

Approved: 3/28/95  
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Kenneth King at 1:30 p.m. on March 20, 1995 in Room 519-S of the Capitol.

All members were present except:  
All members present

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:

Others attending: See attached list

Chairman King called the meeting to order at 1:40 p.m.

He opened **SB 109, relating to school bus use for purposes other than pupil transportation,** for discussion and possible final action. Bruce Kinzie stated this bill was amended in the Senate to give school district boards of education general authority to provide for the use of district-owned or leased buses when the buses are not being used for regularly required school purposes.

Representative Dillon made a motion to pass SB 109 favorably, seconded by Representative Pottorff.

Representative Humerickhouse stated he was concerned with the boards being able to contract for use of the buses while using the tax free gasoline which they are entitled to for school use and in this way might have an unfair advantage over private companies that charter buses and also the liability aspect of this use. Following discussion that the bill in its current form would give the school boards the authority to lease their buses to other than tax supported entities, Representative Dawson made a substitute motion to revert SB 109 back to its original form, seconded by Representative Pauls and the motion carried.

Representative Dillon made a motion to pass SB 109 favorably as amended, seconded by Representative Pottorff and the motion carried.

**SB 201, concerning authorized emergency vehicles,** was next opened for discussion and possibly final action. The Revisor stated this bill expanded current law and authorizes the Board of County Commissioners to classify any vehicle as an emergency vehicle which it determines to be necessary for carrying out emergency governmental functions.

Following discussion Representative Correll made a motion to pass SB 201 favorably, seconded by Representative Flora. Representative McKinney stated he thought existing law already gave the Board of County Commissioners the authority to do this. Representative Powell made a substitute motion to table SB 201, seconded by Representative Myers and the motion carried.

Chairman King opened **SB 304, concerning permits for oversize or overweight vehicles,** for discussion and possible final action. Bruce Kinzie gave an overview of the bill which would allow for issuance of one year special permits for oversize or overweight vehicles which would include an authorization number.

The Chair called attention to written testimony which had been distributed from James Keele, Brotherhood of Locomotive Engineers (Attachment 1) and Donald Lindsey, Jr., United Transportation Union, (Attachment 2)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 519-S Statehouse, at 1:30 p.m. on March 20, 1995.

Representative Mason made a motion to pass **SB 304**, favorably, seconded by Representative Pottorff.

Representative Pauls offered a substitute motion, seconded by Representative Edmonds which would add a new subsection (i) pertaining to special permits issued for non-divisible loads unless they are specifically exempted from this sub-section or specifically provided for by rules and regulations.

In response to questions from the committee Nancy Bogina from the Department of Transportation stated they had no problem with the way the current bill, without this amendment, was written and felt this would take away the flexibility of the department in issuing these special permits. The committee was reassured the terminal areas that are now provided would not be affected and that these areas are protected under statute. Representative Pauls stated the purpose of the amendment was not to change the existing law but to put in statute what is now in rules and regs only.

Following this discussion the Chair called for a vote on the substitute motion and the motion carried.

Representative Shore offered an amendment which would add a new Section 2 and would exempt trucks registered for a gross weight of 54,000 pounds or less transporting harvested agricultural crops only from a harvested field to initial storage or to initial market locations. This was seconded by Representative Wilson. Following discussion the motion failed.

Representative Dillon made a motion to pass **SB 304** as amended, seconded by Representative Pauls and the motion carried.

The minutes for the Transportation Committee for March 14th, 15th and 16th were presented for approval or corrections. There were no corrections and Chairman King declared the minutes approved as presented.

Chairman King adjourned the meeting at 2:30 p.m. and announced this would be the last meeting and thanked the committee for their dedication to the committee the past year.

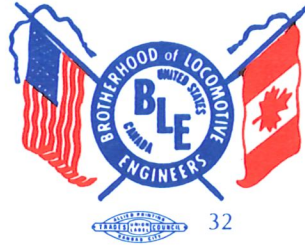
# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: March 20, 1995

NAME	REPRESENTING
Pat Halfell	Kansas Railroad Association
Deward Ferguson	U.T.U.
Tom Whitaker	Ks Motor Carriers Assn
Roy Ryscamp	UNITED PARCEL SERVICE
Mary E Turkington	Ks. Motor Carriers Assn-
Warren Hermann	Yellow Corporation
Martha New	KIMHA
Don Lindsey	UTU
Keren Bowery	KASB

# Brotherhood of Locomotive Engineers

## Kansas State Legislative Board



### MEMORANDUM

TO: The Honorable Kenny King  
Chairman House Transportation Committee

DATE: March 20, 1995

SUBJECT: Senate Bill 304

FROM: James A. Keele, Chairman  
Kansas Legislative Board  
Brotherhood of Locomotive Engineers

In regard to a proposed amendment to S.B. 304, we support this amendment due to the fact that after recent hearings held by the House Sub-Committee on Surface Transportation in Washington D.C., there arises the possibility that regulation and restrictions for highway use will fall to the jurisdiction of the states. It is our belief that this amendment would stabilize these regulations in the event this occurs.

We must state that the B.L.E. would oppose any amendment that would in any way further interrupt, restrict, or penalize the trucking industry's operating ability as conditions now exist under federal and state restrictions. All we are asking is that the status quo be maintained should federal restrictions be repealed.

cc: Transportation Committee Members

*House Transportation Committee  
March 20, 1995  
Attachment 1*



# united transportation union

DONALD F. LINDSEY, JR.  
DIRECTOR/CHAIRMAN

KANSAS STATE LEGISLATIVE BOARD

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## M E M O

**TO:** The Honorable Kenny King  
Chairman, House Transportation

**DATE:** March 20, 1995

**SUBJECT:** Senate Bill 304  
Special Use Permits

**FROM:** Donald F. Lindsey Jr., Director  
United Transportation Union

On Wednesday, February 8, 1995, the House Sub-Committee on Surface Transportation held hearings on legislation to approve the National Highway System (NHS) and ancillary issues relating to highway and transit programs.

The purpose of these hearings were to examine the Federal aid highway and transit systems to identify burdens, inefficiencies and mandates in these programs.

One area of review was miscellaneous congressional mandates. These included such items as: national speed limit; national minimal drinking age; commercial drivers license standards and vehicle weight limitations, enforcement of vehicle size and weight and proof of heavy vehicle use tax payment. (Emphasis mine.)

It was very evident from testimony given by Mr. Wayne Shackelford, President of the Association of State Highway and Transportation Officials (AASHTO) and other members of AASHTO, that they felt relief from enforcement of vehicle size should be a top priority of the 104th Congress.

The elimination of federal restrictions on Longer Combination Vehicles (LCV) has long been, and continues to be, an objective of the trucking industry. Therefore, if federal guidelines are removed on LCV's, we believe Senate Bill 304 becomes very important to the trucking industry, not because of what it says but rather by what it does not say.

The UTU would ask that the committee consider amending S.B. 304 to include current federal restrictions on LCV's. In that way, should federal restrictions and guidelines be lifted, the trucking industry would at least be required to request hearings at the state level for relief, if truly needed.

cc: Transportation Committee

House Transportation Committee  
March 20, 1995  
Attachment 2

TABLE 1: Survey Items Where a Majority Checked  
Either "Very Important" or "Important"

<u>Item</u>	<u>Very Important</u>	<u>Important</u>	<u>Total</u>
<u>9. Clean Air Act Compliance</u>	<u>30</u>	<u>8</u>	<u>38</u>
<u>10. Air Quality Nonconformity</u>	<u>30</u>	<u>8</u>	<u>38</u>
<u>18. Use of Recycled Paving Materials</u>	<u>32</u>	<u>5</u>	<u>37</u>
<u>17. Management Systems</u>	<u>21</u>	<u>13</u>	<u>34</u>
<u>5. National Maximum Speed Limit Enforcement</u>	<u>20</u>	<u>13</u>	<u>33</u>
<u>19. Surface Transportation Program</u>	<u>16</u>	<u>13</u>	<u>29</u>
<u>4. National Maximum Speed Limit</u>	<u>13</u>	<u>15</u>	<u>28</u>
<u>6. Control of Outdoor Advertising</u>	<u>11</u>	<u>15</u>	<u>26</u>
<u>15. Metropolitan Planning</u>	<u>14</u>	<u>10</u>	<u>24</u>
<u>16. Use of Safety Belts and Motorcycle Helmets</u>	<u>18</u>	<u>6</u>	<u>24</u>
<u>7. Control of Junkyards</u>	<u>10</u>	<u>12</u>	<u>22</u>
<u>8. Maintenance</u>	<u>4</u>	<u>18</u>	<u>22</u>
<u>11. Interstate System Maintenance</u>	<u>8</u>	<u>14</u>	<u>22</u>
X <u>2. Enforcement of Vehicle Size</u>	<u>11</u>	<u>9</u>	<u>20</u>

TABLE 2: Survey Items Where a Majority Checked  
Relief is "Not Important"

<u>Item</u>	<u>Very Important</u>	<u>Important</u>	<u>Not Important</u>
<u>3. Registration - Proof of Heavy Vehicle Use Tax Payment</u>	<u>7</u>	<u>5</u>	<u>23</u>
<u>13. Commercial Drivers License</u>	<u>4</u>	<u>9</u>	<u>22</u>
X <u>1. Vehicle Weight Limitations</u>	<u>8</u>	<u>5</u>	<u>22</u>
<u>12. National Minimum Drinking Age</u>	<u>6</u>	<u>8</u>	<u>22</u>

( Miscellaneous Congressional Mandates. In addition to those listed above, Title 23 of the United States Code contains numerous specific mandates which a state must follow in order to avoid penalties. Additional directives include:

- national maximum speed limit (55 on any public highway with 65 permitted on rural Interstates and certain other routes

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outside urbanized areas) and enforcement of the speed limit laws;

- national minimum drinking age of 21;
- commercial drivers license standards;
- minimum drug offenders penalties;
- control of outdoor advertising and control of junkyards;
- certification of Metropolitan Planning Organizations;
- maintenance of Federal-aid projects and the Interstate System within the state;
- States must comply with all provisions of law relating to the Surface Transportation Program; and
- vehicle weight limitations, enforcement of vehicle size and weight, and proof of heavy vehicle use tax payment;

OFFICE OF CHIEF COUNSEL

March 30, 1990

MEMORANDUM: HORACE B. EDWARDS  
Secretary of Transportation

CONFIDENTIAL

FROM: C. DOUGLAS WRIGHT *CDW/gh*  
Chief Counsel

RE: Impact of Revisions in H.B. 2959 on Federal  
Funding Obligations as Set Forth in Letter  
From Robert J. Deatruck, FHWA Division  
Administrator, March 29, 1990.

Per your request, we have reviewed the materials set forth in the letter from Robert J. Deatruck, dated March 29, 1990. That letter appeared to express displeasure with H.B. 2959 for two main reasons.

First, the bill, as originally drafted, would contravene the mandates of 23 U.S.C. 127 because it would allow for the "issuance of overweight permits on the Interstate System only for, 'loads which cannot be easily dismantled or divided . . .'"

Secondly, the Administrator was displeased because H.B. 2959, as written, would allow "the operation of vehicles with weights of up to 110,000 pounds." This provision would be in contravention of the 80,000 pound limit found in the same statute.

A review of proposed amendments of H.B. 2959 indicate that these two complaints were eliminated from the bill. This should allow the legislation to meet the federal mandates as expressed.

The question also arises as to whether enacting this legislation would negatively affect the "grandfathered provisions" of the current Kansas statute. If the two concerns of the Administrator's letter are met, then it would appear that the federal complaints would be eliminated. The powers of interpreting grandfathering is based upon what the law was in 1956. Therefore the amendments as contemplated in present legislation would not appear to affect grandfathered provisions.

CDW:bh





U.S. Department  
of Transportation  
  
Federal Highway  
Administration

Region 7  
Iowa, Kansas  
Missouri, Nebraska

444 S.E. Quincy, Room 240  
Topeka, Kansas 66683

HBE

March 29, 1990

Proposed Truck Legislation  
House Bill No. 2959

Mr. Horace B. Edwards  
Secretary of Transportation  
Kansas Department of Transportation  
Topeka, Kansas 66612

Dear Mr. Edwards:

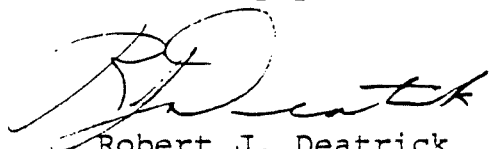
House Bill No. 2959 As Amended by Senate Committee transmitted by your Office of Public Information by Facsimile on March 27, 1990, has been reviewed by FHWA legal counsel. The bill would allow among other things for the issuance of special permits for the operation of triple-bottom trailers carrying divisible loads of up to 110,000 pounds on a certain portion of I-70 in Kansas.

23 U.S.C. 127 provides for the issuance of overweight permits on the Interstate System only for, "loads which cannot be easily dismantled or divided..." Enactment of the portion of this legislation that would allow the operation of vehicles with weights of up to 110,000 pounds on any portion of the Interstate System would result in the imposition of sanctions as provided by 23 U.S.C. 127.

Operation of triple-bottom trailers on the Interstate System is not in conflict with applicable federal laws and regulations so long as the gross vehicle weight does not exceed 80,000 pounds.

Thank you for the opportunity to comment on the proposed legislation.

Sincerely yours,

  
Robert J. Deatrck  
Division Administrator