

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary K. Hayzlett at 1:35 p.m. on January 29, 1998 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department
Reed Holwegner, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
J. Patterson, Committee Secretary

Conferees appearing before the committee: Marvin Brobst, Mitchell Co. farmer
Tom Whitaker, Kansas Motor Carriers Assoc.
Ken Gudenkauf, Assistant Bureau Chief of Traffic Engineering
KDOT
David Worth, farmer
Nancy Bogina, Kansas Department of Transportation

Others attending: See attached list

HCR 5036 - Requesting changes to the federal CDL

Hearing was opened. Bruce Kinzie was the first to present the background of **HCR 5036**. Congressman Moran has introduced a bill that would temper the CDL Act on federal level. It would encourage some kind of change of CDL that would exempt motor grade drivers from having to have a CDL.

Representative McClure presented signed documents from the Mitchell County Commissioners and Congressman Moran as proponents of **HCR 5036**.(Attachment 1)(Attachment 2) She discovered this past summer that there was a problem regarding township road graders and their liability. The townships have small budgets and very few people who can actually run the equipment on a year round basis. The CDL has nothing to do with how to operate a grader, it falls under the requirement because of its weight. It's a greater problem to continue to do this with the liability issue hanging out there than not to do anything. Representative Howell questioned if a road grader is considered a slow moving vehicle. Betty McBride, KDOT, responded that it was not only the weight and vehicle that determines if it comes under the CDL requirements, but also the safety factor. Anything that travels on the road is considered to fall under the CDL requirements if it meets that classification.

Proponent Marvin Brobst, farmer, gave testimony in support of **HCR 5036**.(Attachment 3)

Tom Whitaker was the opponent of **HCR 5036** representing the Kansas Motor Carriers Association. Although they believe that the CDL law was intended to only apply to drivers of licensed motor vehicles, the U.S. Department of Transportation should redefine a commercial vehicle.(Attachment 4)

Chair asked for any other testimony or questions. The hearing on **HCR 5036** was closed.

Chair requested Ken Gudenkauf, Kansas Department of Transportation, provide information on the current law regarding the movement of vehicles loaded with large bales of hay on interstate highways. David Worth, farmer from central Kansas, has several trucks that haul hay to other states. He said there is no direct way to get from Ellinwood to Chillicothe because of restrictions in this state. Representative Schwartz asked for a bill to be drafted to address the problem of wide loads.(Attachment 5)

Representative Correll made a motion to permit wider loads, seconded by Representative Shore and the motion was passed.

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 526 -S Statehouse, at 1:30 p.m. on January 29, 1997.

Nancy Bogina, Department of Transportation, had a bill request authorizing the Secretary of Transportation to pay for losses of mechanics tools. There would not be a cap on the bill.

Representative Pauls made a motion to introduce the bill, Representative Dillon seconded and the motion was passed.

The minutes of January 21, 1998 and January 27, 1998 were presented.

Representative Dreher made a motion to approve the minutes, Representative Correll seconded and the motion was carried.

The meeting was adjourned at 2:35.

The next meeting is scheduled for February 3, 1997.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 1-29-98

NAME	REPRESENTING
Nancy Bogina	KDOT
Steve Woolington	KDOT
Ken Gudenkauf	KDOT
Bill Watts	KDOT
Brenden Wirth	Intern (Schwartz)
DAVID WIRTH	FARMER
Marvin Brobst	Township Board
Betty Mc Bride	KDOR
Alan Anderson	KDOR
Martha Jean Smith	KMHA
Island Shore	Rep. Shore
Ken Ballo	Ks. Environmental Consulting
Helen Hayzlett	observer
Cory Kuehl	Intern (Hayzlett)
Cambry Pagenkopf	observer
Pat Hubbell	Kansas Railroads
Mike Kelley	Kansas Motor Carriers Assn.
GARY DAVENPORT	KS MOTOR CARRIERS ASSN.
TOM WHITAKER	KS MOTOR CARRIERS ASSN

**Board of County Commissioners
Mitchell County, Kansas
PO Box 190
Beloit, KS 67420
(785) 738-2937**

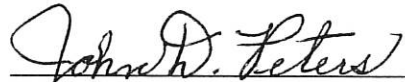
January 26, 1998

Whereas the townships in Mitchell County find it to be a hardship to employ qualified motor grader operators who have CDLs because of the lack of availability of these individuals.


Whereas in rural Mitchell County using qualified motor grader operators without CDLs does not pose a safety hazard.

Therefore, we the commissioners of Mitchell County support House Concurrent Resolution No. 5036.

Board of County Commissioners
Mitchell County, Kansas


John D. Peters, Chairman


William P. Bunger, Member


Lyle McPeak, Member

House Transportation
1-29-98
Attachment 1

ERRY MORAN
FIRST DISTRICT
KANSAS

COMMITTEE ON
AGRICULTURE

COMMITTEE ON
INTERNATIONAL RELATIONS

COMMITTEE ON
VETERANS' AFFAIRS

Congress of the United States
House of Representatives
Washington, DC

1217 LONGWORTH HOUSE OF REPRESENTATIVES BUILDING
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DISTRICT OFFICES:
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(913) 628-6401

20 WEST 2ND
SUITE 303
P.O. BOX 1128
HUTCHINSON, KS 67504-1128
(316) 665-6138

September 23, 1997

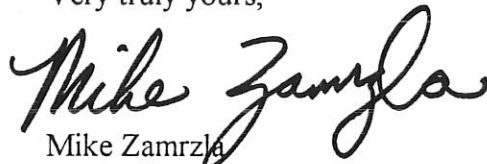
Representative Laura McClure
202 S. 4th
Osborne, Kansas 67473

Dear Representative McClure:

Per our recent telephone conversation, enclosed you will find a letter signed by Congressman Moran urging revision of the commercial drivers license (CDL) program that is part of ISTEIA legislation before Congress.

Once you have had the opportunity to read the letter, please feel free to contact me if you have questions or if Congressman Moran can be of further assistance.

Very truly yours,



Mike Zamrzla
Constituent Services Representative

enclosure

House Transportation
1-29-98
Attachment 2



Congress of the United States
House of Representatives
Washington, DC 20515-3306

September 5, 1997

The Honorable Bud Shuster
Chairman
House Committee on Transportation
2165 Rayburn House Office Building

The Honorable Jim Oberstar
Ranking Democratic Member
House Committee on Transportation
2165 Rayburn House Office Building

The Honorable Thomas Petri
Chairman
Subcommittee on Surface Transportation
House Committee on Transportation
B-370A Rayburn House Office Building

The Honorable Nick Rahall
Ranking Democratic Member
Subcommittee on Surface Transportation
House Committee on Transportation
B-375 Rayburn House Office Building

Dear Mr. Chairmen and Ranking Members:

As the Transportation and Infrastructure Committee continues to draft ISTEA legislation, we want to emphasize our strong support for revising the current commercial drivers license (CDL) program.

The changes we propose would provide states with the option to license drivers of commercial motor vehicles in intrastate commerce based upon testing standards determined by the states. Employers now spend considerable time and resources training their drivers to meet all of the requirements of the CDL program. We believe it should be within a state's discretion to determine what kind of commercial vehicle licensure and testing is required for commerce solely within its borders.

It is not evident that drivers in local delivery vehicles need to be or ought to be subjected to the whole panoply of federal licensing and testing requirements applied to cross-country drivers of semi-tractor-trailers. Many drivers from wholesale distributing companies and local governments spend less than 20 percent of their time driving, operate within a 100-mile radius of their place of employment, and return home every night.

It would be completely up to each state whether it chose to reassume authority over licensing and testing of intrastate drivers. Some states may be expected to ignore the option, some to take full advantage of it, and some may act in a limited way to grant relief to those obvious cases not requiring federal regulation.

We are confident that states will develop testing standards that maintain the same level of safety offered by the federal program. After all, the primary mission of all state DOT's is to ensure the safety of those travelling on its roads. In light of these facts, we trust that you will give this proposal serious consideration.

Thank you again for your attention to this matter. If we may provide any additional information to assist you, please let us know.

Sincerely,

Howard Cole

Tom King

John Johnson

Pete DeFazio

Bob Ny

Gene Taylor

Earl Blumenauer

~~Jerry Moran~~

Spur Taha

Ray Sobro

Jo Ann Emerson

[Signature]

Sam W. Johnson

W. H. [Signature]

Jack Metcalf

[Signature]

Ernie

Ann Kelly

Ed Stewart

Ed Jackson

Jim Barcia

Fay Blunt

Kay George

Stephen Horn

Mike

TESTIMONY OF MARVIN BROBST ON HOUSE RESOLUTION NO. 5036

I am Marvin Brobst, Soil Conservation Contractor, farmer, and Township Board Member in Mitchell County, Kansas. I strongly support House Resolution No. 5036.

We have twice as many dirt roads as we do gravel roads in our county. Several of our dirt roads are U.S. Mail Routes. During hunting seasons, hunters tear up our dirt roads when muddy which have to be smoothed out. We can not afford to hire a full time motor grader operator, so we depend on a lot of volunteer work by several farmers to maintain our roads. It has been expressed by Several volunteers that they will not get a CDL, which will hurt our Road Maintenance even more.

I showed this Resolution to our ex-Representative, Clifford Campbell. He agrees with me that this is a good Resolution. He would be here today, but he had prior commitments. Cliff is also a Township Board Member.

Mitchell County has expressed that they do not want our townships in a county unit. If we are going to continue as townships, we need all the breaks we can get. Our County Commissioners have also endorsed the House Resolution No. 5036 by a vote of 3 to 0.

Thank you very much for allowing me the time to testify before you on this matter.

Marvin W. Brobst
Rt. 3 Box 81
Beloit, Ks. 67420
785-529-4524

House Transportation
1-29-98
Attachment 3



KANSAS MOTOR CARRIERS ASSOCIATION

P.O. Box 1673 ■ Topeka, Kansas 66601-1673 ■ 2900 S. Topeka Blvd. ■ Topeka, Kansas 66611-2121
Telephone: 785.267.1641 ■ FAX: 785.266.6551 ■ e mail: kmca@kmca.org

"If you've got it, a truck driver brought it!"



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Dillon Stores Company
President

MICHAEL J. MAIER, II
Consolidated Freightways
Chairman of the Board

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ATA State Vice President

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WSKT, Inc.
Alternate to ATA State Vice President

MIKE KELLEY
Executive Director

LEGISLATIVE TESTIMONY

by the

Kansas Motor Carriers Association

Presented to the House Transportation Committee
Rep. Gary Hayzlett, Chairman
Statehouse, Topeka
Thursday, January 29, 1998

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Tom Whitaker, director of governmental relations and membership services of the Kansas Motor Carriers Association (KMCA). Joining me today is KMCA Executive Director Mike Kelley and Gary Davenport, KMCA director of safety. We appear here this afternoon representing our more than 1,350 member-firms and the Kansas trucking industry.

KMCA respectfully must oppose House Concurrent Resolution No. 5036 as drafted. The resolution would urge Congress to modify the provisions of the federal commercial driver's license law to allow the states the option to license the drivers of commercial motor vehicles in intrastate commerce based upon testing standards developed by individual states.

We strongly supported the Uniform Commercial Driver's License Act when it was adopted by the Kansas Legislature during the 1989 session. It was our belief then, and we have the same belief today, that CDL law was intended to only apply to drivers of licensed motor vehicles.

House Transportation
1-29-98
Attachment 4

It is obvious to us that the U.S. Department of Transportation's interpretation that a road grader is a commercial motor vehicle when operated on our highways has created a major problem for cities, counties and townships in this state.

KMCA continues to support uniform commercial drivers' licenses. Uniformity is the key word. We believe that if each state begins to develop their own testing requirements for intrastate commercial vehicles, we would return to the days (in Missouri) when you could take a driving test in a Volkswagen Beetle and be issued a drivers' license for a tractor semi-trailer.

We believe HCR 5036 should be directed to Mr. Rodney Slater, Secretary of the U.S. Department of Transportation, urging the Secretary to redefine a commercial vehicle. The definition should only apply to vehicles required to be registered and licensed.

With this change, the Kansas Motor Carriers Association would support HCR 5036.

Thank you for the opportunity to present our comments on HCR 5036. We would be please to respond to questions.



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

**INFORMATION FOR THE
HOUSE TRANSPORTATION COMMITTEE****January 29, 1998**

Mr. Chairman and Committee Members:

I am Ken Gudenkauf, Assistant Bureau Chief of Traffic Engineering, at the Kansas Department of Transportation. I have been asked to provide information to the committee regarding the movement of vehicles loaded with large bales of hay on interstate highways.

The movement of vehicles loaded with bales of hay is authorized and governed by K.S.A. 8-1902 (d) for maximum width of 12 feet and K.S.A. 8-1904 (a) for maximum height of 14' 6". These loads are not authorized for use on interstate highways and are not allowed to travel from one-half hour after sunset to one-half hour before sunrise. Each load that exceeds 8' 6" in width is required to have an oversize load sign and red flags on all four corners.

In order to use any federal highway for movement of vehicles loaded with bales of hay that exceed 8' 6" width, the state statute needs to be revised to require the vehicle to have an over-width permit and must comply with weight limits established in K.S.A. 8-1908, K.S.A. 8-1909, and K.S.A. 8-1909a.

It is extremely important that any authorization to issue permits for use of divisible loads on interstate highways comply with federal law and regulations. If the Federal Highway Administration determines that the state is not adequately enforcing state size and weight laws on Federal-aid highways, sanction procedures can be implemented to reduce apportioned highway funds by ten percent. If state laws applicable to the interstate highways are not consistent with weight limits established by federal law, sanction procedures can be implemented to withhold all National Highway System funds to be apportioned to the state. Noncompliance could therefore result in sanctions of over \$20 million and \$45 million, respectively.

I am available, if needed, to provide assistance to configure legislation that would authorize movement of these vehicles on all highways, including the interstate, to comply with federal law and regulations.

House Transportation
1-29-98
Attachment 5