

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~am~~/p.m. on February 9, 1987 in room 519-S of the Capitol.

All members were present except: Representative Wilbert

Committee staff present:

Bruce Kinzie, Revisor of Statutes
Hank Avila, Legislative Research
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Representative Ginger Barr
Mr. Tom Whitaker, Kansas Motor Carriers Association
Representative Martha Jenkins
Mr. John Smith, Kansas Department of Revenue
Mr. Horace Edwards, Secretary, Kansas Department of Transportation
Representative Susan Roenbaugh

The meeting was called to order by Chairman Crowell, and the first order of business was a hearing on HCR-5011 urging Congress not to use federal highway funds to reduce the federal debt.

Representative Ginger Barr, principal sponsor of the bill, briefed the Committee on its contents. She said she has concerns that since the money is paid by highway users, the money should go back into the highways.

Chairman Crowell asked if there was any objection to amending HCR-5011 to include requesting congress allow states to exercise their full budget authority. Representative Barr said she would leave it to the wisdom of the Committee.

Mr. Tom Whitaker, Kansas Motor Carriers Association, testified in support of HCR-5011.

The hearing on HCR-5011 was concluded.

The next order of business was a hearing on HB-2138, designating US-73 as the Amelia Earhart Memorial Highway.

Representative Martha Jenkins, co-sponsor of the bill, briefed the Committee on the contents. She said this is the 50th year of Amelia Earhart's disappearance, and there is a desire by persons living in the Atchison and Leavenworth County areas to have US-73 as it runs through Atchison and Leavenworth Counties designated the Amelia Earhart Memorial Highway.

Bruce Kinzie, Revisor of Statutes, said it was discovered that the road to be named the Amelia Earhart Memorial Highway, was already named Lewis and Clark Memorial Highway.

The hearing on HB-2138 ended.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~xxx~~/p.m. on February 9, 1987

The next business was a hearing on SB-2149 concerning drivers' license requirements for driving farm truck tractors.

Mr. John Smith, Kansas Department of Revenue, testified in favor of HB-2149, but expressed concern that provisions of the bill would allow persons 14 years of age to drive an 18-wheel truck.

Chairman Crowell asked if the Commercial Motor Vehicle Safety Act of 1986 provides for an exclusion for farm trucks over 20,000 pounds. Mr. Smith said he wasn't aware of any such exclusion.

A brief recess was taken from the hearing on HB-2149, for the introduction of Mr. Horace Edwards, Secretary, Kansas Department of Transportation. Mr. Edwards gave the Committee a brief outline of his past work experience.

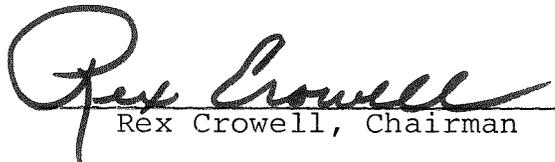
Attention was turned once again to the hearing on HB-2149, and Representative Susan Roenbaugh, sponsor of the bill, briefed the Committee on the contents of the bill. (See Attachment 1)

She said HB-2149 amends KSA 8-234(b) to allow a farmer with a class C drivers license to drive his own semi-trailer truck. Representative Roenbaugh added that this proposed legislation would help many farmers by enabling them to drive their own trucks rather than having to hire someone with a Class A license.

Mr. Tom Whitaker, Kansas Motor Carriers Association, testified in opposition to HB-2149. (See Attachment 2)

The hearing ended on HB-2149.

The meeting was adjourned at 2:20 p.m.


Rex Crowell, Chairman

Thank you Mr. Chairman and members of the committee for giving me the opportunity to appear before you this afternoon on HB 2149 which very simply amends KSA 8-234b to allow a farmer with a class C drivers license to drive his own semi. Times have changed on the farm and wheat is seldom harvested with a 16 foot combine header, but instead the use of a 24 or 30' header is not uncommon. It has become a necessity to have larger trucks to keep grain away from the combine. Weather doesn't always co-operate and it's vital to a farmer to harvest grain as quickly as possible.

The proposed legislation would help many farmers that own their own grain and/or cattle semis by enabling them to drive trucks themselves rather than having to hire someone with a class A license for farmers do not make the decision to buy large equipment without a great deal of thought, time and money and this is one cost saving measure that we can help with. An average sized semi will have 900 - 925 bushel with one driver while the normal farm truck will hold only 250 - 450 bushel, so would require a minimum of two trucks and two drivers to do the same job!

You're probably wondering if most any farmer can drive a semi - my answer to that is - yes, he can if I can. Most farm trucks are 4 or 5 speed with a 2 speed transmission and many semis have 6 - 9 - 10 & 13 which is not much different.

I want to make it perfectly clear that farmers do not drive these commercially, on the side of each it says in bold letters - FARM TRUCK - NOT FOR HIRE. Generally, they're used within a radius of 50 - 100 miles and I would quickly add that most, if not all use commercial trucks for long distance hauling.

Mr. Chairman, I would remind the committee that agriculture in general and farmers in particular are experiencing many difficulties today. This is one small way we can help. It's not a serious problem, but it does clarify the statutes and I respectfully request that the House Transportation Committee recommend H B 2149 favorably.

Attach. 1



December, 1986

SUMMARY OF COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

I. Applicability

1. The requirements apply to all drivers of commercial vehicles with a gross weight rating in excess of 26,000 pounds. The Secretary of Transportation has authority to lower the weight in cases where safety will be enhanced.

II. Timetable

1. Effective July 1, 1987, no driver may possess or apply for more than one license. State laws requiring the possession of more than one license are allowed to remain in effect until December 31, 1989, but are to be repealed by that time.
2. Effective July 1, 1987 - a) driver must notify state of licensure and the motor carrier of any moving violation, license suspension, or revocation within 30 days; b) driver applicants must notify motor carriers of all commercial driving jobs for at least past 10 years; c) a motor carrier may not knowingly permit operation of commercial vehicles by an unlicensed driver or one whose license is suspended or revoked.
3. Effective October 27, 1987 - FMCSR must be amended to place driver out of service for 24 hours for violation of Section 392.5 governing use and possession of alcoholic beverages and prohibiting consumption within four hours of going on-duty.
4. Effective July 15, 1988 - DOT must establish standards and minimum scores for written examination and driving test, and medical certification requirements. Driving test must be on a vehicle "representative" of the type to be driven. Additional knowledge and testing requirements for drivers transporting hazardous materials. (ATA Council of Safety Supervisors favors such testing only for placarded loads). All drivers must be tested, however the Secretary of Transportation is authorized to grant waivers from certain provisions of the legislation where safety will not be adversely affected.

5. Effective July 15, 1988 - DOT must establish standards for the commercial driver's license to include name and address of licensee, physical description, class of license, name of issuing state, dates license is valid, and the person's Social Security number or other identifier. (ATA supports the use of a fingerprint as the identifier).
6. Effective January 1, 1989 - DOT must enter into agreement with states for an information center of license information to include information in #5, above for each person, plus suspension and revocation information. This is to be preceded by a study of existing state systems. Information from clearinghouse to be available to DOT, state agencies, and to employers of drivers (with notification to drivers).
7. Effective April 1, 1992 - Each commercial driver must have a commercial vehicle license issued in accordance with the standards.
8. Effective October 1, 1993 - Each state must implement a commercial driver license program or face loss of federal highway funding (5% first year, 10% subsequent years). Standards for state implementation include the following:
 - a) Implementation of the licensing requirements;
 - b) Establishment of a BAC level of at least 0.10;
 - c) Notify clearinghouse at least 60 days before issuing a commercial driver's license to any person, and within 30 days of issuing the license.
 - d) Notify a driver's state of licensure within 10 days for a moving violation;
 - e) Notify DOT (central clearinghouse) within 10 days of a disqualification;
 - f) No state may issue a license to a person whose license is suspended or revoked;
 - g) Must check individual's record with the National Driver Register and consider it in connection with issuing a commercial license;
 - h) License must be issued by driver's state of legal residence.

III. Disqualification Provisions

1. Major Violations - Defined as: driving under the influence of alcohol or drugs; leaving the scene of an accident; use of a vehicle in the commission of a felony. Sanctions: first offense - 1 year (3 years if transporting hazardous materials); second offense - lifetime (may be reduced to 10 years under guidelines to be established).

2. Serious Violations - Defined as: violation associated with a fatal accident; reckless driving (as defined by state law); excessive speed (the ATA Council of Safety Supervisors recommended that this be defined as 15 mph over posted limit); any similar violation deemed by Secretary of Transportation to be serious. Sanctions - 60 days for 2 violations in 3 years; 120 days for 3 violations in 3 years. (ATA Council of Safety Supervisors supports 90 days disqualification for 3 moving violations in one year).

IV. Maximum Penalties

1. \$2,500 - for non-compliance by driver.
2. \$2,500 - failure of driver to notify employer of violations, knowing use of an unlicensed or multiple-licensed driver, possession of multiple licenses.
3. \$5,000 - criminal penalty for knowing and willful violation; (and/or 90 days imprisonment).

V. Funding

1. \$5,000,000 per year from MCSAP for program implementation, 1987-1991.
2. \$3,000,000 per year from Section 402 (state safety program) funds, 1987-1991.
3. \$2,000,000 per year, 1987-1989, from MCSAP funds for implementation of national commercial driver license information system.

VI. Miscellaneous Provisions

1. Road tests may be administered by outside agencies such as motor carriers or truck driver training schools under supervision of the state motor vehicle agency.
2. A one-year study of blood alcohol levels is to be completed by 1/1/89 as a basis to determine whether a BAL of 0.04 or .10 shall be considered prima facie evidence of driving while intoxicated (DWI).
3. There is provision for a two-year study of the safety effectiveness of unmanned radar on I-75 approaching the Ohio River in Kentucky.
4. The exclusion in the FMCSR for front-wheel brakes is repealed in 90 days with authorization to DOT to extend the effective date of the repeal for one year.
5. Provides increased funding for Motor Carrier Safety Assistance Program (MCSAP) of \$50 million annually, 1987 and 1988, and \$60 million annually, 1989-1991.

FHWA ESTABLISHING "SAFETYNET"

A new system for information exchange for federal and state governments is being set up. "SafetyNet" will link federal and state governments together with standardized computer programs so that a national database on motor carrier safety performance can be formed.

The system is being set up so that information from roadside inspections will be entered into the FHWA mainframe computer in Washington, D.C.

Once SafetyNet is fully operational, states will be able to retrieve a complete record on carriers. If the system functions as planned, government officials will be able to tap into a wealth of information, based on roadside inspections, federal safety audits, and accident data. The database should prove extremely beneficial in determining further trends in motor carrier safety.

A NEW DRIVER'S GUIDE FOR HAZARDOUS MATERIALS

A new publication, "Driver's Guide To Hazardous Materials" is currently available from ATA. It is an easy to read and understand pocket size book that covers all federal regulations governing hazardous materials.

Features include: instructions on the use of table 172.101, 49 C.F.R.; shipping papers, packaging, loading, unloading, driving and parking regulations; emergency procedures, phone numbers and contacts; marking, labeling and placarding requirements displayed on a four color chart.

Call 1-800-ATA-LINE to place orders or call Jack Currie (703) 838-1849 for more information. The price per book is \$2.10 and quantity discounts available.

--FROM ATA COUNCIL OF SAFETY SUPERVISORS OFFICERS UPDATE