

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Senator Les Donovan at 8:30 a.m. on March 11, 2003 in Room 245-N of the Capitol.

All members were present except: Senator Schodorf

Committee staff present: Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Marian F. Holeman, Committee Secretary

Conferees appearing before the committee: Tom Whitaker, Exec. Dir. , KMCA
Wendy Harms, KS Ready Mix Concrete Assn., et. al.

Others attending: See attached list

HB 2158: Re authorized emergency vehicles

Tom Whitaker, Executive Director, Kansas Motor Carriers Association explained that tow trucks are considered emergency vehicles by Kansas law. However, under current law they must also obtain permits from their home county and not all counties issue such permits. This bill will create a uniform procedure for issuance of emergency vehicle permits for tow truck operators. This will allow wreckers, tow trucks or car carriers to use emergency lighting when such vehicles are stationary and providing emergency service on highways. **HB 2158** is needed to provide protection to those who provide emergency services to the traveling public (Attachment 1). No other conferees appeared on this bill. Hearing closed.

HB 2159: Re local units of government registering leased vehicles

Mr. Whitaker requested this bill which would allow local units of government or school districts to register leased vehicles under provisions of K.S.A. 8-1,134. Current law allows for only owned vehicles. This will save money for these tax free entities (Attachment 2). No other conferees appeared on this bill. Hearing closed. Kansas Department of Revenue has no problem with **HB 2159**.

HB 2166: Re motor carriers weight bearing axles

This is another bill requested by Mr Whitaker. This statute is needed to clarify language in previous legislation and relates to weight bearing axles. It is now common practice to add air lift axles to trucks and trailers. When empty these axles are raised above road surfaces. Current statute indicates such axles must remain on the road surface at all times. **HB 2166** clarifies that only when the axle actually is in contact with the road surface must it be weight bearing (Attachment 3). Wendy Harms, Associate Director of Kansas Aggregate Producers' Association and the Kansas Ready Mixed Concrete Association also spoke in support of the bill. She provided additional information on weight bearing axles; explaining why a mandate that all axles be used at all times may, in fact, put both public and drivers in unneeded jeopardy (Attachment 4). No other conferees appeared on this bill. Hearing closed.

Chairman Donovan called for final action on the three bills. Staff Revisor advised that **HB 2158** required a minor technical amendment; on line 15, (a) needs to be inserted. Senator Goodwin moved the necessary technical amendment. Senator Harrington seconded the motion. Motion carried. Senator Goodwin moved to recommend HB 2158, as amended; HB 2159 and HB 2166 favorable for passage. Senator Gooch seconded the motion. Motion carried.

Approval of minutes

Senator Salmans moved to approve minutes of the February 18, 2003 meeting. Senator Lyon seconded the motion. Motion carried.

The meeting adjourned at 9:30 a.m. The next meeting is scheduled for March 12, 2003



KANSAS MOTOR CARRIERS ASSOCIATION

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TOM WHITAKER
Executive Director

Legislative Testimony

Presented by

Kansas Motor Carriers Association

Before the

Senate Transportation Committee

Senator Les Donovan, Chairman

Tuesday, March 11, 2003

In Support of House Bill No. 2158

MR. CHAIRMAN AND MEMBERS OF THE SENATE 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.

SENATE TRANSPORTATION
COMMITTEE - DATE 3-11-03
ATTACHMENT: 1



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Presented by the
Kansas Motor Carriers Association
Before the
Senate Transportation Committee
Senator Les Donovan, Chairman
Tuesday, March 11, 2003**

In Support of House Bill No. 2159

**MR. CHAIRMAN AND MEMBERS OF THE
SENATE 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

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SENATE TRANSPORTATION
COMMITTEE - DATE 3-11-03
ATTACHMENT: 2



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**Legislative Testimony
Presented by the
Kansas Motor Carriers Association
Before the
Senate Transportation Committee
Senator Les Donovan, Chairman
Tuesday, March 11, 2003**

In Support of House Bill No. 2166

**MR. CHAIRMAN AND MEMBERS OF THE
SENATE 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 Senate Transportation Committee act favorably on HB 2166. We thank you for the opportunity to present testimony and would be pleased to respond to questions.

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SENATE TRANSPORTATION
COMMITTEE - DATE: 3-11-03
ATTACHMENT: 3

KRMCA

Kansas Ready Mixed
Concrete Association

Edward R. Moses
Managing Director

TESTIMONY

By the
Kansas Ready Mixed Concrete Association

Before the
Senate Committee on Transportation

Regarding HB 2166

March 11, 2003

Mr. Chairman and members of the committee, my name is Wendy Harms, Associate 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.

SENATE TRANSPORTATION COMMITTEE
DATE: 3-11-03
ATTACHMENT: 4

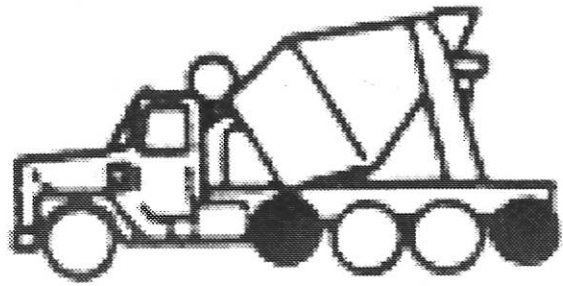
4-1

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.



AA-240-UDA
10,000# Pusher Axle
For Low Frame Trucks



Pusher and/or Tag Axle on Cement Truck

