

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary Hayzlett at 1:30 p.m. on February 18, 2003 in Room 519-S of the Capitol.

All members were present except:

Representative John Ballou, excused
Representative Jeff Jack, excused

Committee staff present:

Bruce Kinzie, Revisor
Hank Avila, Legislative Research Dept.
Mary Galligan, Legislative Research Dept.
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Tom Whitaker, Executive Director, KS Motor Carrier Association
Woody Moses, Managing Director of the KS Aggregate Producers' Association

Others attending:

See attached list

HB 2158 - Authorized emergency vehicles, wreckers, tow trucks or car carriers

Chairman Hayzlett introduced Tom Whitaker who explained **HB 2158**. (Attachment 1) Currently law requires the driver of a motor vehicle approaching an authorized emergency vehicle on the roadside to move to the furthest lane of traffic or, if changing lanes is not possible, to reduce speed and proceed with due caution. **HB 2158** specifically designates wreckers, tow trucks or car carriers that are properly registered with the state corporation commission, as "authorized emergency vehicles." This designation will allow these vehicles to have the red and blue, or red and white emergency lighting. The bill limits the use of the emergency lighting to a stationary vehicle providing wrecker or towing service at the scene of an accident or providing emergency service on the side of the road.

There were no additional proponents and no opponents to this bill. After discussions the Chairman closed the hearing on **HB 2158**.

HB 2159 - Registration of certain vehicles

The Chairman opened hearings on **HB 2159** introducing Tom Whitaker who explained the bill. (Attachment 2) **HB 2159** would allow the Wichita Area Technical School to lease a tractor trailer for its truck driving program and register this vehicle under the provision governing all other school district vehicles. Without this change in Kansas law, if the school district were to lease this vehicle, the vehicle would have to be registered under the provisions of 8-143 and the school district would have to pay the \$1,770 annual registration fee. In addition, in order to meet the current school district vehicle registration requirements, the WATS would have to purchase, not lease the combination vehicle at a cost of approximately \$100,000 lump sum.

Mr. Whitaker responded to questions from the Committee. There being no other proponents and no opponents the Chairman closed the hearing on **HB 2159**.

HB 2166 - Regulating traffic; concerning certain axles

Chairman Hayzlett opened hearings on **HB 2166** and introduced the first proponent which was Tom Whitaker. (Attachment 3) According to Mr. Whitaker, **HB 2166** will correct a recent interpretation of Kansas law concerning weight bearing axles. In 1986, K.S.A 8-1908 was amended to require that any axle located within seven feet of an adjacent axle shall be a weight bearing axle. This amendment

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE at on February 18, 2003 in Room 519-S of the Capitol.

addressed the situation where an individual welded a non-weight bearing pickup truck axle to the bottom of a trailer to gain additional loading capabilities. Since that time, the addition of air lift axles has become common place for use on trucks and trailers. These axles are forced to the road surface by air pressure and support their proportionate part of the load. When the vehicle is empty, these axles are raised above the road surface. The way the current statute reads would indicate that the air lift axle must remain on the road surface at all times.

The Committee had no questions for Mr. Whitaker. There were no other proponents or opponents present.

Written testimony had been submitted by Woody Moses, Managing Director of the Kansas Aggregate Producers' Association and the KS Ready Mixed Concrete Association. (Attachment 4)

The Chairman closed the hearing on **HB 2166**.

The Chairman called for final action on **HB 2158**. A motion was made by Representative Wilk to pass the bill out favorably and seconded by Representative Ballard and the motion carried.

Chairman Hayzlett called for final action on **HB 2159**. A motion was made by Representative Yonally and seconded by Representative Davis and the motion carried.

The Chairman called for final action on **HB 2166**. A motion was made by Representative Dreher to pass out favorably, seconded by Representative Toelkes and the motion carried.

Chairman Hayzlett opened discussions on **HB 2119**. Bruce Kinzie gave a brief review of what the bill was about. A motion was made by Representative Larkin that the bill be passed out favorably and seconded by Representative Miller. Discussion followed. A substitute motion was made by Representative Davis seconded by Representative Ballard that if a citation is issued for violating the provision of this act the citation issued shall list the violation that initially caused the officer to effect the enforcement stop. The motion carried. Discussion followed on the motion to pass out favorably as amended. There being no motions made to pass **HB 2119** as amended, the bill died in Committee.

The Chairman adjourned the meeting at 2:40 p.m. The next meeting of the House Transportation Committee will be held on Wednesday, February 19, 2003.

HOUSE TRANSPORTATION COMMITTEE

DATE 2-18-03

NAME	REPRESENTING
Tom Whitaker	Ks MOTOR CARRIERS ASSN
Deann Williams	KMC A
Diane Albert	KDOR - Vehicles
Dusty Buell	Bottenberg & Assoc.
Eric Collins	Ks Invt Consulting
Woody Moss	Ks. App. Prod. Assn



KANSAS MOTOR CARRIERS ASSOCIATION

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ProTruck PAC Chairman

KELLY KILE
Wal-Mart Stores, Inc.
Public Relations Chairman

GUY CORRY
Foley Equipment Company
Allied Industries Chairman

WILLIAM H. GRAVES
Member Emeritus

TOM WHITAKER
Executive Director

Legislative Testimony

Presented by

Kansas Motor Carriers Association

Before the

House Transportation Committee

Representative Gary Hayzlett, Chairman

Tuesday, February 18, 2003

In Support of House Bill No. 2158

MR. CHAIRMAN AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE:

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear here today representing our 1,250 member firms, and specifically, 70 towing and recovery member companies to ask for your support of House Bill No. 2158.

The 2000 Kansas Legislature adopted statutory changes in K.S.A. 8-1530 that require the driver of a motor vehicle approaching an authorized emergency vehicle on the roadside to move to the furthest lane of traffic or, if changing lanes is not possible, to reduce speed and proceed with due caution. This statutory change was supported by the Kansas Highway Patrol and the Kansas Motor Carriers Association. KMCA believed that the changes to K.S.A. 8-1530 would provide protection for towing and recovery personnel working on the road side.

Tow trucks are considered emergency vehicles by Kansas law. However, currently these vehicles must also receive an emergency vehicle permit from the county of their domicile to use emergency lighting. Not all Kansas counties will issue emergency vehicle permits to tow trucks. Therefore, KMCA requested introduction of HB 2158 to create a needed uniform procedure for tow trucks operating throughout Kansas.

HB 2158 specifically designates wreckers, tow trucks or car carriers that are properly registered with the state corporation commission, as "authorized emergency vehicles." This designation will allow these vehicles to have the red and blue, or red and white emergency lighting. The bill limits the use of the emergency lighting to a stationary vehicle providing wrecker or towing service at the scene of an accident or providing emergency service on the side of the road.

KMCA believes this legislation will protect those that provide emergency services to the traveling public. We ask for your favorable consideration of HB 2158. Thank you for the opportunity to appear before you today. I would be pleased to respond to any questions you may have.

House Transportation

Date: 2-18-03

Attachment # 1



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Wal-Mart Stores, Inc.
Public Relations Chairman

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Foley Equipment Company
Allied Industries Chairman

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TOM WHITAKER
Executive Director

**Legislative Testimony
Presented by the
Kansas Motor Carriers Association
Before the
House Transportation Committee
Representative Gary Hayzlett, Chairman
Tuesday, February 18, 2003**

In Support of House Bill No. 2159

**MR. CHAIRMAN AND MEMBERS OF THE
HOUSE TRANSPORTATION COMMITTEE:**

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. KMCA asks for your favorable consideration of House Bill No. 2159.

The bill would allow for any city, county, township or school district to register a *leased* vehicle under the provision of K.S.A. 8-1,134. Current Kansas law only allows for the registration of vehicles *owned* by the city, county, township or school district. The registration fee for these vehicles cannot exceed the actual cost of such registration.

HB 2159 would allow the Wichita Area Technical School to lease a tractor trailer for its truck driving program and register this vehicle under the provision governing all other school district vehicles. Without this change in Kansas law, if the school district were to lease this vehicle, the vehicle would have to be registered under the provisions of 8-143 and the school district would have to pay the \$1,770 annual registration fee. In addition, in order to meet the current school district vehicle registration requirements, the WATS would have to purchase, not lease, the combination vehicle at a cost of approximately \$100,000 lump sum.

KMCA believes that adoption of HB 2159 will be a benefit for the WATS. We respectfully request that this Committee approve HB 2159. Thank you for the opportunity to appear before you. I will be pleased to respond to any questions

House Transportation
Date: 2-18-03
Attachment # 2



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**Legislative Testimony
Presented by the
Kansas Motor Carriers Association
Before the
House Transportation Committee
Representative Gary Hayzlett, Chairman
Tuesday, February 18, 2003**

In Support of House Bill No. 2166

**MR. CHAIRMAN AND MEMBERS OF THE
HOUSE TRANSPORTATION COMMITTEE:**

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. KMCA asks for your favorable consideration of House Bill No. 2166.

HB 2166 will correct a recent interpretation of Kansas law concerning weight bearing axles. In 1986, K.S.A. 8-1908 was amended to require that any axle located within seven feet of an adjacent axle shall be a weight bearing axle. This amendment addressed the situation where an individual welded a non-weight bearing pickup truck axle to the bottom of a trailer to gain additional loading capabilities.

Since that time, the addition of air lift axles has become common place for use on trucks and trailers. These axles are forced to the road surface by air pressure and support their proportionate part of the load. When the vehicle is empty, these axles are raised above the road surface. The way the current statute reads would indicate that the air lift axle must remain on the road surface at all times.

HB 2166 makes it clear that only when the axle actually is in contact with the road surface must it be weight bearing. Further, the bill specifies that only those axles in contact with the road surface shall be used in determining the allowable lawful weight of the vehicle.

KMCA respectfully requests that the House Transportation Committee act favorably on HB 2166. We thank you for the opportunity to present testimony and would be pleased to respond to questions.

House Transportation
Date: 2-18-03
Attachment # 3

KRMCA

Kansas Ready Mixed
Concrete Association

Edward R. Moses
Managing Director

TESTIMONY

By the
Kansas Ready Mixed Concrete Association

Before the
House Committee on Transportation

Regarding HB 2166

February 18, 2003

Mr. Chairman and members of the committee, my name is Woody Moses, Managing Director of the Kansas Aggregate Producers' Association, and the Kansas Ready Mixed Concrete Association. Thank you for the opportunity to provide testimony on HB 2166. The Kansas Aggregate Producers' Association (KAPA) and The Kansas Ready Mixed Concrete Association (KRMCA) is a statewide trade association comprised of over 250 members and one of the few industries to be represented in every county of this state.

The purpose of HB 2166 is to provide a cleaner definition regarding the use of pusher/tag axles. From time to time the current language in K.S.A. 8-1908 has been strictly interpreted by law enforcement agencies to require the placement of the tag axle or pusher on the ground at all times, regardless of whether the vehicle is actually loaded or not. If this were true it would be unnecessary to go to the expense of equipping our trucks with lifting mechanisms. So why do we? Our vehicles are so equipped in order to meet the requirements of the "innerbridge formula", which mandates loaded trucks distribute weight to the roadbed evenly both in terms of axles and distance. This is required in order to achieve two goals:

1. Reduce wear and tear on public roads.
2. Promote safer operation of short-coupled vehicles by locating the "Center of Gravity" underneath the load.

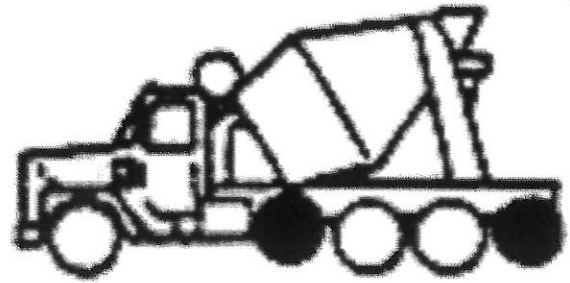
After a load is discharged the "Center of Gravity" is shifted even further to the rear of the vehicle thus removing weight from the steering axles. In order to regain control and stability it is necessary to move the center of gravity forward by raising the pusher or tag axle.

In order to comply with the weight laws and to provide a safe operating environment for both the public and our drivers it is necessary to have the operational and legal ability to raise or lower the tag or pusher axle.

House Transportation
Date: 2-18-03
Attachment # 4

To interpret K.S.A. 8-1908 to mandate that "all axles" be used at "all times" makes no sense and in fact, may put both the public and drivers in unneeded jeopardy. HB 2166 is designed to clear up any ambiguity in the statute in this area. We ask you to join us in this effort by recommending HB 2166 favorable for passage.

Thank you for receiving our comments on HB 2166, I will be happy to respond to any questions you may have at this time.



Pusher and/or Tag Axle on Cement Truck

