

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Kenneth King at 1:30 p.m. on January 25, 1996 in Room 526-S of the Capitol.

All members were present except:
Representative Delbert Crabb, 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:
Nancy Bogina, Department of Transportation
Mike Lackey, Department of Transportation
Mary Turkington, Kansas Motor Carriers Association
Don Schnacke, Kansas Independent Oil and Gas Association
Martha Neu-Smith, Kansas Manufactured Housing Association
Kevin Robertson, Kansas Consulting Engineers
Michael Kelly, Kansas Society of Land Surveyors

Others attending: See attached list

HB 2678 - repeal K.S.A. 74-7257, KDOT, secretary of KDOT, sunset law

Hearings opened. The Chair called upon staff to give a briefing on the bill. Through an inadvertent omission, one section of the Kansas Sunset Law was not repealed in 1992 and this bill is asking for this to be done.

Nancy Bogina, Department of Transportation, stated when the 1992 legislature passed the Kansas Governmental Operations Accountability Law (K-Goal) and repealed the Kansas Sunset Law the section which would terminate the Kansas Department of Transportation on July 1, 1996 was not repealed. She produced the statutes as passed by the 1992 legislature which did repeal the sunset law for the Department but it was omitted in the operative repealer section. She requested the committee act affirmatively on **HB 2678**. (Attachment 1)

There being no other testimony the Chair closed hearings on **HB 2678**.

HB 2679 - special permits for oversize or overweight vehicles

Hearings opened. Staff gave a briefing on this bill which is similar to **SB 304**. They stated the main difference between the two bills is **HB 2678** provides for an annual permit, cost \$125.00, in addition to the single trip permit. It also strikes the provision for permit fees for qualified oil field servicing rigs and moves subsection 3, from **SB 304**, regarding custom combines, to a new subsection (i).

Mike Lackey, Department of Transportation, stated 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 this legislation would not alter the current restrictions pertaining to oversize or overweight commercial vehicles but would simply change the procedures for obtaining special permits to provide improved permit processing for both the permitting agency and the customer. (Attachment 2)

Mary Turkington, Kansas Motor Carriers Association, states this bill does not in any way expand the operation of longer combination vehicles which are controlled statutorily and by specific rules and regulations

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 526-S Statehouse, at 1:30 p.m. on January 25, 1996.

but would authorize the issuance of special permits for oversize and/or overweight vehicles transporting loads which cannot be reasonably divided or reduced. She concluded the Department of Transportation would continue to exercise close control over the movement of vehicles utilizing a special permit and would retain the power to revoke immediately such special permit authorization for the improper use of such a permit. (Attachment 3)

Don Schnacke appeared on behalf of the Kansas Independent Oil & Gas Association. He stated this bill would allow for an annual permit for repetitious movement of the same equipment but would still be regulated as to gross vehicle weights, widths, heights, lengths, etc. He asked, in the name of efficiency, economy and cost reduction for both the industry and the Department, to pass HB 2679 favorably. (Attachment 4)

Martha Neu Smith, Executive Director of the Kansas Manufactured Housing Association, states the Department of Transportation now has the technology to take the concept of annual permits and make it a reality. She concluded this is an efficient way to reduce paperwork and administrative costs for both the Department and the transportation companies while still adhering to other terms, conditions or restrictions in accordance with the permit. She urged support of HB 2679. (Attachment 5)

In answer to questions from the committee, Ken Gudenkauf, Department of Transportation, stated these oversize/overweight vehicles which are issued a special permit, are given maps which outline the routes they are authorized to travel under this permit.

The Chair called attention to written testimony presented to the committee in support of HB 2679 by Abercrombie Drilling Contractor (Attachment 6) Kan-Build, Inc. (Attachment 7) and W & L Dirt Construction, Inc. (Attachment 8).

The Chair closed hearings on HB 2679.

HB 2680 - land surveying services, procedure

Hearings were opened. Mike Lackey, Department of Transportation, stated the revisions requested in this bill would allow KDOT to negotiate contracts for engineering services. Currently engineering firms can no longer provide land surveying services as a part of a negotiated contract and as a result KDOT is required to either provide this service with in-house staff or obtain land surveying services by low bid. He stated both of these alternatives present problems for the Department. He concluded, to address this problem, the Department is requesting statutory changes that would restore engineering firms' ability to provide the full range of surveying services required for highway projects and with these proposed revision, would allow KDOT to be consistent with federal requirements. (Attachment 9)

Kevin Robertson, Kansas Consulting Engineers, and Michael Kelly, Kansas Society of Land Surveyors, stood in support of HB 2680.

Following questions by the committee, the Chair closed hearings on HB 2680.

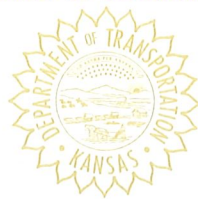
The Chair adjourned the meeting at 2:50 p.m.

The next meeting is scheduled for January 30, 1996.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: January 24, 1996

NAME	REPRESENTING
Marta Jean Smith	KMHA
Tina Brown	John Peterson Assoc.
Pat Hubbell	Ks Railroads
Don Lindsey	UTU
Jim Keele	BHE
Kirk Lewis	BLE
Mary E. Turkington	Ks. Motor Carriers Assn -
Tom Whitaker	Ks Motor Carriers Assn.
Don Schwacke	ICIOGA
Rick Scheibe	KDOR
Betty McBride	KDOR
Bill Watts	KDOT
Mike Lackey	KDOT
Nancy Boyne	KDOT
Ken Gudenkauf	KDOT



KANSAS DEPARTMENT OF TRANSPORTATION

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Secretary of Transportation

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Bill Graves
Governor of Kansas

TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
Regarding H. B. 2678
Repealing K.S.A. 74-7257

January 25, 1996

Mr. Chairman and Members of the Committee:

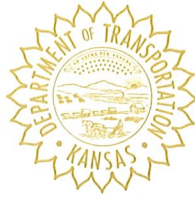
I appear before you to testify on behalf of House Bill No. 2678 which would repeal K.S.A. 74-7257.

In 1992, the legislature passed the **Kansas Governmental Operations Accountability Law (K-GOAL)** and repealed the **Kansas Sunset Law**. Through an inadvertent omission, one section of the Kansas Sunset Law was not repealed. The bill header or description listed the section as being repealed but the operative repealer section did not contain the necessary language. That section, K.S.A. 74-7257, provides for the termination of the Kansas Department of Transportation on July 1, 1996.

KDOT is covered under the K-Goal statutes as passed by the 1992 legislature and Legislative Post Audit completed a review of the agency under that statute in September 1995.

We would respectfully request the committee's affirmative action on H. B. 2678.

*House Transportation Committee
January 25, 1996
Attachment 1*



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Bill Graves
Governor of Kansas

**TESTIMONY BEFORE
HOUSE TRANSPORTATION COMMITTEE
January 25, 1996**

REGARDING HOUSE BILL 2679

Mr. Chairman and Committee Members:

On behalf of the Kansas Department of Transportation, I am here today to provide testimony supporting House Bill 2679.

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 vehicle drivers to carry authorization numbers for special permits in their vehicles in lieu of the actual permits.

K.S.A. 8-1901 et seq regulates the size, weight and load of vehicles operating on Kansas highways. Operators of vehicles that exceed the statutory limits may obtain special permits to allow vehicles or loads that are not readily divisible to operate on Kansas highways as well, under certain circumstances or on designated routes. 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 proposed changes are "customer-friendly" improvements the industry has requested and the Department feels it can provide. The committee has proposed that annual permits be allowed for vehicles transporting repetitive types of 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. 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.

*House Transportation Committee
January 25, 1996
Attachment 2*

The Department is also 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 that 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 driver will be responsible to have the authorization number with the vehicle. If the vehicle is stopped for enforcement purposes, the law enforcement will have on-line access to the computer permit database via the authorization number. This change will allow the Department to improve its efficiency without requiring small companies to invest in additional equipment.

In summary, this proposed legislation would not alter the current restrictions pertaining to oversize or overweight commercial vehicles that are permitted to travel on Kansas roadways. It would simply change the procedures for obtaining special permits to provide improved permit processing for both the permitting agency and the customer. I request that the committee act favorably on House Bill 2679.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Supporting House Bill 2679 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, January 25, 1996.

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 House Bill 2679 which authorizes the issuance of special permits for oversize and/or overweight vehicles transporting loads which cannot be reasonably divided or reduced.

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 including custom combine equipment.

*House Transportation Committee
January 25, 1996
Attachment 3*

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 oversize loads at a cost of \$125.

Subsection (c) of Section 2 of the bill provides:

"A permit shall be valid only when the registration on the power unit is equal to or exceeds the total gross weight of the vehicle. When the gross weight of the vehicle exceeds the upper limit of the available registration, the maximum amount of registration must be purchased."

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 expand the operation of longer combination vehicles which are controlled statutorily and by specific rules and regulations. Please do not complicate this bill beyond the Department's effort to provide a cost-effective annual permit for the day-to-day oversize or overweight loads now moving in this state.

The provisions of House Bill 2679 are important to the oil and gas industry of Kansas, 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 House Bill 2679 as introduced. I'll be pleased to respond to any questions you may have.

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KANSAS INDEPENDENT OIL & GAS ASSOCIATION

105 S. BROADWAY • SUITE 500 • WICHITA, KANSAS 67202-4262
(316) 263-7297 • FAX (316) 263-3021
800 S.W. JACKSON • SUITE 1400 • TOPEKA, KANSAS 66612-1216
(913) 232-7772 • FAX (913) 232-0917

*Statement of Donald P. Schnacke, Executive Vice President
Kansas Independent Oil & Gas Association
before the
House Transportation Committee
January 25, 1996*

RE: HB 2679 - Special Permits for Oversize or Overweight Vehicles

I am Don Schnacke, appearing on behalf of the Kansas Independent Oil & Gas Association in favor of the passage of HB 2679.

Among our members we have as many as eight trucking companies which are in the business of hauling oil field drilling rigs and other equipment associated with producing leases, such as pumping units and tanks. We also have companies which have their own truck trailers to haul their own equipment. We estimate there may be up to 4000 individual trip permits issued each year to haul the same oil field machinery and equipment.

Under the present procedures, these contractors and haulers before they move on the highway with a drilling rig which consists of the mud pump, drawworks, base, tanks, derrick, etc. which can't be broken down, are required to obtain a special permit. These loads could be oversized and overweight. These loads are repeat transfers and are moved regularly, every seven to fourteen days. This becomes a very repetitive task for the operator to call for a special permit each time this same load is moved. It is time consuming and costly.

Because of the tight economy our industry faces, we are anxious to promote efficiency and reduce costs. HB 2679 will do that for these operators and we also believe it will reduce costs for the Department of Transportation. This bill would allow for an annual permit for repetitious movement of the same oil field equipment. We will still be regulated as to gross vehicle weights, widths, heights, lengths, etc. The annual permit authorized in HB 2679 does not permit a break down of normal regulations. It would simply permit those who haul the same equipment and machinery day in and day out to operate under an annual permit.

In the name of efficiency, economy and cost reduction for both the industry and the Department, we ask you to pass HB 2679.

Donald P. Schnacke

DPS:pp

*House Transportation Committee
January 25, 1996
Attachment 4*

KANSAS MANUFACTURED HOUSING ASSOCIATION

TESTIMONY
BEFORE THE
HOUSE TRANSPORTATION COMMITTEE

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

FROM: Martha Neu Smith, Executive Director

DATE: January 25, 1996

RE: House Bill 2679 - Special Permits

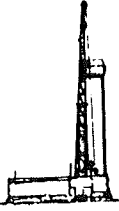
Mr. Chairman and Members of the Committee, my name is Martha Neu Smith and I am the Executive Director of the Kansas Manufactured Housing Association (KMHA). KMHA is a statewide trade association which represents manufactured home manufacturers, retailers, suppliers, community owners/operators, finance and insurance companies and transport companies.

I am here today to voice our support for HB 2679. Over the past several years, KMHA has worked with the Kansas Department of Transportation, Kansas Highway Patrol, Kansas Motor Carriers Association and other interested parties on the concept of annual permitting. The bill you have before you is the outcome of our work together.

The Department of Transportation now has the technology to take the concept of annual permits and make it a reality. This is an efficient way to reduce paperwork and the associated administrative costs for both the Department and transportation companies. The annual permit holder will still only operate on designated routes and will adhere to any other terms, conditions or restrictions in accordance with the permit.

Thank you for the opportunity to comment and I urge your support of HB 2679 without any amendments.

*House Transportation Committee
January 25, 1996
Attachment 5*



ABERCROMBIE RTD, INC.
DRILLING CONTRACTOR

150 N. MAIN, SUITE 801 / WICHITA, KANSAS 67202 / 316-262-1841

January 24, 1996

Honorable Kenneth King, Chairperson
House Transportation Committee
State Capitol
Topeka, KS 66612

REF: House Bill 2679
Permits For Oversize Overweight Vehicles

Dear Representative King:

House Bill 2679 is a bill that will offer both Kansas business and equally, Kansas Department of Transportation Special Permits Division an opportunity for major cost savings. In our current economic status both in the business sector and in state government, dollar savings is good government.

This bill will offer us and other companies an opportunity, who are in the business of transporting nondivisible equipment and machinery, to purchase an "annual permit" for the power unit at a cost of \$125.00.

Our transportation operation is in the business of hauling oil field related equipment and machinery. These trucks haul the same type or the same piece of equipment week after week. In 1995 we had to call KDOT Special Permits Division to obtain three hundred thirty-nine (339) special permits. This process accounts for costly hours doing paper work, processing paper, making the calls, expense for the calls, necessary accounting work, etc. KDOT in turn has to respond with countless hours issuing repetitive permits, handling paper work and also accounting. We estimate that to obtain a routine trip permit, there is a cost to us between \$10.00 to \$25.00 per permit resulting from all direct and indirect expenses. I believe government has similar type expenditures to issue this routine permit.

In the oil and gas industry I would estimate that we probably would be calling for some three to four thousand trip permits annually to haul the same oil field machinery and equipment. To account for these repetitive permits one can quickly determine that this is a costly process not only to business but also state government.

We request for you to allow us the opportunity to eliminate 90 percent of our special permits

*House Transportation Committee
January 25, 1996
Attachment 6*


Honorable Kenneth King, Chairperson

January 24, 1996

Page 2

that we are required to obtain on a daily basis to haul the same equipment and machinery. Annual permits would be cost effective. It would be a good business practice not only to the transporter but also to the shipper. It would be a very good practice and an economic savings to state government if we streamlined the procedure and allow us to obtain annual permits. We encourage that this bill be allowed the opportunity to be accepted and passed without any amendments to distort the intent of the bill.

Sincerely,



Leonard Schuckman, Jr.
Vice President of Operations

LS/sm

KAN-BUILD, INC.

NICHOLS ROAD & HWY 31 EAST • OSAGE CITY, KS 66523 • 1-800-343-2783 • 913-528-4163 • FAX 913-528-4795

January 23, 1996

Representative Kenneth R. King
300 S.W. 10th
Topeka, KS 66612-1504

Dear Representative King:

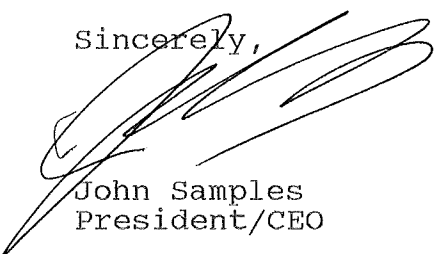
Kan Build, Inc. would appreciate your support of Bill 2679. This bill relates to a blanket approval for movement of oversize loads. It brings Kansas closer in compliance to surrounding states.

Most of all it will reduce time spent on routing by Kan Builds staff; more importantly, it should eliminate growth of government by better time utilization in the Department Of Transportation.

I apologize for the letter rather than a phone call; however, due to your schedule and the short time before an anticipated vote, this letter will have to suffice.

If you have questions, please call. I hope you can support this measure which makes sense.

Sincerely,



John Samples
President/CEO

*House Transportation Committee
January 25, 1996
Attachment 7*

W & L DIRT CONSTRUCTION, INC.

150 N. MAIN, SUITE 801
WICHITA, KANSAS 67202
(316) 262-1841

January 24, 1996

Honorable Kenneth King, Chairperson
House Transportation Committee
State Capitol
Topeka, KS 66612

REF: House Bill 2679
Permits For Oversize Overweight Vehicles

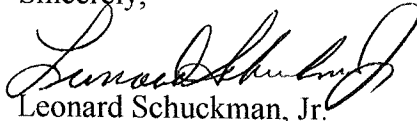
Dear Representative King:

W & L Dirt Construction is an oil field excavating contractor. In 1995 we obtain 73 special trip permits to haul the same dozer on the same truck trailer in a one hundred-mile radius base of operations. Again, in order to obtain a special trip permit we have to call each and every time. Needless to say, this is time consuming and certainly a costly endeavor to us and a costly endeavor to KDOT Special Permits Division to follow through and issue us the trip permit.

In our company we do not have the latitude to pass on the trip permit cost. The cost has to be absorbed as part of doing business. We do believe that the direct and indirect cost for us to obtain a special trip permit will vary between \$15.00 to \$25.00 per permit.

Allow us the opportunity with House Bill 2679 to purchase an annual permit. This would enable us to haul that same D6 Dozer with a ten-foot blade without the needless time and expense that we have to incur today. I believe that House Bill 2679 is good legislation and good business for both us and state government.

Sincerely,



Leonard Schuckman, Jr.
Operations Manager

LS/sm

House Transportation Committee
January 25, 1996
Attachment 8



KANSAS DEPARTMENT OF TRANSPORTATION

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Secretary of Transportation

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Bill Graves
Governor of Kansas

TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION

Regarding H. B. 2680

Revising The Engineering Services Statutes

January 25, 1996

Mr. Chairman and Members of the Committee:

On behalf of the Kansas Department of Transportation, I am here today to provide testimony supporting revisions to the Engineering Services Statute, K.S.A. 75-5801, et seq. These statutes allow KDOT to negotiate contracts for engineering services. I will also be referring to K.S.A. 74-7001, et seq. which are the Technical Professions Statutes to which we are not recommending revision.

Because of revisions to the Engineering Services Statutes enacted on January 1, 1993, the State of Kansas and KDOT cannot presently negotiate contracts for land surveying services. As a result, the engineering services statutes are no longer in compliance with the federal "Brooks Bill;" 23 C.F.R. §172, which requires states to negotiate for engineering and land surveying services if they are to be paid for with federal funds. The revision we are proposing will allow us to negotiate contracts for land survey services, in addition to engineering services.

Prior to January 1, 1993, KDOT was able to negotiate contracts for engineering and land surveying services. In 1992, S.B. 380 was passed, modifying the technical professions licensing requirements in K.S.A. 74-7001 et seq. That legislation excluded land surveying from the practice of engineering services. K.S.A. 74-7003 redefined the terms "practice of engineering," and "practice of land surveying." As a result of the changes in the technical profession licensing requirements, the term engineering services as used in K.S.A. 75-5802 now excludes land surveying as a negotiated service.

House Transportation Committee
January 25, 1996
Attachment 9

Currently, KDOT cannot include land surveying services that we need for highway improvement projects in our engineering services contracts which are negotiated with engineering firms. Engineering firms selected under K.S.A. 75-5801 et seq. can provide engineering surveying services, but the scope of these services is limited. Engineering firms can no longer provide land surveying services, such as surveying of real property for the establishment of boundaries, rights of way, and easements as a part of a negotiated contract. As a result, under the current statute, we are required to either provide land surveying services with in-house staff or obtain land surveying services by low bid.

Both of the alternatives that are currently available, present problems for the Department. KDOT does not have sufficient in-house staff to perform additional land surveying services. If we must take bids for land surveying services, our administrative costs will increase, because we will have to initiate and administer two contracts instead of one. We are also concerned that the combined cost of the services may be higher, because contractors' time and effort will be duplicated as engineering firms and land surveying firms attempt to coordinate their efforts. In addition, because federal law requires land surveying services to be procured through negotiation, we will not be able to use federal funds to pay for those services.

To address this problem, the Department is requesting statutory changes that would restore engineering firms' ability to provide the full range of surveying services required for highway projects. Specifically, we propose that the Engineering Services Statute (KSA 75-5801 et seq.) be revised to: 1) expand the definition of the term "firm" to include the profession of land surveyor and the practice of land surveying services, 2) include the definition of "land surveying" from the Technical Professions Statute (KSA 74-7003), and 3) add land surveying services to appropriate sections as "engineering or land surveying services." Our proposed legislation will not affect the changes that were made in the technical professions act in 1992. However, our proposed revisions will allow KDOT once again to be consistent with federal requirements. In addition through this negotiated process KDOT will be able, for the first time, to prequalify land surveying firms to negotiate and perform land surveying services. This prequalification will be beneficial for those land surveying firms which are interested in competing for land surveying services with all units of government.