

STATE OF KANSAS

VIRGIL PECK, JR.

REPRESENTATIVE, DISTRICT 12

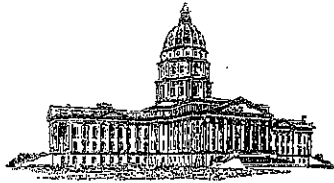
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HOUSE OF REPRESENTATIVES

TESTIMONY IN SUPPORT OF HB 2644

February 17, 2016

Mr Chairman and committee members, I appreciate the opportunity to provide testimony in support of HB 2644. This is not a simple bill, but it is also not complicated. And it is something I should have done a few years ago. To me it is a common-sense bill designed to assist the largest industry in Kansas – Agriculture.

HB 2644 provides a temporary weight exemption for Ag producers as they transport grain during the normal harvest season from the field to storage or market. This weight exemption has a maximum of up to 10% on multi-axle vehicles and 12.5% on those with a single rear axle. The maximum gross weight limit is 90,000 pounds

The impetus for this bill comes from contacts I have had over the past several years from many different constituents – one of which is here today.

I will briefly explain:

On a somewhat regular basis I receive phone calls from Kansans who have been frustrated by encounters they have had with Kansas Motor Carrier Inspectors (MCI). Most of the contacts I've received have been from ag producers – and their stories are generally very similar. They report that while transporting grain from the field to the elevator or other storage locations, they have been stopped by a MCI. The stop was not due to any improper conduct by the driver, but simply because MCI's have the authority to make the stop. Once stopped, it seems the MCI always finds something or some reason to write a citation – even if it is something as insignificant as a tag light not properly working.

Agriculture is extremely important to the Kansas economy and anyone who understands agriculture knows harvest time can be very challenging. Producers must contend with weather conditions, sometimes racing against approaching storms, deal with equipment failures, etc. and a stop by a MCI can eat up a lot of time and cost a lot of money. What HB 2644 does is provide a little grace for ag producers during harvest time and hopefully reduces the down time they endure from a stop by a MCI during harvest.

We all want safe equipment on our roads, but a truck loaded with 85,000 pounds of grain is no less safe than one loaded with 80,000 pounds.

I realize HB 2644 could be amended to include those hauling cattle and maybe some of the wording could be tweaked; which I am certainly open to and will work with anyone on any ideas they may have. My primary objective is to assist a valuable industry in Kansas.

Attached to my testimony is information I received from legislative research regarding exemptions other states provide the agriculture industry in their state.

I will be happy to stand for questions at the appropriate time.

State Exemptions for Harvest Time (States Regional to Kansas)

- **Arkansas**
 - **Cotton:** Vehicles that have a total outside width between 102 and 108 inches and are used for hauling compacted seed cotton from the farm to the first point of processing are allowed an 8,000-lb. per axle variance above the maximum allowable gross axle weight for single and tandem axles, except on federal Interstate highways. However, the maximum gross weight, including any allowable variance or tolerance, may not exceed 80,000 lbs. (Ark. Stat. Ann. §27-35-203[g][1][a]).
 - **Animal Feed:** Vehicles with five axles used exclusively by an owner of livestock or poultry for hauling animal feed to the owner's farm/home for consumption are allowed an 8 percent variance above the allowable gross weight under the federal bridge formula and a tandem axle load of up to 36,500 lbs. However, the maximum gross weight, including any allowable variance or tolerance, may not exceed 80,000 lbs., and any variance of gross or axle weight is not permitted on federal Interstate highways (Ark. Stat. Ann. §27-35-203[g][1][b] and §27-35-203[g][2]).^[1]
- **Colorado – none**
- **Iowa**
 - **Feeder, Grain Cart, or Tank Wagon:** The weight on any one axle of a fence-line feeder, grain cart, or tank wagon operated on state highways shall not exceed 24,000 lbs. from February 1 through May 31 or 28,000 lbs. from June 1 through January 31. The maximum gross vehicle weight of these vehicles shall not exceed 96,000 lbs. (Iowa Code Ann. §321.463[4][b][1]).
 - **Livestock Transporters:** Vehicles transporting livestock on non-Interstate highways may exceed the single axle weight limit as long as the axle group is still within state limits. A livestock vehicle with five axles, with a minimum distance between the extreme axles of 61 feet and a minimum distance between the two rear axles of at least 8 feet 1 inch, is allowed a gross vehicle weight of up to 86,000 lbs. (Iowa Code Ann. §321.463[5][a][2] and [6]).
 - **Implements of Husbandry:** State weight limits generally do not apply to implements of husbandry when moved or moving on a non-Interstate highway. However, a tracked implement of husbandry has a gross vehicle weight limit of 96,000 lbs. when operated on highways; the limit is 80,000 lbs. when operated on non-Interstate highway bridges. Self-propelled implements of husbandry that are used exclusively for the application of plant food materials, agricultural limestone, or agricultural chemicals, however, are subject to state weight limits or applicable permits (Iowa Code Ann. §321.453, §321.463[2], §321.463[4][a], §321.463[4][b][2], §321.463[5][2][e], §321E.7[4], and §321E.8A).
- **Missouri – none**

^[1] As of October 1, 2012. State law was subsequently amended, and, as of August 16, 2013, the State Highway Commission became authorized to issue a special permit for five-axle vehicles hauling animal feed to livestock or poultry, up to a total gross weight limit of 85,000 lbs. (Ark. Stat. Ann. §27-35-210[o]).

- **Nebraska**
 - **Livestock Haulers:** Trucks hauling livestock are allowed to exceed state weight limits on only one axle, only one tandem axle, or only one group of axles,^[2] if the single axle, tandem axle, or group of axles is caused by a shifting of the weight of the livestock and the GVW is within the state maximum. This exemption applies only to non-Interstate highways (Neb. Rev. Stat. §60-6,301[2]).
 - **Grain/Seasonal Harvest Products:** Grain or seasonal harvest products may be hauled from the field to storage, market, or stockpile in the field or from stockpile to market or factory, up to 70 miles with a load that exceeds state weight limits by 15 percent on any tandem axle, group of axles, and GVW. Vehicles with only a single rear axle may move the same with 15 percent excess on any single axle and GVW. This exemption applies only to non-Interstate highways (Neb. Rev. Stat. §60-6,301[5]).
- **Oklahoma – none**

Sample of Non-regional State Examples

- **Alabama**
 - **Agricultural Commodities:** Two and three axle vehicles being used exclusively for the purpose of transporting agricultural commodities or products to and from a farm and for agricultural purposes relating to the operation and maintenance of a farm by any farmer, custom harvester, or husbandman may not be made to conform to the state axle and gross vehicle weight limits (Ala. Code §32-9-20[a][4][j]).
- **Delaware**
 - Farm loaded trucks and farm vehicles carrying harvested products or livestock are granted a 3 percent tolerance for gross vehicle and axle weight limits (Del. Code Ann. tit. 21, §4502[c][9]).
- **Louisiana**
 - **Special Harvest Season Permits:** Upon application, the secretary shall issue special harvest season permits for vehicles or vehicle combinations transporting farm and forest products in their natural state, seed cotton modules, cotton seed from the gin to the mill, raw sugar from the mill to the refinery, or brewer's grain. Under these permits, the total gross weight limit is 86,600 lbs. on non-Interstate highways and 83,400 lbs. on Interstates; the single axle limit is 22,000 lbs. on non-Interstate highways and 20,000 lbs. on Interstates; and the tandem axle limit is 37,000 lbs., plus relevant axle weight tolerances, on non-Interstate highways and 35,200 lbs. on Interstates (La. Rev. Stat. Ann. §32:387[C][3]).
- **Kentucky**
 - **Agricultural Commodities:** Vehicles carrying meats, livestock, poultry or agricultural crop products from a farm or other point of origin to first market are allowed a GVW of up to 80,000 lbs. on all state highways. Vehicles registered and engaged exclusively in the transportation of these commodities are exempted

^[2] When the distance between the first and last axle of the group of axles is six feet or less.

from axle weight limits and subject only to total gross weight limits; these vehicles also may exceed the GVW limit by a tolerance of 10 percent, except on Interstate highways. Other commercial vehicles engaged exclusively in the transportation of tankage or animal residues, livestock, or agricultural products are subject to axle as well as gross weight limits but may exceed axle weight limits by a tolerance of 10 percent on non-Interstate highways.

- **South Dakota**

- **Harvested Agricultural Commodities:** Vehicles hauling agricultural products from a harvesting combine to the point that the products are first unloaded, up to 50 miles, may exceed weight limits on non-Interstate highways by 10 percent (S.D. Codified Laws Ann. §32-22-42.2). Additionally, such vehicles are exempt from state axle and tire limits if the GVW is less than 80,000 lbs. and the vehicle is adjusted to the state axle and tire limits (S.D. Codified Laws Ann. §32-22-42.12).