,500	59,500	64,000	69,500	75,000	
27		56,000	60,000	65,000	70,000	75,500	
28		57,000	60,500	65,500	71,000	76,500	82,000
29		57,500	61,500	66,000	71,500	77,000	82,500
30		58,500	62,000	66,500	72,000	77,500	83,000
31		59,000	62,500	67,500	72,500	78,000	83,500
32		60,000	63,500	68,000	73,000	78,500	84,500
33			64,000	68,500	74,000	79,000	85,000
34			64,500	69,000	74,500	80,000	85,500
35			65,500	70,000	75,000	80,500	
36			66,000	70,500	75,500	81,000	
37			66,500	71,000	76,000	81,500	
38			67,500	72,000	77,000	82,000	
39			68,000	72,500	77,500	82,500	
40			68,500	73,000	78,000	83,500	
41			69,500	73,500	78,500	84,000	
42			70,000	74,000	79,000	84,500	
43			70,500	75,000	80,000	85,000	
44			71,500	75,500	80,500	85,500	
45			72,000	76,000	81,000		
46			72,500	76,500	81,500		
47			73,500	77,500	82,000		
48			74,000	78,000	83,000		
49			74,500	78,500	83,500		
50			75,500	79,000	84,000		
51			76,000	80,000	84,500		
52			76,500	80,500	85,000		
53			77,500	81,000	85,500		
54			78,000	81,500			
55			78,500	82,500			
56			79,500	83,000			
57			80,000	83,500			
58				84,000			
59				85,000			
60				85,500			

except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axles is 36 feet or more.

(1) The gross weight on any one axle of a vehicle shall not exceed the limits prescribed in K.S.A. 8-1908, and amendments thereto.

(2) For vehicles and combinations of vehicles on the interstate system the table in this section shall not authorize a maximum gross weight of more than 80,000 pounds.

(3) The table in this section shall not apply to truck tractor and dump semitrailer or truck trailer combination when such are used as a combination unit exclusively for the transportation of sand, salt for highway maintenance operations, gravel, slag stone, limestone, crushed stone, cinders, coal, blacktop, dirt or fill material, when such vehicles are used for transportation to a construction site, highway maintenance or construction project or other storage facility, except that such vehicles or combination of vehicles shall not be exempted from any application of the table as may be required to determine applicable axle weights for triple and quad axles as defined in K.S.A. 8-1908, and amendments thereto. As used in this subpart (3), the term "dump semitrailer" means any semitrailer designed in such a way as to divest itself of the load carried thereon.

Kansas Motor Carriers Association
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Topeka, KS 66601-1673
(913) 267-1641

Police selling ad space on backs of cars

The Associated Press

CROWN POINT, Ind. — The police in Crown Point aren't for sale. But the backs of their cars are.

Chief Michael W. Valsi hopes to raise enough money to equip 10 new police cars by offering businesses the chance to advertise on the backs of police cars.

The price: \$1,600 a car.

"We thought it would be a good idea to pay for light bars, siren box,

communication radios and things of that nature," Valsi said.

Valsi circulated a letter last week to potential donors in this town of 19,000, about 50 miles southeast of Chicago. He said he already has some takers and expects more.

The new cars, which will hit the streets in mid-March, will increase the police fleet to 26 vehicles — one for every officer.

House Transportation Committee
February 1, 1995
Attachment 9