

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on February 5, 2009, in Room 783 of the Docking State Office Building.

All members were present.

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Hank Avila, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the committee:

Tom Whitaker, Executive Director, KS Motor Carriers Association
Joel Skelley, State Multimodal Planner, KDOT
Mike Floberg, Chief, P.E., KDOT
Captain Art Wilburn, KHP

Others attending:

See attached list.

The next meeting is scheduled for February 9, 2009.

The meeting was adjourned at 2:30 p.m.

Chairman Hayzlett called the meeting to order. He opened the meeting with a hearing on **HB 2146**.

HB 2146 - Special overweight or oversize permits; increasing fees.

Chairman Hayzlett recognized Tom Whitaker, Executive Director with the Kansas Motor Carriers Association. (Attachment #1) According to Mr. Whitaker the fee increases have been agreed to by the KS Motor Carriers Ass'n., the KS Department of Revenue, the KS Department of Transportation, the KS Corporation Commission and the KS Highway Patrol. Mr. Whitaker said the passage of **HB 2146** will benefit both the State and the motor carrier industry through increased service levels in the permitting process. He said, "it is critical to ensure that the permitting process fulfills safety requirements while facilitating the efficient movement of these goods." Mr. Whitaker urged the Committee's support of this bill.

The Chairman recognized Joel Skelley, State Multimodal Planner with KDOT. (Attachment #2) Mr. Skelley spoke in support of **HB 2146**. According to Mr. Skelley, the passage of **HB 2146** would provide the State a fee structure that better reflects the costs associated with the service being provided and would allow KDOT to make the technological improvements necessary to increase efficiency for Kansans. He concluded by saying that industries that rely on the delivery of these specialized loads are vital to the Kansas economy, and the passage of **HB 2146** is critical for the overall safety and efficiency of the transportation system that supports them.

There were no other proponents.

After questions the Chairman called for Opponents. There were no opponents to **HB 2146**.

Chairman Hayzlett asked if there were any Neutrals. He recognized Martha Neu Smith, Executive Director of the KS Manufactured Housing Ass'n. She had provided written comments but was asked to come forward to answer questions. (Attachment #3)

The Chairman drew the Committee's attention to Neutral written testimony submitted by Leslie Kauffman, of the Kansas Cooperative Council. (Attachment #4)

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on February 5, 2009, in Room 783 of the Docking State Office Building.

There being no other testimony to bring before the Committee, the Chairman closed the hearing on **HB 2146** and opened hearings on **HB 2147**.

HB 2147 - Regulating traffic; removal of vehicles from highways.

Chairman Hayzlett recognized Chief Michael D. Floberg, P.E., KDOT as the first proponent. (Attachment #5) Chief Floberg said that according to the National Highway Traffic Safety Administration, almost two-thirds of the nation's traffic crashes result in property damage only, which means that these vehicles could be moved from the road immediately alleviating congestion caused by the accident and reducing the risk of secondary accidents and additional property damage. He explained that with the passage of this bill KDOT workers and law enforcement officials would not need consent to remove any vehicles or property obstructing traffic, which would help to alleviate traffic congestion. He concluded by saying with the passage of this bill it will help save lives, improve the safety of our roadways and reduce costly congestion.

Chairman Hayzlett called on the next proponent. In Major Mark Bruce's absence, Captain Art Wilburn stood in and provided his testimony on behalf of the Kansas Highway Patrol. (Attachment #6) According to testimony **HB 2147** is intended to prevent non-serious accidents from unnecessarily blocking the traveled portion of the roadway. He said non-injury accidents that don't involve the transportation of hazardous materials would require the driver or owner of a vehicle to remove it from the roadway if possible because the longer such vehicles block the roadway, the greater the risk of injury or death to motorists involved. KHP asked the Committee to favorably consider the traffic safety enhancing requirements of **HB 2147**.

The Chairman drew the Committee's attention to written testimony provided by Ed Klumpp (Attachment #7) on behalf of the Kansas Association of Chiefs of Police and the Kansas Peace Officers Association in support of **HB 2147**.

There were no other proponents of this bill and no opponents so the Chairman closed the hearings on **HB 2147**.

It was the Chairman's desire to work **HB 2023**. He asked Deann Williams to refresh the Committee on this bill and then he asked for any comments, questions or Motions from the Committee. A motion was made by Representative Ballard to favorably pass this bill out of Committee, seconded by Representative Swanson and the motion carried.

The Chairman also desired to work **HB 2045**. He opened the floor for comments, questions or motions. Representative Menghini made a motion to favorably pass this bill out of Committee, seconded by Representative Proehl and the motion carried.

Chairman Hayzlett advised the Committee that the bills the Committee was going to hear the day before will be heard next Wednesday, February 11, 2009.

There being no further business before the Committee, the meeting was adjourned.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: Feb. 5, 2009

NAME	REPRESENTING
KEVIN GREGG	KMCA
TOM WHITAKER	KMCA
Joel Skelley	KDOT
Mike Floberg	KDOT
Hester Fowler	KDOT
John Maddox	KDOT
Arthur Babvants	KDOT
Oswald S. Dyer	KDOT
MAJ MARK GOODLOE	KHP
Capt. ART WILBURN	KHP
Rusty James	KC Scout
Ted Smith	KDOR, Division of Vehicles
Carmen Allcott	Division of Vehicles, KDOR
Anna Kowalewski	intern
Robert Barton	KDOT
Connie Fako	KDOT
Bill Barton	KDOT
Lee Holmes	KDOT
SEAN MILLER	CAPITOL STRATEGIES



Kansas Motor Carriers Association

Trucking Solutions Since 1936

Legislative Testimony

before the

HOUSE TRANSPORTATION COMMITTEE

Rep. Gary Hayzlett, Chairman

Thursday, February 5, 2009

Larry Dinkel
Jim Mitten Trucking, Inc.
President

Michael Topp
TT&T Salvage & Towing, Inc.
Chairman of the Board

Jason Hammes
Frito Lay Service &
Distribution
First Vice President

Sherwin Fast
Great Plains Trucking
Second Vice President

Larry Graves
Farmers Oil, Inc.
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Larry "Doc" Criqui
Kansas Van & Storage
Criqui Corp.
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Ken Leicht
Rawhide Trucking, Inc.
ATA State Vice President

Mike Miller
Miller Trucking, LTD
ATA Alternate State VP

Calvin Koehn
Circle K Transport, Inc.
Public Relations Chairman

Tony Gaston
Rawhide Trucking
Pro Truck PAC Chairman

Jeff Robertson
JMJ Projects, Inc.
Foundation Chairman

Bill Johnston
Northcutt, Inc.
Allied Industries Chairman

Tom Whitaker
Executive Director

MR. CHAIRMAN AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE:

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear here this afternoon representing our 1,100 member-firms and the Kansas trucking industry in support of House Bill No. 2146.

HB 2149 increases the following fees for the issuance of Oversize/Overweight special permits:

- Increases the single trip permit from \$5.00 to \$20.00
- Sets a fee of \$30.00 for large structures single trip permit
- Sets a fee of \$50.00 for a superload single trip permit
- Increases the annual permit from \$125.00 to \$150.00

These fee increases have been agreed to by the Kansas Motor Carriers Association, the Kansas Department of Revenue, the Kansas Department of Transportation, the Kansas Corporation Commission and the Kansas Highway Patrol.

The additional revenue will allow Kansas to streamline the issuance of OS/OW permits and the routing of such vehicles. The current fee structure raises approximately \$800,000 per year. All stakeholders involved believe the state will need around \$1.2 million per year to administer the permitting process. These fee increases raise slightly more than the required revenue stream, but should provide adequate revenue for several years.

Many of the OS/OW loads involve commodities important to Kansas' existing and emerging industries (such as wind power generation), it is critical to ensure that the permitting process fulfills safety requirements while facilitating the efficient movement of these goods. We believe the increased revenue stream will accomplish that. Mr. Chairman, the passage of HB 2146 will benefit both the State and the motor carrier industry through increased service levels in the permitting process. We respectfully request that the House Transportation Committee pass HB 2146 favorably.

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

**TESTIMONY BEFORE THE
HOUSE TRANSPORTATION COMMITTEE**

**REGARDING HOUSE BILL 2146
RELATING TO OVERSIZE/OVERWEIGHT PERMITS**

February 5, 2009

Mr. Chairman and Committee Members:

I'm here to testify in support of House Bill 2146, which concerns oversize/overweight permit fees. The passage of HB 2146 would provide the State a fee structure that better reflects the costs associated with the service being provided and it would allow us to make the technological improvements necessary to increase efficiency for Kansans.

Currently, the **cost of issuing single use oversize/overweight permits is more than three times the permit fee**, which has placed a substantial financial hardship on the Kansas Department of Transportation (KDOT). The financial strain combined with the fact that permit requests have increased substantially has really limited the delivery of this service. Applications cannot be submitted online, the phone lines are inadequate for the call volumes received during peak hours, and the wait times can be lengthy.

Over the last four years, the number of single use oversize weight permits issued has increased 45 percent resulting in 60,705 permits being issued in 2008. During the same time period, the number of superload permits increased from 958 to 4,442. While the demand for the service continues to grow, the existing fee structure that supports it has not been increased since the 1950s. Hence, it has made performing this service efficiently particularly difficult.

For each permit request, a route analysis including bridge clearance (if applicable) must be conducted to make sure the infrastructure on the proposed route can safely accommodate the load type. Permits for superloads, loads in excess of 150,000 pounds, also require an additional bridge analysis and have special routing requirements. KDOT staff worked extensively with Kansas Motor Carriers Association, Kansas Corporation Commission and the Kansas Department of Revenue, which all support this bill, to develop a fee structure that would adequately reflect the costs associated with performing this service. The fee structure will also allow us to make the technological enhancements necessary improve customer service.

Industries that rely on the delivery of these specialized loads are vital to our economy. And the passage of HB 2146 is critical for the overall safety and efficiency of the transportation system that supports them. Please join me in supporting HB 2146.

BUREAU OF TRANSPORTATION PLANNING
Joel Skelley, State Multimodal Planner
Dwight D. Eisenhower State Office Building

700 S.W. Harrison Street; Topeka, KS 66603-3745 • (785) 296-4209 • Fax: (785) 296-0963

TTY (Hearing Impaired): (785) 296-3585 • e-mail: joelsk@ksdot.org • Public Access at North Entrance of Building

House Transportation
Date: 2-5-09
Attachment # 2



3521 SW 5th Street
Topeka, KS 66606
785-357-5256
785-357-5257 fax
kmha1@sbcglobal.net

TO: Representative Gary Hayzlett, Chairman
And Members of the Committee

FROM: Martha Neu Smith
Executive Director

DATE: February 5, 2009

RE: HB 2146 – Special Overweight or Oversized Permits Fee Increases

Chairman Hayzlett and members of the Committee, my name is Martha Neu Smith and I am the Executive Director for Kansas Manufactured Housing Association (KMHA) and I appreciate the opportunity to provide written comments expressing our neutral position on HB 2146.

KMHA is a statewide trade association, which represents all facets of the manufactured and modular housing industry including manufacturers, retail centers, community owners and operators, finance and insurance companies, service and supplier companies and transport companies.

When KMHA members were polled regarding the proposed fee increases for Special Permits it became clear that while my members understood that everything costs more today than it did a year ago, they also noted that all of those increases are passed on to our homebuyers in the form of increased housing costs; that causes great concern. The National Association of Homebuilders has a very interesting statistic; for every \$1000 increase in the cost of a home, 400 homebuyers are priced out of the purchase. The fee increases proposed in HB 2146 would be passed on in the base price of our homes.

KMHA would be supportive of the fee increases being dedicated to the purchase of new technology, which in turn would make the permitting process quicker and more efficient. However, as of late, fee funds have been swept into the State General Fund and not used for their intended purposes. KMHA would be supportive if there were a way to ensure the increased fees were used for the purchase of new technology.

Thank you for the opportunity to express our position on HB 2146.

House Transportation
Date: 2-5-09
Attachment # 3

From: Leslie Kaufman <leslie@kansasco-op.coop>
To: <betty.boaz@house.ks.gov>, Leslie Kaufman <leslie@kansasco-op.coop>
Date: 2/5/2009 12:29 PM
Subject: HB 2146

Rep. Hayzlett and members of the committee, thank you for the chance to comment on HB 2146. The Ks Co-op Council is neutral on the bill but concerned with the total number of fee increases proposed that could impact our members. Taken alone, any one of these increases would be manageable, but if all would pass, there would be a noticeable increase in the cost of doing business. We would respectfully request the committee keep this in mind when considering HB 2146.

I apologize for sending our comments via wireless. I am attending our national meeting and could not get my email to send. I hope you will accept this format and I will follow-up with a formal statement as soon as possible.

Thank you for your indulgence. If you have questions please call me. 785-220-4068

Leslie Kaufman
KS Co-op Council
Sent via wireless

House Transportation
Date: 2-5-09
Attachment # 4

**TESTIMONY BEFORE THE
HOUSE TRANSPORTATION COMMITTEE**

**REGARDING HOUSE BILL 2147
RELATING TO A MOVE-IT LAW**

February 5, 2009

Mr. Chairman and Committee Members:

I am here to provide testimony in support of House Bill 2147, otherwise known as the "Move-it" law. This legislation will help save lives, alleviate traffic congestion and reduce property damage.

According to the National Highway Traffic Safety Administration, almost two-thirds of the nation's traffic crashes result in property damage only, which means that these vehicles could be removed from the road immediately alleviating congestion caused by the accident and reducing the risk of secondary accidents and additional property damage. Secondary accidents are not just a concern for other drivers; they also put the lives of law enforcement officials and EMT personnel at risk. Reducing these accidents would greatly improve the safety of our highways.

In addition, when vehicles have been moved out of the way following an accident, it improves the response and clearance times at the scene, which is very important considering that response times can determine whether or not the person lives. Given this, it's not surprising that more than 30 states have enacted similar laws including all of our neighboring states.

With the passage of this bill, Kansas Department of Transportation (KDOT) workers and law enforcement officials would not need consent to remove any vehicles or property obstructing traffic, which would help to alleviate traffic congestion. For example, according to the Texas Transportation Institute's 2007 Urban Mobility Report, 62% of the 13.7 million hours wasted due to congestion in Kansas City in 2005 were a result of traffic incidents. In addition to losses in productivity, congestion also wastes fuel and reduces our air quality due to idling vehicles.

Hence, the passage of the Move-It law will help save lives, improve the safety of our roadways, and reduce costly congestion. Please join me in supporting this important piece of legislation.

BUREAU OF TRANSPORTATION SAFETY & TECHNOLOGY
Chief Michael D. Floberg, P.E.
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House Transportation
Date: 2-5-09
Attachment # 5

Written Testimony on House Bill 2147
House Transportation Committee

Prepared by
Major Mark Bruce
Kansas Highway Patrol

February 5, 2009

The Kansas Highway Patrol appreciates the opportunity to provide written testimony regarding House Bill 2147. This bill would require the owner or driver of a vehicle involved in a non-serious accident upon an interstate, U.S., or multilane or divided state highway to remove it if certain conditions are met. It also would give authority to specific, governmental "authorized employees or agents" to require a vehicle meeting such conditions to be removed from the roadway.

House Bill 2147 is intended to prevent non-serious accidents from unnecessarily blocking the traveled portion of the roadway. Non-injury accidents that don't involve the transportation of hazardous materials would require the driver or owner of a vehicle to remove it from the roadway if possible. The longer such vehicles block the roadway, the greater the risk of injury or death to motorists involved, other motorists and first responders. Many secondary collisions, causing death and injury, could have been prevented if drivable vehicles involved in an earlier accident had been moved off of the roadway.

This bill would also give the authority to authorized employees or agents of the Kansas Department of Transportation, the Kansas Highway Patrol and other law enforcement agencies to cause the removal of vehicles involved in non-serious accidents meeting the above criteria. Again, the intent is to remove drivable vehicles, debris or other property which obstructs the regular flow of traffic.

Many states already have similar laws in place and have experienced a reduction in fatalities, injuries and property damage while simultaneously relieving traffic congestion. It is the Kansas Highway Patrol's position that the common-sense requirements associated with House Bill 2147 will provide similar benefits in Kansas.

Again, the Kansas Highway Patrol appreciates the opportunity to provide its input regarding this bill. It is our hope that the committee favorably considers its traffic safety enhancing requirements.

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House Transportation
Date: 2-5-09
Attachment # B



Kansas Association of Chiefs of Police

PO Box 780603, Wichita, KS 67278 (316)733-7301

Kansas Peace Officers Association

PO Box 2592, Wichita, KS 67201 (316)722-8433



Testimony to the House Transportation Committee In Support of HB 2147 Move-It Law

The Kansas Association of Chiefs of Police and the Kansas Peace Officers Association support HB 2147, the Move-It law. The problems with prolonged congestion and secondary accidents are clearly most pronounced in the metropolitan areas and the higher traffic density roadways. It is important to our members to maintain local control over the issue on roadways without high traffic volume such as residential and side streets. Obstruction is less of a concern in these areas and not moving the vehicles will aid in the investigation of the accident in some cases.

After discussion at our recent law enforcement legislative conference, we suggest striking the words "state highway" on page 1, line 18 and replace them with the word, "roadway" and to add the word "any" after the first occurrence of the word "or" on page 1, line 17. Our basis for this request is that multilane and divided roadways are nearly always in place because of high traffic volume even when they are not state highways. This change would make the law applicable to major thoroughfares in the metropolitan areas.

We do recommend adding the words "or the movement of hazardous materials," after the word "person," on line 24 of page 1. We suggest this because the movement of hazardous materials should be left to personnel trained in that area. Improper movement of hazardous materials could spread contamination or create an additional health risk, and unintentionally cause longer road closures or increased clean up costs.

I apologize that I cannot attend in person so I could respond to any questions you may have. However, I have conflicting legislative committee meetings I need to attend. Please contact me if you have any questions or need any clarification on our requests.

We respectfully ask your consideration of the above amendments and for you to recommend the bill favorably for passage.

A handwritten signature in black ink, appearing to read "Ed Klumpp".

Ed Klumpp
Kansas Association of Chiefs of Police-Legislative Committee Chair
Kansas Peace Officers Association-Legislative Committee Chair

E-mail: eklumpp@cox.net
Phone: (785) 235-5619
Cell: (785) 640-1102

House Transportation
Date: 2-5-09
Attachment # 7

HOUSE BILL No. 2147

By Committee on Transportation

1-29

9 AN ACT regulating traffic; concerning the removal of certain vehicles
10 from highways; amending K.S.A. 8-1603 and 8-1605 and K.S.A. 2008
11 Supp. 8-2118 and repealing the existing sections.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) Except in the case of an accident involving death
15 or apparent injury of any person, or the transportation of hazardous ma-
16 terial, the owner or driver of a vehicle which obstructs ~~the regular flow~~ ANY
17 of traffic on any interstate highway, U.S. highway, or ~~multilane or divided~~ ROADWAY
18 ~~state highway~~, shall make every reasonable effort to move the vehicle from
19 the roadway, if, moving the vehicle may be done safely, does not require
20 towing and may be operated under its own power without further damage
21 to the vehicle or the roadway and without endangering other vehicles or
22 persons upon the roadway.

23 (b) Except in the case of an accident involving death or apparent ~~injury of any person,~~ OR THE MOVEMENT OF HAZARDOUS MATERIALS,
24 ~~authorized employees or agents of the Kansas de-~~
25 ~~partment of transportation, Kansas highway patrol or other law enforce-~~
26 ~~ment agency without the consent of the driver or owner of the vehicle or~~
27 ~~property, may require, assist in or cause the removal from the roadway~~
28 ~~any vehicle, debris or any other property which is obstructing the regular~~
29 ~~flow of traffic, creating or aggravating an emergency situation or other-~~
30 ~~wise endangering public safety.~~

31 (c) No state, county or municipal agency nor their authorized em-
32 ployees or agents shall be held liable for any damages resulting from the
33 reasonable exercise of authority granted under this section.

34 (d) Notwithstanding the provisions of this section, a driver is required
35 to comply with the applicable provisions of K.S.A. 8-1601 et seq., and
36 amendments thereto.

37 (e) From and after July 1, 2009, and prior to July 1, 2010, a law
38 enforcement officer shall issue a warning citation to anyone violating sub-
39 section (a).

40 (f) This section shall be part of and supplemental to the uniform act
41 regulating traffic on highways.

42 Sec. 2. K.S.A. 8-1603 is hereby amended to read as follows: 8-1603.
43 (a) The driver of any vehicle involved in an accident resulting only in

7-2