

Approved: 2-21-00
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Rep. Gary Hayzlett at 1:40 p.m. on February 8, 2000 in Room 519-S of the Capitol.

All members were present except:
Representative Phill Kline
Representative Bruce Larkin

Committee staff present:
Bruce Kinzie, Revisor of Statutes
Hank Avila, Research Department
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:
Jackie Miller, Director, Transportation Division, State Corporation Commission
Tom Whitaker, Director, Governmental Relations, Kansas Motor Carriers Association
Sargent Rex Railsback, Motor Carriers Safety Assistant Program, Kansas Highway Patrol

Others attending:
See attached sheet

HB 2768 - motor carriers, state corporation commission

Chairman Hayzlett opened hearings on **HB 2768** and called on Jackie Miller, Director of Transportation Division of the KCC to testify.

She called the committee's attention to a balloon which listed several changes to the original bill, which she states will not only provide further clarification of issues but will help the commission more closely monitor new motor carriers. In part, the amendments would allow the Commission to enforce its own penalties rather than the Attorney General's office 2) eliminate temporary authority 3) make the issuance of public motor carrier certificates to transport property other than household goods or passengers an administrative procedure 4) would not allow vehicles carrying property or material used in repair, building or construction work to have an exception to the safety rules and regulations. (Attachment 1)

Following questions from the committee Ms. Miller stated she would make available to the committee a copy of the safety rules and regulations of the Kansas Corporation Commission.

Tom Whitaker, Kansas Motor Carriers Association, stated that with the amendments the Kansas Motor Carriers Association was in support of **HB 2768**. He then proceeded to clarify some of the questions from the committee regarding the types of vehicles affected, personal or commercial; the penalties for failure to comply and the differences with the rules now and if **HB 2768** should become law. (Attachment 2)

Sargent Rex Railsback, Motor Carrier Safety Assistant Program, Kansas Highway Patrol, states he teaches troopers how to comply with the rules and regulations regarding safety measures. He told the committee there were 11 local law enforcement officers trained to make the inspections at this time. He relayed to the committee some of the problems they have encountered and concluded they would appreciate the support this bill would give them regarding putting "tools of the trade" under the safety regulations.

There being no other proponents, and no opponents listed, the Chair closed hearings on **HB 2768**.

HB 2258 - auxiliary driving lamps and fog lamps, restriction

The Chair called for discussion and final action on **HB 2258**. He called on Bruce Kinzie, Revisor, to give an overview of the bill.

Representative McClure made a motion to amend HB 2258, following the suggestion of the Highway Patrol, that would include a graduated enforcement clause. This was seconded by Representative Long and the motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 519-S Statehouse, at 1:40 p.m. on February 8, 2000.

There being no other opponents Chairman Hayzlett closed hearings on **SB 369**.

A letter from the Kansas Contractors Association, Inc. was distributed to the committee outlining the details of the joint House and Senate Transportation trip to the East Topeka Interchange project and the NASCAR racetrack construction site in Kansas City on Monday, March 13th. . (Attachment 4)

Chairman Hayzlett adjourned the meeting at 2:25 p.m.

The next meeting of the House Transportation Committee is scheduled for Tuesday, March 14th, 2000 in Room 519-S.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-8-00

NAME	REPRESENTING
Tom Whitaker	Ks Motor Carriers Assn.
Rex Railsback	Ks Hwy Patrol
Terry Affholder	Ks. Hwy. Patrol
Bill Watts	KDOT
Lee Eisenhower	Propane Marketers Assoc.
Jackie Miller	KCC
Tony Stewart	KHP
Allen Humphrey	KCC
Paula Lentz	KCC
Tom Stratton	KCC

Testimony of Jackie Miller
Kansas Corporation Commission
Director of Transportation
House Bill 2768
February 8, 2000

Good afternoon Mr. Chairman and members of the committee. I am Jackie Miller, the Director of the Transportation Division of the State Corporation Commission. I am appearing here today on the behalf on the KCC to testify on House Bill 2768 which proposes several changes to the motor carrier act.

Attached to the copies of this testimony, you will find that the Commission is requesting additional changes that were not part of the original bill. These changes will not only provide further clarification of issues, but will add new proposed sections to K.S.A. 66-1,114 and the New Section 1 that will help the commission more closely monitor new motor carriers during that all important first year.

The amendments to K.S.A. 66-123, 66-143, and 66-144 delete references to the interstate commerce commission which was abolished by the ICC Termination Act. Three other federal agencies now perform the functions indicated by the chapter 66 statutes. The Commission proposes an amendment which will identify those agencies only as federal agency.

The proposed amendment to K.S.A. 66-138 will allow the Commission to more effectively enforce its own penalties rather than burdening the Attorney General's office. This would apply to cases where penalties are assessed against a motor carrier and then that carrier fails to pay. Discussions between KCC staff and the Attorney General's Office agreed that an effective way to facilitate enforcement would be for the Attorney General to appoint a Commission attorney as a special assistant attorney general for the purposes of enforcing and collecting forfeitures.

The proposed amendments to K.S.A. 66-1,117, 66-1,114, 66-1,115a, 66-1,118, 66-1,119, 66-1,119a and the proposed New Section 1 would eliminate temporary authority. In order to grant temporary authority, a shipper must demonstrate a need for service. Since the Commission does not regulate service, temporary authority is unnecessary.

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Attachment 1

In addition, the proposed amendments will make the issuance of public motor carrier certificates to transport property other than household goods or passengers more of an administrative procedure, reflecting the difference in form of issuance between that and a certificate to transport household goods or passengers, which is a quasi-judicial process.

The transportation of household goods and passengers is regulated through Commission approved tariffs, while the transportation of property, other than household goods or passengers is not. In order to make the issuance of certificates for the transportation of property other than household goods or passengers a more administrative process the Commission proposes the new language. The new language would eliminate the need to issue an order granting the certificate to transport property other than household goods or passengers, unless the applicant is denied authority, which will still require an order.

The quasi judicial process has served the commission well, particularly during the time when the KCC regulated rates, routes and services of motor carriers. The current regulatory function is however, primarily safety in nature. By streamlining the process for granting authority, the Commission can better utilize its resources for compliance, be it educationally or through enforcement, and reduce the time used in clerical functions. The Kansas Motor Carrier Association supports this legislation and our efforts to increase compliance.

The proposed amendment to K.S.A. 66-1,129 would not allow vehicles carrying property or material used in repair, building or construction work to have an exception to the safety rules and regulations. A safety concern has prompted this amendment. Under the current laws and regulations, a contractor with a truck tractor pulling a flat bed semi-trailer with a backhoe is not subject to the motor carrier safety rules and regulations. That includes the regulations regarding securing the backhoe, vehicle safety requirements, and drug testing of the driver. I suggest to you, that this contractor is no less, or no more of a safety hazard than the implement dealer, with a similar backhoe, that is delivering it to a person who recently purchased it. The implement dealer is subject to the safety rules and regulations of the commission. The Kansas Highway Patrol and the Kansas Motor Carrier Association support this legislation.

I appreciate your consideration and will answer your questions.



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LEGISLATIVE TESTIMONY

Presented By The

KANSAS MOTOR CARRIERS ASSOCIATION

Appearing before the House Transportation Committee
Representative Gary Hayzlett, Chairman
Tuesday, February 8, 2000
State Capitol, Topeka, Kansas

CONDITIONALLY SUPPORTING HOUSE BILL NO. 2768

MR. CHAIRMAN AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE:

My name is Tom Whitaker, director of governmental relations and membership services for the Kansas Motor Carriers Association. I appear here this afternoon on behalf of our 1,475 member firms and the Kansas Trucking industry.

We are here today to offer our conditional support to House Bill No. 2768, provided this Committee adopts a few amendments. The bill streamlines the application process for motor carriers applying to the Kansas Corporation Commission for a "certificate of public service" to operate for-hire between points and places in Kansas.

In 1995, the United State Congress prohibited states from regulating rates, routes or service for intrastate for-hire motor carriers, except for those transporting household goods and passengers. Kansas adopted conforming legislation and created a "certificate of public service" to identify those carriers which would only be subject to registration, insurance filings and compliance with safety rules and regulations. Motor carriers transporting household goods or passengers continue to be required to obtain a certificate of convenience and necessity and file tariff to reflect the rates they intend to charge customers.

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Attachment 2

JERRY ARENSDORF
Arensdorf Trucking, Inc.
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MIKE KELLEY
Executive Director

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H.B.2768 makes the necessary changes to Kansas law to allow the KCC to administratively approve certificates of public service, and thereby reducing the time from application to approval from 60 days to 30 days. Our association believes this is the proper way to proceed. However, the Commission's focus on motor carriers has moved from rate regulation to safety compliance. It is the strong feeling of our association that the bill be amended to require the Commission to ascertain those that receive approval for a certificate of public service are in compliance with the safety rules and regulations within the first 12 months of receiving such certificate. An amendment to New Section 1 (b) would accomplish this. Without such amendment KMCA would oppose H.B. 2768.

Further, the bill eliminates the exemption from the safety rules, of those transporting "tools of the trade". An example of this type of transportation is someone transporting a large scraper to a highway construction site. Because the driver is not transporting property, such as a culvert, the driver would not be required to comply with the safety regulations. KMCA submits that there is no difference in safety responsibilities for someone transporting a "tool of the trade" or general commodities with a truck tractor semitrailer. A truck is a truck is a truck. KMCA supports this portion of H.B. 2786.

Mr. Chairman, the Kansas Motor Carriers Association will support H.B. 2786 if this Committee makes the outlined changes to the bill. We thank you for the opportunity to appear before you today, and would be pleased to respond to any questions you may have.