

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 16, 2000 in Room 519-S of the Capitol.

All members were present except:

Representative Jerry Aday, excused

Committee staff present:

Bruce Kinzie, Revisor of Statutes

Hank Avila, Research Department

Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Senator Jim Barone

Tom Whitaker, Kansas Motor Carriers Association

Woody Moses, Kansas Aggregate Producers' Association

Ken Gudenkauf, Chief, Bureau Traffic Engineering, Kansas Department of Transportation

Tom Tunnell, Kansas Grain and Feed

Leslie Kaufman, Kansas Farm Bureau

Others attending:

See attached list

HB 2809 - wrecker and towing services, liens

Chairman Hayzlett opened hearings on **HB 2809** and called on Tom Whitaker, Kansas Motor Carriers Association, as the first opponent. He explained the current law and then listed some proposed changes that he felt would ease the burden on the towing industry and at the same time protect the vehicle owner and lienholder. He asked for favorable consideration of **HB 2809**. (Attachment 1)

There were no opponents. Following discussion the Chair closed hearings on **HB 2809**.

SB 346 - traffic regulation, liability for overweight trucks

Chairman Hayzlett opened hearings on **SB 346**.

Senator Barone stated that after showing a video dealing with overweight vehicles to several interested organizations they all agreed that overweight vehicles are a concern. He listed two solutions that gained consensus: 1) shipper liability in addition to driver liability for an overweight vehicle and 2) uniform enforcement of the laws. (Attachment 2)

Tom Whitaker, representing Kansas Motor Carriers Association, spoke in support of **SB 346**. He said the bill mandates joint responsibility of the truck driver and the shipper of the freight for excessively overloading trucks. He continued operators of overloaded trucks create a competitive disadvantage for those who operate within the limits of the weight laws and shippers who allow a vehicle to be overloaded should share in the consequences for such violations. (Attachment 3)

Edward Moses, Kansas Aggregate Producers Association and Kansas Ready Mix Concrete Association, spoke in support of **SB 346**. He told the committee in order to remain competitive and contribute to the economic well being of our state their business depend upon functional and well-maintained roads and that overloaded trucks are a threat to the condition of the highways and negatively affect all who use them. He concluded that any measure that positively deals with the problem of intentionally overloading trucks should be seriously considered. (Attachment 4)

Ken Gudenkauf, Assistant Bureau Chief of Traffic Engineering, said that subjecting the person loading the vehicle to the same penalties as the vehicle operator should reduce the number of overweight vehicles operating on Kansas highways and this reduction would lessen the damage to the highway infrastructure and enhance overall safety of the vehicles operating in Kansas. (Attachment 5)

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 519-S Statehouse, at 1:40 p.m. on February 16, 2000.

The President of the Kansas Grain and Feed Association, Tom Tunnell, said the leadership of his association has reviewed the issue of over weight trucks and believe the 10,000 pound gross vehicle weight tolerance before penalties apply to shippers is both reasonable and adequate, however, he said their support was conditional on several points which he listed. (Attachment 6)

Leslie Kaufman, Kansas Farm Bureau, said many farm products, both grain and livestock, are loaded at sites where scales are not available. While they do not condone overloading of trucks, it is imperative that penalties not be levied against those agriculture producers who unintentionally overload by only a few hundred pounds. She stated they support **SB 346** since the concept of the bill is targeted at protecting the state's highway infrastructure while still providing a margin of error for those loading at sites such as fields and pastures where scales are not available. (Attachment 7)

HB 2745 - highway advertising control act, definitions

Chairman Hayzlett called for discussion and final action on **HB 2745**. Following discussion and concerns from some of the committee as to how this bill would impact their districts, Representative Long made a motion to defer final action on HB 2745 until the Unified Government meeting on Thursday. There was no second to this motion, however, Chairman Hayzlett granted the request to delay final action and give members time to further study the bill.

HB 2883 - crimes, not paying for motor fuels, penalties

Chairman Hayzlett called for discussion and final action on **HB 2883**. Following discussion Representative Pauls made a motion to amend HB 2883, page 1, following line 24 by inserting "(b) failure to replace or reattach the nozzle and hose of the pump used for dispensing of motor fuels or intentionally placing such nozzle and hose on the ground shall be prima facie evidence of the intent to defraud under the provisions of subsection (a)" and relettering the remaining subsections. This was seconded by Representative Larkin and the motion carried. Representative Pauls made a motion to pass HB 2883 favorably, as amended, seconded by Representative Ray and the motion carried.

HB 2768 - motor carriers, state corporation commission

Chairman Hayzlett called for discussion and final action on **HB 2768**. The committee referred to a balloon which they had received earlier which clarified the amendments which were offered. Following discussion, Representative Huff made a motion to adopt the amendments, seconded by Representative Ray and the motion carried. Representative Thimesch made a motion to table HB 2768, seconded by Representative Ballou and the motion carried on a vote of 8 ayes to 6 nays.

HB 2809 - wrecker and towing services, liens

Chairman Hayzlett called for discussion and final action on **HB 2809**. Following discussion, Representative Ballou made a motion to pass HB 2809 favorably and place on the Consent Calendar, seconded by Representative Powers and the motion carried.

Chairman Hayzlett adjourned the meeting at 2:30 p.m.

The next meeting of the House Transportation Committee is scheduled for Thursday, February 17, 2000 in Room 423-S.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2/16/2000

NAME	REPRESENTING
Yake Heston	Oskaloosa KS
Vince Newman	Oskaloosa KS
Hilma Ungher	Centerville, K.
Phil Boller	Junction city KS KFB
Bill Brady	KS Gov't Consulting
Leslie Kaufman	KS Farm Bureau
Phil Larson	USD 419
Richard Bandy	USD 419
Beyron Ellery	Kansas Grain & Feed
Frank Shultz	Kansas Fertilizer & Chemical Assn.
Lee Wright	FARMERS Ins.
Jackie Miller	KCC
Paula Hertig	KCC
Scott Brunner	DOB
Tony Stewart	KHP
Russ Ronnebaum	Hammel Scale - Wichita
Michael Jopp	Ottawa KS
Laura Pearl	B Pearl Sales & Service
Douglas Pearl	J.B. Pearl Sales & Service Inc



KANSAS MOTOR CARRIERS ASSOCIATION

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Telephone: (785) 267-1641 ■ FAX: (785) 266-6551 ■ www.kmca.org

Trucking Solutions Since 1936

LEGISLATIVE TESTIMONY

Presented by the

KANSAS MOTOR CARRIERS ASSOCIATION

Appearing before the House Transportation Committee
Representative Gary Hayzlett, Chairman
Wednesday, February 16, 2000
State Capitol, Topeka, Kansas

SUPPORTING HOUSE BILL NO. 2809

JERRY ARENSDORF
Arensdorf Trucking, Inc.
President

LESLIE J. UNRUH
Unruh Grain, Inc.
Chairman of the Board

JOHN LATHROP
Roadway Express, Inc.
First Vice President

CHRISTIE CHAMBERS
Chambers Trucking, Inc.
Second Vice President

KEN LEICHT
Frito-Lay Distribution & Service
Treasurer

LARRY "DOC" CRIQUI
Kansas Van & Storage/Criqui Corp.
Corporate Secretary

GLENN UNREIN
Golden Plains Trucking, Inc.
ATA State Vice President

DARRELL KIRKWOOD
National Carriers, Inc.
ATA Alternate State Vice President

TONY GASTON
Rawhide Trucking, Inc.
ProTruck PAC Chairman

MARVIN ROBERTSON
J.M.J. Projects, Inc.
Public Relations Chairman

MIKE KELLEY
Executive Director

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 specifically our Towing and Recovery Division members.

We are here today in support of House Bill No. 2809, which updates the Towing and Recovery Lien Law that was approved by the Legislature in 1987. The lien law only applies when a towing company is properly registered with the Kansas Corporation Commission and the owner of the motor vehicle or law enforcement orders the towing service.

Current law requires towing companies to comply with the following procedure to satisfy a lien on a motor vehicle:

- If the name of the owner of the vehicle is known, notice must be given within 15 days that the vehicle is being held subject to satisfaction of the lien.
- If the vehicle has a value of less than \$500.00, within 60 days of taking possession of the vehicle, the towing company must request verification of the last registered owner and any lienholders from the Kansas Department of Revenue Division of Vehicles.
- If the vehicle has a value of \$500.00 or more, the towing company must request the verification of ownership between the 45th and 60th day of possession of such vehicle. This provision was requested by the insurance industry to ascertain that if the vehicle was reported stolen, the insurance company would be the owner of record and notified of the vehicle's location.
- Notice of sale shall be provided by certified mail to the owner and any lienholders within 10 days after receipt of the verification from the Division of Vehicles that the vehicle will be sold if no response is received within 15 days.

House Transportation Committee
February 16, 2000
Attachment 1

- Notice of sale must be published in the newspaper once a week for three consecutive weeks.
- All sales are at public auction.
- All proceeds, in excess of the value of the lien, are to be deposited with the county treasurer and subject to the order of the person legally entitled thereto.
- All notices and publications of satisfaction of the lien must be filed with the county clerk's office.
- Failure to give any notices required by lien law invalidates the lien held by the towing company.

House Bill No. 2809 proposes to streamline current law to reduce the paperwork burden placed on towing companies to dispose of abandoned vehicles. The towing industry has become the litter control officers for our streets and highways. Everyday, people abandon their vehicles along the roadside when such vehicle has outlived its usefulness. Tow companies are called by law enforcement to pick up these vehicles, store them and then proceed with the Towing and Recovery Lien Law to recover whatever compensation for their service they can.

KMCA has proposed the following changes to the Towing and Recovery Lien Law:

- Increase the \$500.00 threshold to \$1,000.00 to reflect inflation since 1987.
- Reduce the number of times notice must be published in the newspaper from three times to once.
- Eliminate the requirement that any excess proceeds be deposited with the county treasurer. In most instances, the tower loses money on the disposal of abandoned vehicles. The ability to keep any excess would offset the losses.
- Eliminate of invalidation of the lien if a notice is missed and provide that the storage charge shall stop until such time that all notice requirements are complied with.

We believe that the amendments found in House Bill No. 2809 will ease the burden on the towing industry and at the same time protect the vehicle owner and lienholder. We ask for your favorable consideration of House Bill No.2809.

We thank you for the opportunity to appear before you today, and would be pleased to answer any questions you may have.

#####

State of Kansas

Senate Chamber

JIM BARONE
STATE SENATOR, THIRTEENTH DISTRICT
CRAWFORD, CHEROKEE AND BOURBON COUNTIES

HOME ADDRESS:
611 W. LEIGHTON
FRONTENAC, KANSAS 66763
(316) 231-4900
HOME FAX (316) 231-6611



Democratic Agenda Chairman

ROOM 504-N, STATE CAPITOL
TOPEKA, KANSAS 66612-1504
(785) 296-7370
1-800-432-3924

**Testimony of Senator Jim Barone
in support of SB 346
before House Transportation Committee
Wednesday, February 16, 2000**

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: COMMERCE
UTILITIES
MEMBER: FINANCIAL INSTITUTIONS AND
INSURANCE
ECONOMIC DEVELOPMENT
PENSIONS, INVESTMENTS & BENEFITS
MEMBER: NCSL COMMITTEE ON COMMUNICATIONS
& INFORMATION POLICY

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you and thank you very much for providing me the opportunity to discuss with you an issue that I believe merits our full attention.

I have long had a personal interest in our roads and highways, and I have also had a long concern about their deterioration. I have always been one who believed if you bought something you should take care of it, and I believe as legislators representing the people of Kansas we should see to it that our investments are properly cared for.

In 1998 KOAM-TV in Pittsburg did a week-long investigative report dealing with overweight vehicles. This report sparked my real interest in this subject. I arranged to receive a video tape of the report and after reviewing it several times decided that many others should have the opportunity to see the same thing. As a result I had meetings and showed the videotape to the Kansas Department of Transportation, the Kansas Motor Carriers Association, the Highway Patrol, the Vehicle Division of the Kansas Corporation Commission, the Kansas Farm Bureau, the Kansas Livestock Association, the Kansas Grain and Feed Association, the Kansas Aggregate Producers Association, the Kansas Ready Mixed Concrete Association, the Kansas Contractors Association, and several legislators. All of us had a common reaction, and that is, overweight vehicles are a concern and virtually everyone I have talked with indicated a willingness to help solve the problem.

Two solutions rapidly gained consensus, and they are: shipper liability in addition to driver liability for an overweight vehicle, and uniform enforcement of our laws no matter what they may be. This bill encompasses both of these concerns, and I believe this bill merits your favorable consideration and would ask that you recommend it favorably to the House as a whole.

This bill passed the Senate with an overwhelming majority (34-6) on March 30, 1999.

Senator Jim Barone, District Thirteen

House Transportation Committee
February 16, 2000
Attachment 2



KANSAS MOTOR CARRIERS ASSOCIATION

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Trucking Solutions Since 1936

LEGISLATIVE TESTIMONY

Presented by the

KANSAS MOTOR CARRIERS ASSOCIATION

Appearing before the House Transportation Committee
Representative Gary Hayzlett, Chairman
Wednesday, February 16, 2000
State Capitol, Topeka, Kansas

SUPPORTING SENATE BILL NO. 346

JERRY ARENSDORF
Arensdorf Trucking, Inc.
President

LESLIE J. UNRUH
Unruh Grain, Inc.
Chairman of the Board

JOHN LATHROP
Roadway Express, Inc.
First Vice President

CHRISTIE CHAMBERS
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ProTruck PAC Chairman

MARVIN ROBERTSON
J.M.J. Projects, Inc.
Public Relations Chairman

MIKE KELLEY
Executive Director

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 representing our 1,475 member firms and the Kansas Trucking Industry.

We are here today in support of Senate Bill No. 346. The bill mandates joint responsibility of the truck driver and the shipper of the freight for excessively overloading trucks. Specifically, any load found to be 10,000 lbs. or more over the maximum gross weight the vehicle is capable of transporting, subjects both the driver and the shipper each to a fine of \$1,000.00 or more plus court costs. The schedule of fines is found on pages 1 and 2 of Senate Bill No. 346.

Sen. Jim Barone has brought to your attention the problems related to overweight trucks, and frankly our industry wants to curb this practice. The Kansas trucking industry has a vested interest in protecting the substantial investment our industry has made in improving and maintaining this infrastructure. Kansas's highways are vital for our state to grow and compete in a global economy.

However, the facts are, most commercial vehicles operate lawfully on our roadways. The Kansas Highway Patrol reports that of the 1,461,967 trucks weighed during last federal fiscal year, 8,307 citations were issued for either violation of axle limits, gross weight or bridge formula. These figures show that of the trucks weighed, slightly more than one-half of one percent (.58%) were overweight.

Operators of overloaded trucks create a competitive disadvantage for those that operate within the limits of our weight laws. Shippers who allow a vehicle to be overloaded should share in the consequences for such violations.

House Transportation Committee
February 16, 2000
Attachment 3

Senate Bill No. 346 – February 16, 2000 – Page 2

In November, the Board of Directors of KMCA, following a survey of 500 of our Farm-to-Market carriers, voted to support reduction of the 10,000 lb. threshold to 5,000 lbs. There was concern among our members that shippers would require a carrier to load 9,900 lbs. overweight and thereby escape any responsibility for the overloaded vehicle. We ask that the Committee amend the bill to reflect our Board's policy.

KMCA supports uniform enforcement of Kansas's weight laws. We support Senate Bill No. 346 and ask your favorable consideration of this legislation with the reduced threshold.

We thank you for the opportunity to appear before you today. I would be pleased to respond to any questions you may have.

• AXLE DEFINITIONS •

"Gross weight on any one axle" means the total load on all wheels whose centers are included within two parallel transverse planes not more than 40 inches apart.

"Tandem axle" means two or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced not less than 40 inches and not more than 96 inches apart.

"Triple axle" means three or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced more than 96 inches and not more than 120 inches apart.

"Quad axle" means four or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced more than 120 inches and not more than 150 inches apart.

• WIDE-BASE SINGLE TIRES •

"Wide-Base Single Tires" means all tires having a section width, as specified by the manufacturer, of 14 inches or more.

WEIGHT LIMITATIONS: The maximum load for a wide-base single tire on a steering axle shall not exceed 600 pounds per inch of tire section width.

The maximum load for a wide-base single tire on any axle, other than the steering axle, shall not exceed 575 pounds per inch of tire section width.

RESTRICTIONS: No wide-base single tire shall exceed the load limit designated by the manufacturer.

No wide-base single tire shall exceed the maximum tire inflation pressure designated by the manufacturer.

• DUAL TIRES •

IT SHALL BE UNLAWFUL for any person to operate a vehicle with a single tire on any hubs configured for dual tires.

There are four exceptions:

- A truck registered for a gross weight of 20,000 pounds or less is exempt from this restriction.
- A vehicle or combination of vehicles operating with wide-base single tires is exempt from this restriction.
- A triple-axle combination can include a single-axle configured for a dual tire assembly so long as such single axle does not exceed 9,000 pounds.
- In case of emergency.

• AXLE LIMITATIONS •

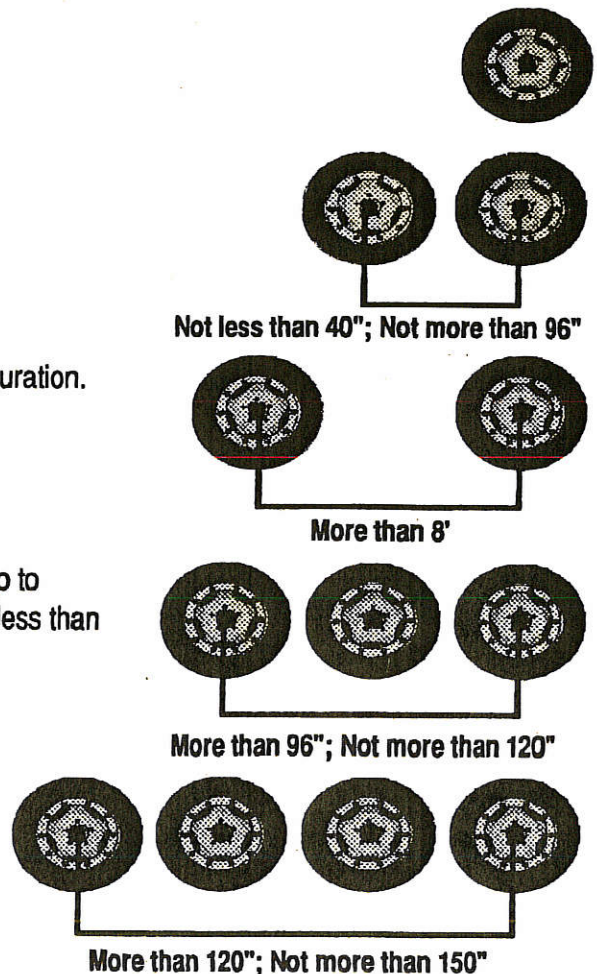
The gross weight on any one axle shall not exceed 20,000 pounds.

The gross weight on tandem axles shall not exceed 34,000 pounds.

The bridge table controls the weight distribution on a "spread axle" configuration.

The gross weight on any triple axle combination will be allowed to carry up to 42,000 pounds if the triple axle configuration measures more than 8' and less than 9'. The table applies for measurements 9' and over.

The gross weight on any quad axle combination will be allowed to carry up to 50,000 pounds if the quad axle measures up to 12'. The table applies for measurements over 12'.



Kansas Gross Weight Table

-1909. Gross weight limits for vehicles; exceptions; safety of certain vehicles for operation. (a) No vehicle or combination of vehicles shall be moved or operated on any highway when the gross weight on two or more consecutive axles exceeds the limitations prescribed in the following table:

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles						
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles
4	34,000						
5	34,000						
6	34,000						
7	34,000						
8 and less ...	34,000	34,000					
More than 8	38,000	42,000					
9	39,000	42,500					
10	40,000	43,500					
11		44,000					
12		45,000	50,000				
13		45,500	50,500				
14		46,500	51,500				
15		47,000	52,000				
16		48,000	52,500	58,000			
17		48,500	53,500	58,500			
18		49,500	54,000	59,000			
19		50,000	54,500	60,000			
20		51,000	55,500	60,500	66,000		
21		51,500	56,000	61,000	66,500		
22		52,500	56,500	61,500	67,000		
23		53,000	57,500	62,500	68,000		
24		54,000	58,000	63,000	68,500	74,000	
25		54,500	58,500	63,500	69,000	74,500	
26		55,500	59,500	64,000	69,500	75,000	
27		56,000	60,000	65,000	70,000	75,500	
28		57,000	60,500	65,500	71,000	76,500	82,000
29		57,500	61,500	66,000	71,500	77,000	82,500
30		58,500	62,000	66,500	72,000	77,500	83,000
31		59,000	62,500	67,500	72,500	78,000	83,500
32		60,000	63,500	68,000	73,000	78,500	84,500
33			64,000	68,500	74,000	79,000	85,000
34			64,500	69,000	74,500	80,000	85,500
35			65,500	70,000	75,000	80,500	
36			66,000	70,500	75,500	81,000	
37			66,500	71,000	76,000	81,500	
38			67,500	72,000	77,000	82,000	
39			68,000	72,500	77,500	82,500	
40			68,500	73,000	78,000	83,500	
41			69,500	73,500	78,500	84,000	
42			70,000	74,000	79,000	84,500	
43			70,500	75,000	80,000	85,000	
44			71,500	75,500	80,500	85,500	
45			72,000	76,000	81,000		
46			72,500	76,500	81,500		
47			73,500	77,500	82,000		
48			74,000	78,000	83,000		
49			74,500	78,500	83,500		
50			75,500	79,000	84,000		
51			76,000	80,000	84,500		
52			76,500	80,500	85,000		
53			77,500	81,000	85,500		
54			78,000	81,500			
55			78,500	82,500			
56			79,500	83,000			
57			80,000	83,500			
58				84,000			
59				85,000			
60				85,500			

except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axles is 36 feet or more.

(1) The gross weight on any one axle of a vehicle shall not exceed the limits prescribed in K.S.A. 8-1908, and amendments thereto.

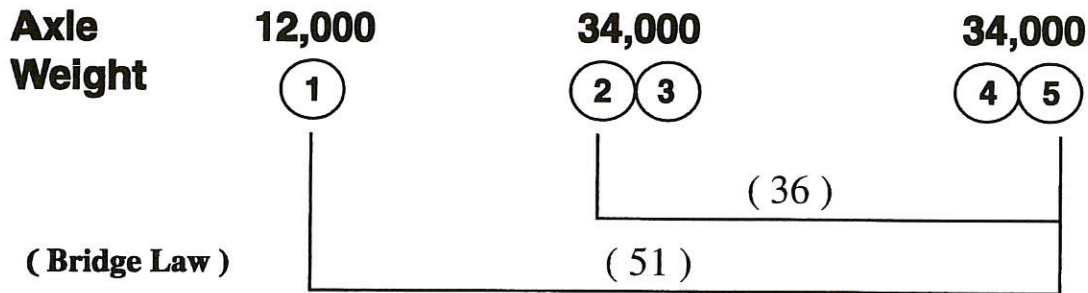
(2) For vehicles and combinations of vehicles on the interstate system the table in this section shall not authorize a maximum gross weight of more than 80,000 pounds.

(3) The table in this section shall not apply to truck tractor and dump semitrailer or truck trailer combination when such are used as a combination unit exclusively for the transportation of sand, salt for highway maintenance operations, gravel, slag stone, limestone, crushed stone, cinders, coal, blacktop, dirt or fill material, when such vehicles are used for transportation to a construction site, highway maintenance or construction project or other storage facility, except that such vehicles or combination of vehicles shall not be exempted from any application of the table as may be required to determine applicable axle weights for triple and quad axles as defined in K.S.A. 8-1908, and amendments thereto. As used in this subpart (3), the term "dump semitrailer" means any semitrailer designed in such a way as to divest itself of the load carried thereon.

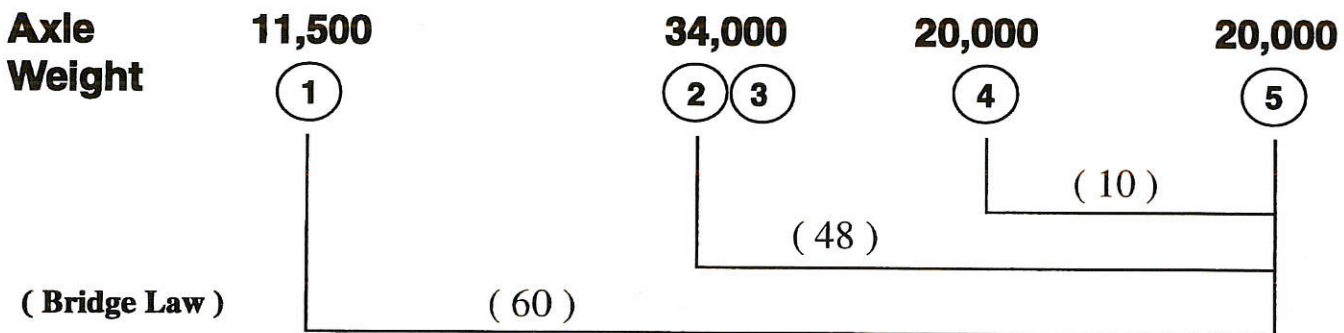
Kansas Motor Carriers Association
P.O. Box 1673
Topeka, KS 66601-1673

Kansas Weight Law Worksheet

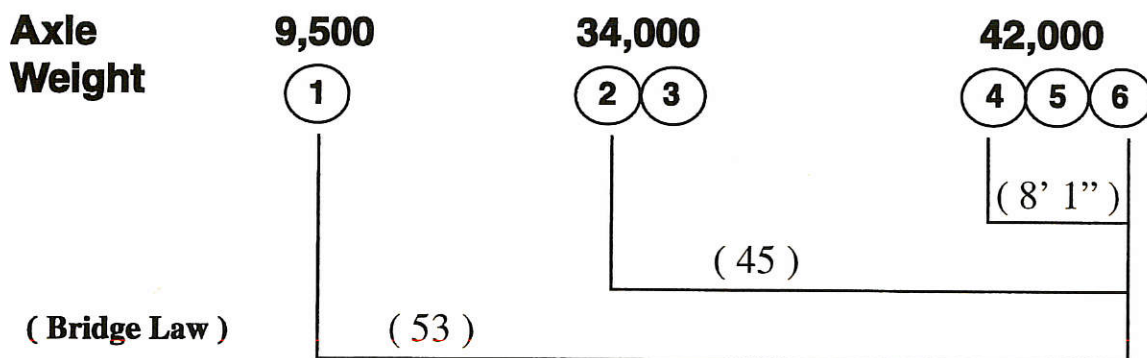
Example 1 *5-Axle (Tandem) Tractor Semitrailer* **80,000 GVW**



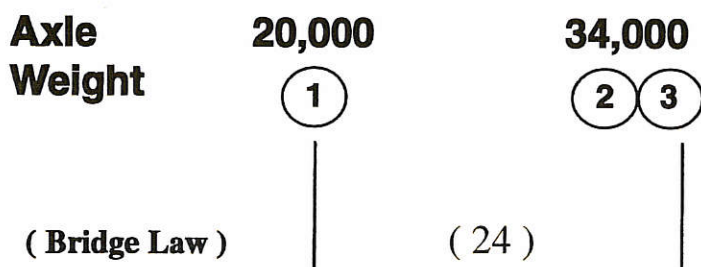
Example 2 *5-Axle (Spread) Tractor Semitrailer* **85,500 GVW**



Example 3 *Truck-Tractor Triple-Axle Semitrailer* **85,500 GVW**



Example 4 *Straight Truck* **54,000 GVW**



Prepared by:
Kansas Motor Carriers Association
 February, 2000

KRMCA

Kansas Ready Mixed
Concrete Association

KAPA

Kansas Aggregate
Producers' Association

Testimony

**By The
Kansas Aggregate Producers Association
and the
Kansas Ready Mixed Concrete Association**

**Before the
House Transportation Committee**

Regarding SB 346

February 16, 2000

Good afternoon, Mr. Chairman and members of the committee, my name is Edward R. Moses, representing the Kansas Aggregate Producers Association & the Kansas Ready Mixed Concrete Association. We thank you for the opportunity to provide our comments in support of SB 346.

The Kansas Aggregate Producers' Association (KAPA) along with the Kansas Ready Mixed Concrete Association (KRMCA) is an industry-wide trade association comprised of over two hundred fifty (250) members located in all one hundred and sixty five (165) legislative districts in this state, providing basic building materials to all Kansans.

In order to remain competitive and contribute to the economic well being of our state our businesses depend upon functional and well-maintained roads. Overloaded trucks are a threat to the condition of our highways and negatively affect all that use them. Toward that end the Kansas Aggregate Producers have maintained a long-standing policy against the deliberate overloading of trucks. In fact, in many of our automated loading facilities a ticket will not print if the vehicle is overloaded.

Any measure that positively deals with the problem of intentionally overloading trucks should be seriously considered. In our opinion SB346, a bill providing penalties for the knowing overloading of trucks, is a step in the right direction. We endorse the approval of this bill as passed by the Senate. We would be opposed to any lowering of the threshold from 10,000 pounds. If, for example, the threshold were lowered to 5,000 pounds it would only provide for a tolerance of 5.8% on a GVW of 85,500. In many smaller rural locations rock is still loaded out by volume rather than weight. In our opinion the 10,000 pounds threshold is needed to prevent any unintentional liability to the loader operator.

Once again, thank you for the opportunity to come before you today. I would be happy to respond to any questions you may have at this time.

House Transportation Committee
February 16, 2000
Attachment 4



KANSAS DEPARTMENT OF TRANSPORTATION
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Topeka, Kansas 66612-1568
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TTY (785) 296-3585

E. Dean Carlson
Secretary of Transportation

Bill Graves
Governor

TESTIMONY BEFORE THE
HOUSE TRANSPORTATION COMMITTEE

REGARDING SENATE BILL 346 (AS AMENDED)
REGULATING TRAFFIC, PROVIDING PENALTIES FOR CERTAIN
OVERWEIGHT VEHICLES

FEBRUARY 16, 2000

Mr. Chairman and Members of the Committee:

I am Ken Gudenkauf, Assistant Bureau Chief of Traffic Engineering. On behalf of the Department of Transportation, I am here to provide testimony to the committee regarding Senate Bill 346. This bill repeals K.S.A. 8-1342 "Civil Penalty for Overloading Certain Vehicles" and amends K.S.A. 8-1901 to expand the accountability for overweight loads to more than the driver of the vehicle. The amended language subjects the person exercising direct control over the loading of the vehicle to penalties for overweight violations of 10,000 pounds or more.

The idea of placing the penalty for overweight violations on the person loading the vehicle should enhance the probability of compliance with legal weight limits. Sometimes the vehicle operator gets placed in a very compromising position. The person exercising direct control over the loading may choose to overload a vehicle to increase profit. If the vehicle operator refuses to overload the vehicle, then someone else may be hired and the conscientious vehicle operator is left without a payload. If the overweight load is accepted, then the vehicle operator is currently the only one who is subject to the penalties for the overweight violations.

Subjecting the person loading the vehicle to the same penalties as the vehicle operator should reduce the number of overweight vehicles operating on Kansas highways. This reduction will lessen damage to the highway infrastructure and enhance overall safety of the vehicles operating in Kansas. Therefore, we support Senate Bill 346.

Thank you for this opportunity to express our support.

House Transportation Committee
February 16, 2000
Attachment 5

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**Statement of the
Kansas Grain and Feed Association
regarding
Senate Bill 346
Presented to the
House Transportation Committee
Representative Gary Hayzlett, Chair
February 16, 2000**

Association

**KGFA, promoting a viable business
climate through sound public policy for more
than a century.**



Chairman Hayzlett and Members of the House Transportation Committee, my name is Tom Tunnell, and I serve as President of the Kansas Grain and Feed Association (KGFA). The KGFA is a voluntary state association with a membership encompassing the entire spectrum of the grain receiving, storage, processing and shipping industry in the state of Kansas. Our membership includes over 1,150 Kansas business locations and represents 99% of the commercially licensed grain storage in the state.

The leadership of our association has reviewed this issue carefully and believes the 10,000 pound gross vehicle weight tolerance before penalties apply to shippers is both reasonable and adequate. However, our support is conditional based on the following points:

- Shippers will not be responsible for axle overweight violations.
- There will be no exceptions or exemptions in the definition of shipper, such as a farm truck exemption.
- Under no circumstance shall the overweight penalty provisions for shippers contained in this legislation apply to truck unloading entities.

Thank you and I would be happy to answer any questions at the appropriate time.



PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON TRANSPORTATION

**RE: SB 346 - Penalty for those loading a vehicle
in excess of 10,000 pounds over the legal limit.**

**February 16, 2000
Topeka, Kansas**

**Prepared by:
Leslie Kaufman, Assistant Director
Public Policy Division
Kansas Farm Bureau**

Chairman Hayzlett and members of the Committee, thank you for the opportunity to appear today and comment on SB 346. I am Leslie Kaufman and I serve as the Assistant Director of Public Policy for Kansas Farm Bureau. We appear today in support of the concept of SB 346 based on our commitment to our state's transportation infrastructure and the need to preserve and maintain that investment.

Farm Bureau supported the 1989 Comprehensive Highway Program (CHP) and worked to see the 1999 Comprehensive Transportation Program (CTP) implemented. Roads, highways, bridges and railroads are of vital importance for moving agriculture products. The CHP and the CTP require enormous investment of the state's financial resource for improving transportation throughout Kansas. Making those dollars last as long as possible is vital. That is

why SB 346, which is aimed at reducing damage to the Kansas highway and bridge system, is important.

SB 346 proposes to expand the responsibility for overloading vehicles to include the person exercising direct control over the loading of the vehicle. As you know, current law holds only the driver of the vehicle responsible. The bill also provides that fines for overloading vehicles would be applied to the person overseeing the loading only when the overweight is 10,000 pounds or more. The 10,000 threshold in farm county equates to approximately 160 bushels of wheat, 10 steers or 50 market hogs.

Many farm products, both grain and livestock, are loaded at sites where scales are not available. While we do not condone overloading of trucks, it is imperative that penalties not be levied against those agriculture producers who unintentionally overload by only a few hundred pounds. While some may assert the 10,000 grace window is too large, we encourage you to maintain a significant threshold within the bill.

We respectfully request this committee act favorably on SB 346. The concept of the bill is targeted at protecting the state's highway infrastructure, while still providing a margin of error for those loading at sites, such as fields and pastures, where not scales are available. Thank you.