

Approved: 3/13/96
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES.

The meeting was called to order by Chairman Ben Vidricksen at 9:05 a.m. on March 12, 1996 in Room 254-E of the Capitol.

All members were present except:
Senator Rock

Committee staff present: Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:
Don Schnacke - Kansas Independent Oil & Gas Association
Dean Carlson - Kansas Department of Transportation
Bill Fuller - Kansas Farm Bureau
LewJene Schneider - Kansas Livestock Association
Mary Turkington - Kansas Motor Carriers Association
Martha Neu Smith - Kansas Manufactured Housing Association

Others attending: See attached list

HB 2679 - REGULATING TRAFFIC; CONCERNING OVERSIZE AND OVERWEIGHT VEHICLES

Don Schnacke appeared in favor of this bill which would allow for an annual permit for repetitious movement of the same oil field equipment. He felt this would promote efficiency and reduce costs for both the industry and the Department of Transportation. (Attachment 1)

Dean Carlson provided testimony to support this legislation to modify special permits to allow an annual permit fee to other types of vehicles and allow commercial vehicle drivers to carry authorization numbers for special permits in their vehicles in lieu of the actual permits. These permits would be allowed for vehicles transporting repetitive types of loads. The Department expressed concern regarding an amendment to exempt trucks from axle weight limits when they are transporting agricultural crops. It was felt that this amendment would result in increased damage to the state's highways and encourage other highway users with similar requests. The Department felt the current weight limits are reasonable and necessary and recommended that the committee remove the amendment before passing the bill. (Attachment 2)

Bill Fuller spoke on behalf of farmers and ranchers to express their views on truck weight limits and axle limits. They encouraged a change in the law regarding weight limits for farm trucks in order to allow the farmers load flexibility in axle and bridging limits. Their desire was not to carry larger weights but to carry loads more compatible with vehicle design. This flexibility would greatly help the farmers and ranchers economically. (Attachment 3)

LewJene Schneider explained that there are times when Kansas Livestock Association members are not in compliance with the current axle weight restrictions. This is not intentional, but usually due to a weight shift in the load while it is being transported. She presented a visual demonstration showing how a properly loaded truck could have a considerable load shift in grain and silage loads while enroute. She urged the committee to show consideration in providing flexible load limits to Kansas agriculture professionals. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES, Room 254-E
Statehouse, at 9:05 a.m. on March 12, 1996.

Mary Turkington appeared in support of the provisions of **HB 2679** but strongly opposed the floor amendment from the House. She explained that the problem with this amendment is that it would provide an exemption from axle weight limits on a broad segments of trucks if such trucks were hauling agricultural crops. Enforcement would be impossible and the state would not be able to retain their federal funds. In addition, she felt this would open opportunities for many other groups to request an exemption on axle limits on other types of units. (Attachment 5)

Martha Neu Smith also voiced support for this legislation as an efficient way to reduce paperwork and administrative costs for both the Department of Transportation 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. (Attachment 6)

Written testimony was distributed but not read from the Kansas Grain and Feed Association. (Attachment 7)

The Chairman announced that there will be a meeting tomorrow to further discuss this issue. A revised agenda will be sent.

A motion was made by Senator Lawrence to approve the minutes of the March 6th meeting. A seconded was made by Senator Papay. Motion carried.

The meeting was then adjourned by the Chairman at 9:53 a.m.

The next meeting is scheduled for March 13, 1996.



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

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*Statement of Donald P. Schnacke, Executive Vice President
Kansas Independent Oil & Gas Association
before the
Senate Transportation & Utilities Committee
March 12, 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.

DPS:pp

Donald P. Schnacke

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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
SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES
March 12, 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.

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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.

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 officer 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.

H.B. 2679 was amended by the House Committee of the Whole to exempt trucks from axle weight limits when they are transporting agricultural crops from a harvested field to initial storage or initial market locations. The Department is concerned that this amendment would result in increased damage to the state's highways and encourage other highway users to come forward with similar requests. The Department recently conducted an evaluation to quantify the potential damage that would occur to the State Highway System as a result of the exemption that would be allowed by the House amendment. The analysis computed the annual damage caused by single unit trucks with a gross volume weight of 54,000 pounds and a payload of 32,000 pounds. The study only included data related to the transporting of grain, because base data for forage crops was not available and could vary substantially, depending on moisture content and distribution of the load. Department personnel also calculated the damage that would be expected to result from the 223 oil field servicing rigs operating with annual permits in Kansas.

The results of this analysis showed that the annual damage caused to the State Highway System by the single unit farm trucks would be 3.2 times greater than that caused by the oil field servicing rigs. Since the weight of farm commodities can be controlled by limiting the amount of those commodities transported in any one trip, the increased damage that results from overloading can be avoided. The Department believes that the current weight limits are reasonable and necessary in order to prevent excessive damage to the highways.

As proposed by the Department, H. B. 2679 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. In the interest of retaining maximum serviceability from our highways, I recommend you consider removing the amendment and passing the bill.



PUBLIC POLICY STATEMENT

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

RE: H.B. 2679 - Oversize and Overweight Vehicles

March 12, 1996
Topeka, Kansas

Presented by:
Bill Fuller, Associate Director
Public Affairs Division
Kansas Farm Bureau

Chairman Vidrickson and Members of the Committee:

We appreciate very much the opportunity to come before you today to express our support for H.B. 2679. One of the purposes of this legislation to provide an exception to the axle weight limitation for trucks with a gross weight of 54,000 pounds or less transporting grain crops or forage from the field to storage, including the elevator or feedlot. There are already two exceptions to the axle weight limits and those are for garbage or refuse trucks and trucks designed to spread manure. This important piece of legislation merits your consideration and support.

For the record, my name is Bill R. Fuller. I am the Associate Director of Public Affairs for Kansas Farm Bureau. We bring to you

the views of farmers and ranchers in the 105 counties in Kansas who are members of County Farm Bureaus. These farmers and ranchers study the issues and adopt policy positions on a wide range of topics that are of legitimate interest to farmers. In the case before us today, we bring you their views on truck weight limits ... and, more specifically 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.

Attached to this testimony is a copy of a letter from Darwin Ediger, a farmer from Meade County Kansas, that speaks to the importance of flexible load limits to Kansas agriculture professionals.

As I am sure you will note, this letter was originally drafted in response to similar legislation introduced last session, but the passage of time has not diminished its relevance on this issue.

We ask that you consider his comments favorably and support H.B. 2679.

Thank you.

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 it 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 in the field can reduce income substantially but this letter would become too 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

SENATE TRANSPORTATION
DATE: 3/12/96
ATTACHMENT: 3-3



*A Century of Service
1894-1994*

STATEMENT
OF THE
KANSAS LIVESTOCK ASSOCIATION
TO THE
Senate Committee on Transportation and Utilities
Senator Ben Vidricksen, Chair
with respect to
HB 2679
Presented by
LewJene Schneider, J.D.
Director of Research and Legal Affairs
March 12, 1996

Mr. Chairman and members of the committee, I am LewJene Schneider 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 actively involved in virtually every phase of farming and ranching. The Kansas Livestock Association supports HB 2679.

Sometimes KLA members are not in compliance with the current axle weight restrictions. This is not intentional, however it may happen when harvesting crops, specifically silage, and hauling the commodity to the silo, storage or elevator.

Silage has a physical characteristic mainly of moisture. In fact, silage is normally 70% moisture. This makes this commodity more subject to unpredictable shifting when driving out of a field to the silo.

It is our understanding other states have attempted to provide relief similar to that found in HB 2679 for producers during harvest. Silage is a very perishable product. For every day silage harvest is delayed, a producer may lose one (1%) to three (3%) percent of her or his gross income, due simply to shrink.

Thank you for your time and consideration of our position. We respectfully ask for your support of HB 2679.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Supporting only the original version of House Bill 2679 which relates to the issuance of special permits for loads which cannot be reasonably divided or reduced.

Presented to the Senate Transportation & Utilities Committee, Senator Ben Vidricksen, Chairman; Statehouse, Topeka, Tuesday, March 12, 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 appear here today along with Tom Whitaker, our Governmental Relations Director; representing our member-firms and the highway transportation industry.

We support the provisions of House Bill 2679 as the bill was introduced. We strongly oppose the floor amendment which was added to the bill as Section 1, in House Committee of the Whole debate.

House Bill 2679 was introduced to streamline and more closely control the routine 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 such special permits include manufactured housing, construction equipment, self-propelled truck-mounted cranes, electrical transformers, oil field drilling equipment, large Kansas-manufactured boats, and oversized farm machinery including custom combine equipment.

The bill provides the option for the current \$5.00 permit issuance fee for each single-trip permit OR offers an alternative annual permit for vehicles transporting repetitive oversize loads at a cost of \$125.

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 permit authorization for the improper use of such a permit.

Subsection (c) of Section 3 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 floor amendment adopted by the House as Section 1, of H.B. 2679, basically would re-impose the provisions of H.B. 2118 which remains in this Committee from the 1995 session. There are some references to "harvested agricultural crops" rather than grain and forage cargoes and the amended version does place a 75-mile distance (which radius-wise is substantial) as a limit on the destination miles.

The basic problem is that such an amendment would provide an exemption from axle weight limits on a broad segment of straight trucks permitting any straight truck registered for a gross weight of 54,000 lbs. or less, to be exempt from axle weight limitations IF such trucks were hauling agricultural crops.

What is going to happen when the "initial storage" subsequently needs to be moved to a "local" elevator -- or to a feedlot? Are these trips merely a continuation of the initial trip from a field of production?

Enforcement would be impossible. Who will be the next group to demand an exemption and how can one expect full compliance with axle limits on other types of units when this amendment would grant such latitude to straight trucks hauling such "agricultural crops?"

Weight is transmitted to highway surfaces through axle weight configurations. Disregard for axle weight limitations and for weight distribution criteria will accelerate highway deterioration. We urgently request you to delete the House floor amendment which appears as Section 1, in H.B. 2679 as it is before this committee.

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

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SENATE TRANSPORTATION
DATE: 3/12/96
ATTACHMENT: 5-3

KANSAS MANUFACTURED HOUSING ASSOCIATION

TESTIMONY

BEFORE THE

SENATE TRANSPORTATION COMMITTEE

TO: Senator Ben Vidricksen, Chairman and
Members of the Committee

FROM: Martha Neu Smith, Executive Director

DATE: March 12, 1996

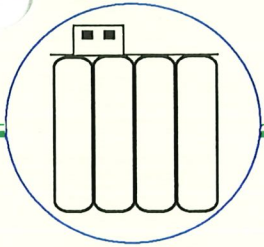
RE: House Bill 2679 - Special Permits

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 as it was introduced. 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 of Transportation 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 the House floor amendment.



KANSAS GRAIN AND FEED ASSOCIATION

**Statement of the
Kansas Grain & Feed Association
to the
Senate Transportation Committee
Regarding H.B. 2679
Senator Ben Vidricksen, Chair
March 12, 1996**

The following statement is submitted on behalf of the Kansas Grain and Feed Association (KGFA). KGFA is a voluntary state organization founded in 1896 to provide government representation, educational opportunities and a wide variety of other services to the vast and indispensable grain and feed marketing system. The 1200 members of the KGFA include both independent and cooperative country elevators, subterminal and terminal elevators, feed manufacturers, grain merchandisers and allied industries such as railroads, grain exchanges, equipment manufacturers and insurance firms. We appreciate this opportunity to outline our support of H.B. 2679.

H.B. 2679 amends K.S.A. 8-1901 to exempt farmers and ranchers from axle weight restrictions if they are using a truck registered for 54,000 pounds or less gross weight to transport harvested crops from the field to initial storage. It does not relieve them of responsibility for gross weight limitations. KGFA recognizes that the interests of all parts of the broad agricultural system are interdependent. Consequently, we support H.B. 2679 because it gives farmers and ranchers more flexibility during harvest when the window of opportunity to move crops from the field is short and time is at a premium.

KGFA asks for your favorable consideration of H.B. 2679. If you have questions, please contact Jamie Clover Adams, Vice President Government Affairs at 913-234-0461.