

Approved: 3/14/95
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Vice-Chairperson Don Myers at 1:30 p.m. on March 9, 1995 in Room 519-S of the Capitol.

All members were present except:

Rep. Flora, excused
Rep. King, excused
Rep. McKinney, 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:

Jim Tobaben, Department of Transportation
Karen Lowery, Kansas Association of School Boards
Ken Gudenkauf, Department of Transportation
Mary Turkington, Kansas Motor Carrier Association
Martha Neu, Kansas Manufactured Housing Association

Others attending: See attached list

Vice-Chairman Myers called the meeting to order at 1:40 p.m. and opened hearings on **SB 303, regulation of traffic, update of statutes.** Bruce Kinzie gave an update on the bill and explained the Uniform Vehicle Code and Model Traffic Ordinance 1992 the bill was designed to conform with.

The first conferee to testify in support of **SB 303** was Jim Tobaben, Kansas Department of Transportation. He stated the proposed legislation updated a number of Kansas statutes regulating traffic and rules of the road which have not kept pace with changes in nationally accepted practices. He emphasized that if the public is to understand, remember and observe the rules of the road in moving from state to state, the laws of all states must be substantially the same. He concluded the Department believes that following national guidelines which establish uniform traffic laws can be expected to improve the safe and efficient use of all roads in the state. (Attachment 1)

The Vice-Chair recognized Karen Lowery, Coordinator of Governmental Relations, Kansas Association of School Boards. She states KASB was concerned with the part of the bill which addressed the school crossing guards and has some concern designating adult school crossing guards as "persons invested by law with the authority to direct, control or regulate traffic". She attached material that speaks to the liability of school districts who utilize crossing guards. She explained that KASB had discussed their hesitancy with this provision of the bill with KDOT and they did not feel that removing language regarding adult school crossing guards would be unfavorable to negatively impact the intent of the bill. (Attachment 2)

Following testimony by the conferees the committee raised some questions regarding giving adult school crossing guards the same authority as police officers, firefighters, and flaggers. The Revisor stated the school crossing guards were not authorized by statute to control traffic and that this was a city function.

There were no opponents.

Following this discussion the Vice-Chair closed hearings on **SB 303.**

Vice-Chairman Myers opened hearings on **SB 304, regulating traffic; concerning permits for oversize or overweight vehicles.**

The first conferee was Ken Gudenkauf from the Department of Transportation. He distributed a chart which

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 519-S Statehouse, at 1:30 p.m. on March 9, 1995.

gave information regarding the size and weight of trucks and trailers operating on the interstate and other highways in Kansas. He stated operators of vehicles that exceed the statutory limits, such as cranes, construction equipment and manufactured housing, may obtain special permits to operate those vehicles on Kansas highways as well under certain circumstances or on designated routes. He continued the proposed legislation would modify the special permits provisions in two ways: by allowing an annual permit fee of \$125 to apply to other types of vehicles in addition to oil field servicing rigs, and by allowing commercial vehicle drivers to carry authorization numbers for special permits in their vehicles in lieu of the actual permits. He concluded these changes were a continuation of the efforts the Department of Transportation had been making over the past several years to streamline the special permitting process and reduce administrative efforts for commercial vehicle operators while maintaining a responsible level of control over all types of vehicles. (Attachment 3)

The Vice-Chair next recognized Mary Turkington, Executive Director of the Kansas Motor Carriers Association. She testified the Association supported the provision of **SB 304** relating to the issuance of special permits for oversize and/or overweight vehicles transporting loads which cannot reasonably be divided or reduced. She stated the provisions of this bill are important to the oil and gas industry of our state, to the manufactured housing industry, construction industry including highway construction, to the utilities and other manufacturing industries requiring specialized machinery and equipment and to the Kansas agribusiness industry. (Attachment 4)

The next conferee was Martha Neu, Executive Director, Kansas Manufactured Housing Association. She stated **SB 304** makes use of today's technology by streamlining the permitting process to enable DOT to issue annual permits instead of single trip permits. She concluded this would be an effective way to reduce paperwork and administrative costs while allowing KDOT to still maintain control on size, weight and route of the transporters. (Attachment 5)

There were no opponents.

The conferees stood for questions from the committee after which Vice-Chairman Myers closed hearings on **SB 304**.

The minutes of the Transportation Committee for March 7th and 8th were presented for approval. Representative Mason made a motion to approve the minutes as presented, seconded by Representative Correll and the motion carried.

Vice-Chairperson Myers adjourned the meeting at 2:25 p.m.

The next meeting is scheduled for March 13, 1995.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: March 9, 1995

NAME	REPRESENTING
Martha Lee	KMHHA
Karen Henry	KHSB
Tom Whitaker	Ks Motor Carriers Assn
Mary E. Turkington	Ks Motor Carriers Assn
Pat Hubble	Kansas Railroad Association
Rick Lewis	Brotherhood of Engineers
Bee Cruse	B of LE
TERRY MAPLE	KHP
Don Schwacke	KIOGA



KANSAS DEPARTMENT OF TRANSPORTATION

E. Dean Carlson
Secretary of Transportation

Docking State Office Building
Topeka 66612-1568
(913) 296-3566
TTY (913) 296-3585
FAX (913) 296-1095

Bill Graves
Governor of Kansas

**TESTIMONY BEFORE
HOUSE TRANSPORTATION COMMITTEE
REGARDING SENATE BILL 303**

March 9, 1995

Mr. Chairman and Committee Members:

On behalf of the Kansas Department of Transportation, I am here today to provide testimony supporting Senate Bill 303.

The proposed legislation updates a number of Kansas statutes regulating traffic and rules of the road, which have not kept pace with changes in nationally accepted practices. As a result, the meanings of certain standard traffic control devices and certain duties of drivers are not covered by Kansas statutes.

If the public is to understand, remember and observe the rules of the road in moving from state to state, the laws of all states must be substantially the same. In an effort to achieve this goal, the *Uniform Vehicle Code and Model Traffic Ordinance 1992* has been prepared, by the National Committee on Uniform Traffic Laws and Ordinances, as the national comprehensive guide for state motor vehicle and traffic laws. The changes proposed by this bill are in conformance with the *Uniform Vehicle Code*.

House Transportation Committee
March 9, 1995
Attachment 1

The Department believes that following national guidelines which establish uniform traffic laws can be expected to improve the safe and efficient use of all roads in the state. We strongly recommend passage of this bill.



**Testimony on S. B. 303
before the
House Committee on Transportation
by
Karen Lowery, Coordinator of Governmental Relations
Kansas Association of School Boards**

March 9, 1995

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today on S.B. 303. KASB would like to bring to the committee's attention a concern we have regarding school crossing guards.

I have talked to Hank Avila of the Research Department and Jim Tobaben of KDOT regarding this bill. It is my understanding that the changes presented in this bill follow suggestions made by a national committee on uniform traffic laws and KDOT requested the bill to incorporate several recommendations into Kansas traffic regulations. KASB has some anxiety regarding granting adult school crossing guards as "persons invested by law with the authority to direct, control, or regulate traffic."

We attempted to contact the national committee to see if they had research available that would indicate what other states are doing in the area of school crossing guards. Unfortunately, we only contacted them a few days ago, and they have not returned our call. Regardless, KASB does not believe that school crossing guards should be granted the authority to regulate traffic in Kansas. It is generally agreed that school districts are not responsible for maintaining traffic safety - it is the duty of the appropriate civil authorities. Crossing guards serve the function of reminding motorists of regulations that apply when children are in the area. Moreover, a crossing guard's main duty is to protect and enhance the safety of children.

Attached to this testimony you will find further material that speaks to the liability of school districts who utilize crossing guards. Though this material is dated, it addresses some of the legal aspects a district could face in employing crossing guards and it explains who has the legal authority to regulate traffic near schools.

During my discussions with KDOT, I explained our hesitance with this provision of the bill. KDOT did not feel that removing language regarding adult school crossing guards would be unfavorable or negatively impact the intent of the bill.

Thank you for your consideration and please take a few moments to read through the attached material.

*House Transportation Committee
March 9, 1995
Attachment 2*

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This is in response to your questions concerning the possible liabilities incurred when a student safety patrol is used to help protect elementary students at crossings near the school. I am enclosing a copy of some material written by Dr. McGhehey in 1971. There appears to be no new cases or developments in this area since that time. You may wish to review this material for general information. The fact that there are no cases dealing with the issue does not mean that no lawsuits have been filed, only that no cases have reached appellate level courts. Also, there are no Kansas statutes dealing with this problem.

1. Who may be held liable for injury to a student or motorist when students are patrolling traffic? General rules of liability would seem to apply. Whoever was negligent would be liable just as in other personal injury cases. No automatic liability would attach just because a student was on duty at a particular crossing. The school would be liable only if its negligence could be shown, either through failure to supervise the patrol or through creation of a hazardous situation. As reflected in the enclosed material, merely having a school patrol has never been found to be negligence per se. If student patrols are used only at intersections or approved crosswalks, then motor vehicle operators are required by law, to stop for pedestrians. A patrol member has no legal authority to stop traffic. The law itself requires motorists to yield to pedestrians. The patrol does not operate as a law enforcement body and has no legal authority to determine traffic rules. The patrol only serves to call motorist's attention to the fact that young children are utilizing an otherwise approved crosswalk. The duty of care required of a motorist who is driving in an area known to be frequented by young children going to and from school would in most cases be very high. A motorist would, I believe, be

legally found chargeable with anticipating erratic action on the part of active young people and would be expected to exercise care in line with such expectations. By having a school patrol, the school does not become a guarantor of safety for all persons. The burden to use care commensurate with the age and expected activities of young children, would not, in my opinion, increase because of a patrol.

2. Parental liability would not be changed simply because a child serves as a member of a school safety patrol. A parent does not guarantee that his child will, at all times, exercise perfect judgment. A parent may, at times, be held liable for injury caused by a child. I do not think that basic liability would be altered.

3. There are no hard sources in Kansas or nationally that deal with the liability in this area.

One problem, which you do not mention in your letter, should be addressed. I think the biggest liability problem a school district may face is whether the liability of the school is increased when the student on patrol is injured. The question becomes whether the school was negligent in allowing a child of tender years to be placed in a potentially hazardous situation when that child is put on a street and exposed to traffic. If this situation arose, I think a school might well be found liable.

I hope this answers your questions and please feel free to call if you wish further clarification.

Sincerely,

Patricia E. Baker
Staff Legal Counsel

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A Look at the
Legal Aspects
of School Patrols
and Crossing Guards



EDITOR NOTE: This article is based on legal opinion prepared by Robert F. Bennett of the law firm of Bennett, Lytle & Wetzler, Prairie Village, Kansas. Mr. Bennett is a past president of the League and a state senator from Johnson county. The two main points of his opinion are:

1. School districts have no authority to provide pedestrian crossing guards or safety patrols off school property.
2. The responsibility for school children's safety at crosswalks off school property rests with those cities in which the schools are located.

MANY readers will remember with nostalgia their grade school days when they were given the honor—usually in the 6th grade—of serving as a member of the school patrol. Equipped with a white cloth “Sam Browne belt” possibly a badge, a red “Canadian Mountie hat” or a pennant reading “stop” mounted upon a pole or equipped with all these symbols of authority, school boys—and girls—went forth to protect the “little kids” from vehicle traffic. Many others today are comforted when they pass a public school and see the concerned lady or gentleman (in his case usually retired from some more lucrative endeavor) stopping the children at the crosswalk until vehicle traffic clears the area. In addition to civilian dress the adult usually holds a sign or wears a “police hat” or sometimes just a friendly smile to indicate he or she is in command. The kids need see no symbol of authority, because they always know the crossing guard.

School patrols and crossing guards have served an important purpose over the years in protecting school children. In more serene years city and school officials did not spend much time determining the legality of such operations or the authority for expending funds for such purposes. A job needed to be done, and it was done.

Alas, the days of serenity are gone for members of the school board and the city council or commission. Caught between budgets limited by the Budget Lid Law and Tax Lid Law and the increase in court actions challenging their actions and pressing for increased liability in executing governmental functions, such local officials now have no choice. They must determine their legal authority in providing protection for school children going to and from school and expending public money for this protection.

School Authority Over Traffic

The board of education of a unified school district has no legal authority to control or regulate traffic adjacent to or off school premises for the purpose of assuring safe ingress and egress to school property by pupils, either by the use of traffic control devices or by the employment of a traffic safety officer. The well accepted rule is that school districts have only such powers as are conferred upon them by statute, specifically or by clear implication, and any reasonable doubt as to the existence of such power should be resolved against its existence (*Wichita Public Schools Employees Union vs. Smith*, 194 Kan. 2). An examination of Section 5 of Article 6 of the Kansas Constitution and the Kansas statutes reveals no express authority in boards of education of unified school districts to control or regulate traffic adjacent to and off school premises.

The general powers of a unified school district are found in several statutes. In K. S. A. 1969 Supp. 72-8205, the board of education is granted those powers previously conferred upon boards of education in cities of the first class. This reference to the powers granted to boards in cities of

the class is of no help in the area of traffic control because there is no language in these statutes which is broad enough to include either the requirements of providing traffic safety or the authorization thereof. In K. S. A. 1969 Supp. 72-8203, the board is authorized to employ a superintendent, and it is provided that he shall have control of the public schools subject to the order of the board. He is granted neither power nor authority beyond school property. In K. S. A. 1969 Supp. 72-8212 the board's authority is again limited to school property.

The only authority which can be found in the statutes granting extraterritorial supervision to the board of education is in K. S. A. 1969 Supp. 72-8301 et seq., relating to the transportation of students by buses. These statutes, among other things, authorize the board to prescribe bus routes and additionally authorize the board to make rules and regulations to carry out the purposes of the act (K. S. A. 1969 Supp. 72-8308). Such rules and regulations would be limited, however, to instances where bus transportation is or must be provided.

The board of education is authorized under the provisions of K. S. A. 1969 Supp. 72-8222 to employ school security officers "to aid and supplement law enforcement agencies of this state and of the community in which such school district . . . is located." The law further provides that the "protective function" extends to school district property "and the protection of students, teachers and other employees, together with the property of such persons on or in any school property." While some of this language could be argued in support of school involvement in crossing guards off school property, an examination of the legislative history defeats such an argument. When originally introduced in bill form (SB 179, 1969 session), section 1 provided among other things "such protective function shall extend to all school district property and the protection of students, teachers, other employees and visitors on or in any school property and the property of all such persons." As originally introduced it could have been construed that the protective function would have extended to the property of any of the enumerated classes of individuals even though the property was not located on school land. Amendments were made to make it clear that the property to be protected must be on or in school property.

A contention might be made that the school district now has broad authority to employ non-certified personnel and that this would include traffic safety officers. It is true that K. S. A. 1969 Supp. 72-1106 specifically authorizes the employment of non-certified personnel, but it must be pointed out that this authorization is "to supervise pupils for non-instructional activities." It could be argued that going to and from school is an activity and is in fact non-instructional; therefore, there is authority for the employment of school crosswalk guards. The actual purpose of the law as indicated in committee hearings was to authorize employment of non-certified personnel to supervise recess, lunch hours, study halls and similar types of activities on school property.

From a reading of all of the applicable statutes it appears the power and authority of the board of education, its agents and employees, is limited to school property. In the few instances where the courts have considered the power and authority of a school to discipline a pupil for activities conducted off school premises, the courts have found the discipline authorized only if the activity was such as to interfere with the conduct of school classes on school premises.

City Responsibility Off School Property

It is the responsibility of the cities to maintain traffic safety for school children while traveling to and from school on or adjacent to city streets. The uniform act regulating

traffic, K. S. A. 1969 Supp. 8-501 et seq., generally controls the regulation of traffic in Kansas, both on state highways and city streets. K. S. A. 1969 Supp. 8-501 as amended by Ch. 54, 1970 Session Laws defines a "police officer" as an officer authorized to direct or regulate traffic or to make an arrest for traffic violation. No authority is found for a school district to employ a person to act in such a capacity. The statute, referred to above, defines "official traffic control devices" as signs placed or erected by authority of a public body or official having jurisdiction thereof for the purpose of regulating traffic. No authority is found for a school district to regulate traffic. K. S. A. 8-510 authorizes the state highway commission to adopt a sign manual and K. S. A. 8-512 requires local authorities to place and maintain traffic signs in their jurisdictions, but the signs and their placement must be in accord with the state highway commission manual. K. S. A. 8-513 as amended by Ch. 54, 1970 Session Laws requires drivers to obey signs placed in accordance with the act unless otherwise directed by a police officer. It necessarily follows that any signs erected or any officers employed to direct traffic by a school district which is without jurisdiction to control or regulate traffic would not be legally authorized, and a refusal to obey such signs or officers would not constitute a violation of law. The power of cities is generally set forth in section 5(b) of Article 12 of the Kansas Constitution wherein cities are granted general authority to determine their local affairs and government. In addition the statutes are replete with provisions granting and placing the authority and necessity for police protection in the municipalities of this state. The conclusion is inescapable that, as to land located within the corporate limits of a city, only the city may erect signs controlling traffic, and only the city may employ traffic officers for the purpose of controlling traffic. Any violation of lawfully erected signs or of an order by a lawfully appointed officer is a violation of city ordinance, punished in a municipal court with the fines, if any, going to the city general fund.

Schools Lack Authority To Contract

A unified school district has no legal authority to contract with a city for the payment of traffic control officers to provide for traffic safety at crosswalks used by children going to and from school. As discussed earlier, the school district is a creature of statute and has only those powers which are specifically granted by statute or necessarily implied, and school boards in Kansas have no authority to employ traffic control officers for off-school property. K. S. A. 1969 Supp. 10-802 specifically provides, "no warrants or warrant checks shall be issued except under due authority as provided by law . . ." Absent any authority to make such an expenditure, it would be illegal and in violation of K. S. A. 1969 Supp. 10-810 which places individual liability on the officer signing the warrant for the amount hereof as well as potential liability for a misdemeanor violation.

It might be argued that K. S. A. 1969 Supp. 12-147 et seq., authorizes a contract between the city and the school district for the payment of "service charges in lieu of taxes" since the school district property is exempt from the payment of ad valorem taxes under the laws of this state. There are four reasons why this argument is unsound. First, any contract made under the provisions of this law is voluntary. Second, the law applies to property which is tax exempt and is owned by a person, firm or corporation other than another governmental subdivision. Third, it does not expand any power which a taxing subdivision would otherwise have, except the taxing subdivision collecting the service charge, and finally it should be pointed out that it is intended to apply to services actually rendered to the property. In the case of crossing guards the services would not

be rendered to school property but to residents of the municipality.

In 1957 Kansas adopted an intergovernmental cooperation act, K. S. A. 12-2901 et seq. The act generally authorizes public agencies, including cities and school districts, to contract with one another for specific purposes including police protection. The act has not been interpreted by the Kansas Supreme Court as of this date. The general opinion is that the act does not authorize two public agencies to contract upon a matter which neither is authorized to do separately. For example, the act by itself could not be used by a school district and a sewer district to authorize the sewer district to carry on a public school or to authorize the school district to maintain a sewage disposal district. On the other hand, as is the case, a school is authorized to maintain a library and a library district is, of course, also authorized to maintain the same type of service; they could maintain the same under an agreement made pursuant to the cooperation act.

School Liability For Crossing Guards

In the event a unified school district decided either to employ traffic guards or to contract with the city for that service, it is well to consider the liability of the school district and the board of education if an injury should occur as a result of negligence of the guard. The service provided would be a governmental function and even though ultra vires could not constitute the basis for a successful suit against the members of the school board or against the school district. However, if it could be shown that the maintenance of a given crossing by a given official was in fact a nuisance, then liability might exist. It should be pointed out that the guard would not have the same benefits of sovereign immunity as would the district, and this person would be liable for negligence. In the case of *Rose v. Board of Education* 184 Kan. 486, the court held, "With specific reference to public schools, the rule is well settled that, subject to certain exceptions and limitations, school districts, school boards or similar agencies or authorities in charge of public schools, are immune from tort liability in the absence of a statute to the contrary, either for their own torts or those of their officers, agents or employees, while engaged in school or educational affairs of a governmental character." The court also recognized that the doctrine of immunity does not extend to cases where the conduct of the school board results in creating or maintaining a nuisance. The liability of a school district for an ultra vires act, an

act outside the powers conferred by law, is, as a general rule, no greater than its liability for acts conferred or required by law (38 Am. Jur. Municipal Corp. Section 582). This same rule of non-liability also applies to the ultra vires acts of its agents and employees so long as the injury or damage was not the result of their own negligence.

School board members should be aware that under the provisions of K. S. A. 1969 Supp. 72-8407 et seq., a school district is authorized to purchase insurance for the protection of its officers, agents and employees. The limitation of this law is based upon the individual's liability as a result of acts or omissions arising out of and in the scope of the services of the school. There is a provision for waiver of immunity to the extent of the liability coverage but the immunity waiver relates to acts within the scope of authority or within the course of employment. If the school district should elect to provide for crossing guards notwithstanding the absence of statutory authority, which is not recommended, consideration should be given to the purchase of insurance under the foregoing statutes. It should be remembered that a school official who negligently directs a crossing guard to do or not to do a specific thing, would not have available to him the same defense of sovereign immunity.

School Safety Patrols

Much of the foregoing information on the legal aspects of crossing guards has application to school safety patrols. There is no statutory authority for such a patrol. Unless the activities of the patrol amounted to maintenance of a nuisance, there would be no liability on the part of the school district or the school board. If the teacher in charge of the safety patrol was negligent in supervising the patrol and, as a result, an injury occurred, that teacher could be personally liable for his negligence. If a member of the safety patrol was negligent in the discharge of his functions, he or she could be found liable for injuries which may have occurred.

Any efforts by a school board to establish or continue a school safety patrol should be based upon the school's authority to control the movements of the school children on school property or as they exit therefrom. There should be no attempt to control or to direct vehicular traffic. Patrol members for legal reasons as well as safety should stand on the sidewalk or school property and not in the street. Children, parents and patrol members should all clearly understand the distinction between controlling children on school property as compared to controlling traffic generally. •

Two Special Committees Appointed By League Governing Body

Two special committees were appointed at the League of Kansas Municipalities governing body meeting held during the recent city convention September 27-29.

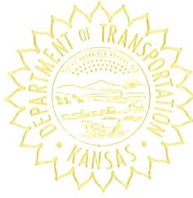
The first committee, relating to fire protection and insurance, will study the fire insurance rating system, the cost of fire insurance as it relates to the cost of fire protection services and legislation

matters relating to the full implementation of constitutional home rule powers. The committee will explore methods by which municipalities may make greater use of their home rule powers and will also examine related legislative matters such as the tax lid-budget lid law which restricts the home rule powers of cities.

President Roger Williams will appoint members to both committees after

Overland Park Receives Traffic Court Award

For the second consecutive year Overland Park was given a special commendation by the American Bar Association for continuing efforts to maintain better practices and procedures in its traffic court program. The award is given in recognition of achievements in traffic court administration, facilities, environment, public information, com-



KANSAS DEPARTMENT OF TRANSPORTATION

E. Dean Carlson
Secretary of Transportation

Docking State Office Building
Topeka 66612-1568
(913) 296-3566
TTY (913) 296-3585
FAX (913) 296-1095

Bill Graves
Governor of Kansas

**TESTIMONY BEFORE
HOUSE TRANSPORTATION COMMITTEE
March 9, 1995**

REGARDING SENATE BILL 304

Mr. Chairman and Committee Members:

On behalf of the Kansas Department of Transportation, I am here today to provide testimony supporting Senate Bill 304.

K.S.A. 8-1901 et seq regulates the size, weight and load of vehicles operating on Kansas highways. Attached is information about the maximum legal dimensions and weights for some of the standard truck and truck-tractor combinations operating in Kansas along with some basic requirements for special permits. Operators of vehicles that exceed the statutory limits may obtain special permits to operate those vehicles on Kansas highways as well, under certain circumstances or on designated routes. The special permits issued by the Department allow vehicles or loads that cannot be reasonably divided or reduced to operate on the highways, such as cranes, construction equipment and manufactured housing.

The proposed legislation would modify the special permits provisions found in K.S.A. 8-1911 in two ways: by allowing an annual permit fee of \$125 to apply to other types of vehicles in addition to oil field servicing rigs, and by allowing commercial

*House Transportation Committee
March 9, 1995
Attachment 3*

vehicle drivers to carry authorization numbers for special permits in their vehicles in lieu of the actual permits. These changes are a continuation of the efforts the Department has been making over the past several years to streamline the special permitting process and reduce administrative efforts for commercial vehicle operators while maintaining a responsible level of control over all types of vehicles.

Presently, there is a committee, consisting of representatives of affected state agencies and broad-based industry representation, reviewing the existing regulatory requirements for oversize/overweight permits. The committee has proposed that annual permits be allowed for vehicles transporting repetitive types of permitted loads such as manufactured housing, construction equipment and oil field drilling equipment. Drivers of those types of loads currently must obtain a special permit for each trip. The Department agrees that providing businesses with the alternative of operating with a single trip permit or an annual permit would result in improved customer service with no apparent reduction in administrative control. Annual permits will not change the types of loads that operate with Special Permits; however, they will reduce the amount of administration required to move these loads in Kansas for both the customer and the Department.

The Department is currently automating its procedures for issuing special permits for oversize and overweight vehicles. When the computerized permit system is completely implemented, the

Department plans to discontinue the use of "self-issue" permits, replacing them with permits that are either mailed or transmitted by facsimile machine. (Self-issue permits are currently carried in the vehicle, but the driver must call in for authorization to use them.) When all the permits are generated from the computer, an alternative will be needed for small firms or drivers who don't have ready access to a facsimile machine. The use of an authorization number for those permit vehicles was discussed with the Kansas Highway Patrol as an acceptable alternative. Each permitted vehicle would be required to have a copy of the permit or the authorization number with the vehicle. If the vehicle is stopped for enforcement purposes, the law enforcement personnel will have on-line access to the computer permit database to verify the authorization number.

Overall, the proposed legislation provides for changes that allow for improved permit processing for the permitting agency and the customer. I request that the committee act favorably on Senate Bill 304.

**SIZE AND WEIGHT LIMITS
FOR MOTOR VEHICLES**

LEGAL REQUIREMENTS

- The maximum allowable weight for a single axle is 20,000 pounds and, for a tandem axle, 34,000 pounds
- The maximum gross weight for a vehicle depends on the number of axles and axle spacing, but cannot exceed 80,000 pounds on the Interstate or 85,500 pounds on other routes
- Maximum length varies with the type of vehicle
- Maximum width of the vehicle is 8'6" and maximum height is 14'

SPECIAL PERMIT REQUIREMENTS

- Loads cannot be reasonably divided or reduced
- Routes must be checked for ability to accommodate height, width, or weight of the load
- Bridges, especially, must be checked for ability to accommodate excess loads

**STATE OF KANSAS
SIZE AND WEIGHT OF TRUCKS AND TRAILERS
ON INTERSTATE AND OTHER HIGHWAYS**


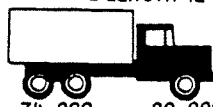

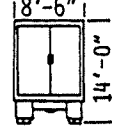
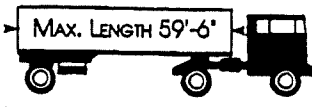
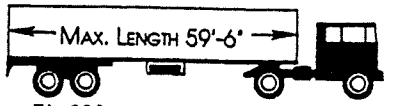
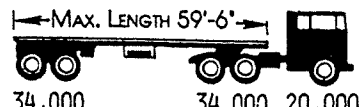



Distance in feet between the extremes of any group of 2 or more consecutive axles

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	60,600	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			

* 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.

** maximum gross weight allowed on interstate highways is 80,000 lbs.

<p>TRUCK - SINGLE AXLE MAX. LEGAL LENGTH 42'-6"</p>  <p>20,000 20,000</p>	<p>TRUCK-TANDEM AXLE MAX. LEGAL LENGTH 42'-6"</p>  <p>34,000 20,000</p>
<p>TRUCK - TRACTOR No Overall Length Limit</p>  <p>34,000 20,000</p>	<p>WIDTH & HEIGHT</p> 
<p>TRUCK-TRACTOR SEMI TRAILER-3 AXLE No Overall Length Limit</p>  <p>20,000 20,000 20,000</p>	
<p>TRUCK-TRACTOR SEMI TRAILER-4 AXLE No Overall Length Limit</p>  <p>34,000 20,000 20,000</p>	
<p>TRUCK-TRACTOR SEMI TRAILER-5 AXLE No Overall Length Limit Gross Weight 85,500 80,000 (INTERSTATE)**</p>  <p>* 34,000 34,000 20,000</p>	
<p>TRUCK & TRAILER COMBINATION MAX. LEGAL LENGTH 65'-0" Gross Weight 85,500 80,000 (INTERSTATE)**</p>  <p>20,000 20,000 34,000 20,000</p>	
<p>TRUCK-TRACTOR SEMI TRAILER & TRAILER No Overall Length Limit Gross Weight 85,500 80,000 (INTERSTATE)**</p>  <p>20,000 20,000 20,000 20,000 20,000</p>	
<p align="center">ALLOWABLE AXLE WEIGHTS</p>  <p>SINGLE TANDEM AXLE WEIGHTS ARE MAXIMUM LIMIT. ALL GROUPS OF AXLES ARE SUBJECT TO TABLE AT LEFT.</p> <p>20,000 34,000</p>	

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Supporting Senate Bill 304 which relates to the issuance of special permits for loads which cannot be reasonably divided or reduced.

Presented to the House Transportation Committee, Rep. Kenneth R. King, Chairman; Statehouse, Topeka, Thursday, March 9, 1995.

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 am here today along with Tom Whitaker, our Governmental Relations Director; representing our member-firms and the highway transportation industry.

We are here to support the provisions of Senate Bill 304 relating to the issuance of special permits for oversize and/or overweight vehicles transporting loads which cannot reasonably be divided or reduced.

The proposed changes reflect the work of a task force of affected state agencies and industry representation to reduce administrative costs while maintaining a responsible level of control over all types of vehicles.

*House Transportation Committee
March 9, 1995
Attachment 4*

It should be clearly understood loads eligible for special permits include manufactured housing, construction equipment, self-propelled truck mounted cranes, electrical transformers, oil field drilling equipment and oversized farm machinery.

The bill continues to provide for a \$5.00 permit issuance fee for each single-trip permit. The bill also provides an alternative annual permit for vehicles transporting repetitive oversized loads.

The Department will continue to exercise close control over the movement of vehicles utilizing a special permit and retains the power to revoke immediately such special permit authorization for the improper use of such a permit.

This bill does not in any way address the operation of longer combination vehicles which are controlled statutorily and by specific rules and regulations.

Our industry will continue to work with the Department to automate the issuance of special permits so that proper enforcement and compliance with permit restrictions can be accomplished.

The provisions of Senate Bill 304 are important to the oil and gas industry of our state, to the manufactured housing industry, to the construction industry -- including highway construction, to the utilities and other manufacturing industries requiring specialized machinery and equipment and to the Kansas agribusiness industry.

We ask your support for Senate Bill 304. I'll be pleased to respond to any questions you may have.

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KANSAS MANUFACTURED HOUSING ASSOCIATION

TESTIMONY BEFORE THE
SENATE COMMITTEE ON
TRANSPORTATION AND UTILITIES

TO: Representative Kenneth King, Chairman
and Members of the Committee

FROM: Martha Neu, Executive Director
Kansas Manufactured Housing Association

DATE: March 9, 1995

RE: Senate Bill 304

Mr. Chairman and members of the Committee, my name is Martha Neu and I am the Executive Director of the Kansas Manufactured Housing Association (KMHA). KMHA is a statewide trade association which represents the manufactured housing industry (i.e. manufacturer, retailers, community owners/operators, finance and insurance companies and transporters.)

I am here today in support of SB 304. Over the past few years, KMHA has worked with the Department of Transportation on the annual permit concept in light of their plans to automate the department. To utilize the new technology to the fullest, the DOT will now be able issues annual permits instead of single trip permits under SB 304. This may or may not should like much to you, but to our transportation members this is a effective way to reduce paperwork and administrative costs. Even with this reduction in paperwork, DOT will sill maintain control on size, weight and route of our transporters.

SB 304 makes use of today's technology by streamlining the permitting process.

I would like to thank you for the opportunity to comment and urge you to support SB 304.

*House Transportation Committee
March 9, 1995
Attachment 5*