

Approved: 4/1/93
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Chairperson Ben Vidrickson at 9:00 a.m. on March 18, 1993 in Room 254-E of the Capitol.

All members were present except:
Senator Rock - Excused

Committee staff present: Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:
Mary Turkington, Executive Director, Kansas Motor Carriers Assn.
Mike Lackey, Department of Transportation
Lt. Samuel Grant, Kansas Highway Patrol
Tom Whitaker, Governmental Relations Director, KMCA

Others attending: See attached list

HB 2416 which would prohibit the operation of vehicles with single tires on hubs configured for dual tire assembly was heard. Mary Turkington spoke in support of this bill which would address a concern that an attempt could be made by a truck operator to save tires by taking off a dual tire and operating the truck on single tires. This bill, as amended by the House Committee, would make this practice unlawful. (See Attachment A)

Mike Lackey also spoke in support of this bill citing accelerated wear of asphalt concrete pavement resulting in increased rutting and fatigue cracking of asphalt concrete pavements. He pointed out that this legislation provides a penalty for failure to comply at \$10 per offense with exception for emergency situations. (See Attachment B)

Lt. Samuel Grant appeared before the committee in support of **HB 2452** concerning unsafe tires on towed vehicles. This bill would establish the same requirements for safe tires on towed vehicles as currently exists for motor vehicles. The House amendment would exempt vehicles being towed by a wrecker. (See Attachment C)

Tom Whitaker explained that the purpose of this bill is to make certain law enforcement officers can include trailer equipment in checks for unsafe tires. (See Attachment D)

Lt. Grant spoke again, this time in support of **HB 2453** relating to offenses for which appearance bonds may be required. This bill would amend the statute which provides for cash bonds for traffic related offenses and establishes two additional violations for which a bond may be required. This bill would permit the posting of bond for suspected violation and encourage the suspected violators to answer charges. (See Attachment E)

The chairman called for action on bills.

Senator Emert made a motion to amend **HB 2416** into **HB 2452**. This was seconded by Senator Jones. Motion carried.

A motion was made by Senator Jones to pass **HB 2453** favorably. A second was made by Senator Papay. Motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES, Room 254-E
Statehouse, at 9:00 a.m. on March 18, 1993.

SCR 1615 urging the rejection of Federal efforts to impose unrealistic government mandated fuel economy standards on motor vehicles was discussed. A motion was made by Senator Tiahrt to pass favorably. Senator Jones seconded this. Motion carried.

A motion to approve the minutes of the March 17th meeting was made by Senator Papay. A second was made by Senator Harris. Motion carried.

The meeting was adjourned by the chairman.

The next meeting is scheduled for March 19, 1993.

GUEST LIST

SENATE TRANSPORTATION COMMITTEE

DATE: March 18, 1993

[illegible]

STATEMENT
By The
KANSAS MOTOR CARRIERS ASSOCIATION

Supporting H.B. 2416 prohibiting
unlawful operation of dual tire
assemblies.

Presented to the Senate Transportation &
Utilities Committee, Sen. Ben Vidricksen,
Chairman; Statehouse, Topeka, Thursday,
March 18, 1993.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association, with offices in Topeka. Tom Whitaker, our Governmental Relations Director, joins me here today to represent our 1,550 member-firms and the highway transportation industry.

We support House Bill 2416 which is designed as a companion measure to H.B. 2174 which would limit the load-carrying capacity of wide-base single tires.

House Bill 2416 is a straightforward measure which simply would make it unlawful to operate a vehicle with a single tire on any hubs configured for a dual tire assembly -- except in emergency situations. The House Transportation Committee further amended the bill to exclude any truck registered for a gross weight of 20,000 pounds or less from the provisions of the bill.

We have attached to this statement, an illustration of the placement of hubs configured for a dual tire assembly on a typical 5-axle, "18 wheeler" tractor and semi-trailer unit.

Passage of House Bill 2416 would prohibit operating such vehicles configured for dual tire assemblies, using only a single tire on any of the load-carrying axles.

This legislation addresses the concern of the Kansas Department of Transportation's professional staff, that some enterprising truck operator would attempt to save tires by "taking off" an "inside" or "outside" dual and operating such a unit on single tires.

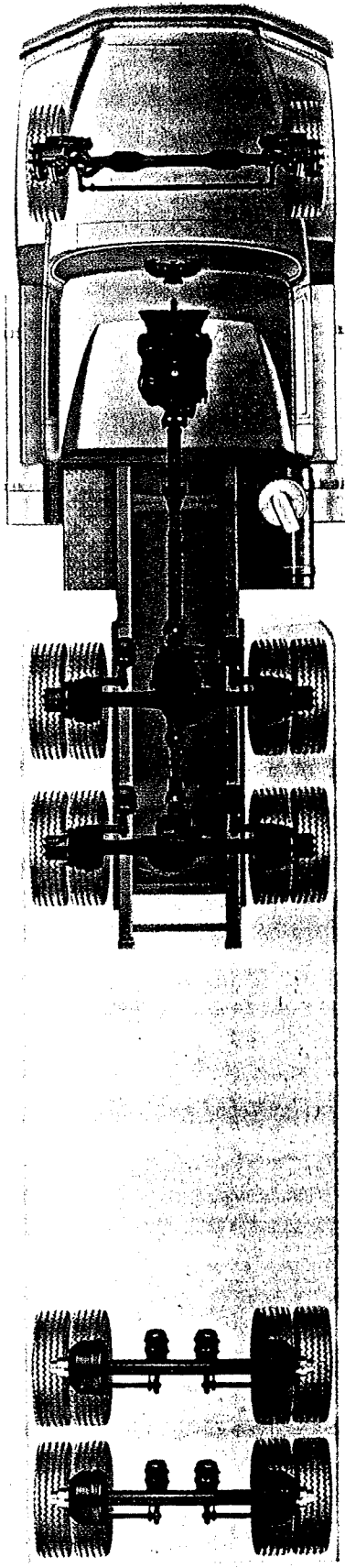
Our membership informs us that no carrier in his right mind would attempt such an "innovation." Weight distribution, regard for safety and any number of related operating factors, would preclude any such reckless practice on over-the-road equipment.

The fact remains, however, that such a practice could be implemented -- and thus the design life of the Kansas highway system could be affected.

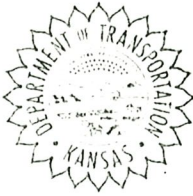
To make such a practice unlawful, House Bill 2416 as amended by the House Committee, should be adopted. We do support this bill and would be pleased to try to respond to any questions the Committee members may have.

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TRANS.
3/18/93
A-2



TRANS.
3118/93
A-3



Michael L. Johnston
Secretary of Transportation

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Joan Finney
Governor of Kansas

**TESTIMONY BEFORE
SENATE TRANSPORTATION AND UTILITIES COMMITTEE
REGARDING H.B. 2416:
PROVIDING CERTAIN PROHIBITIONS RELATING
TO THE USE OF SINGLE TIRES
MARCH 18, 1993**

Mr. Chairman and Committee Members:

The Kansas Department of Transportation has proposed H.B. 2416 in an effort to prohibit the use of single tires on the ends of axles that are equipped to be operated with a dual tire assembly on each end. Removing one tire and rim from a dual tire assembly is commonly referred to as the "singling out" of duals.

The threat posed by the singling out of duals is accelerated wear of asphalt concrete pavements. The accelerated wear occurs as a result of the increase in load applied to the pavement surface. The load on the tire is doubled when one tire in a dual tire assembly is removed. The result is increased rutting and fatigue cracking of asphalt concrete pavements.

Many states have enacted legislation to regulate or prohibit the practice of singling out dual tires. The Western Association of State Highway and Transportation Officials (WASHTO) developed a proposal in the spring of 1992 to prohibit the singling out of conventional dual tires. The member states of WASHTO felt that the practice was prevalent enough to warrant their attention.

The Kansas Department of Transportation believes that singling out of duals is not a common practice in Kansas. However, we believe that the potential risks associated with singling out duals does warrant preemptive action.

H. B. 2416 contains a provision to prohibit the use of single tires on axle hubs configured for a dual tire assembly on each end. The proposed legislation also provides a penalty for failure to comply with the restriction set forth. The penalty is established as a nonmoving violation and the fine is set at \$10 per offense. Exceptions are made for emergency situations.

Enforcement of this restriction can be easily made by law enforcement agencies in conjunction with their activities to enforce existing axle load limit restrictions.

SUMMARY OF TESTIMONY

Before the
Senate Transportation and
Utilities Committee
on

HOUSE BILL 2452

March 18, 1993

Presented by the Kansas Highway Patrol
(Lieutenant Samuel G. Grant)

Appeared in Support

Mr. Chairman, members of the Committee, I appear before you today on behalf of Colonel Lonnie McCollum in support of House Bill 2452.

This bill, if enacted, would establish the same requirements for safe tires on towed vehicles as currently exists for motor vehicles. Kansas Department of Transportation accident statistics revealed that tire condition was a contributing factor in five fatal accidents in 1991. For traffic safety purposes, the Patrol believes it is as important to have safe tires on trailers as it is on motor vehicles towing them.

This legislation would not apply to motor carriers registered with the State Corporation Commission, as they must comply with tire safety regulations in K.S.A. 66-1129 (K.A.R. 82-4-3) and the Code of Federal Regulations, Part 393.75. Additionally, this legislation would not apply to implements of husbandry as defined in K.S.A. 8-1427.

The Patrol supports the amendment by the House Transportation Committee (page two, lines 24, 25 & 26) which exempts vehicles being towed by a wrecker from these provisions.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Concerning House Bill No. 2452 relating
to unsafe tires on towed vehicles.

Presented to the Senate Transportation &
Utilities Committee, Sen. Ben Vidricksen,
Chairman; Statehouse, Topeka, Thursday,
March 18, 1993.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director of the
Kansas Motor Carriers Association and appear here today representing
our member-firms and the highway transportation industry.

We understand the purpose of H.B. 2452 is to make certain
law enforcement officers can include trailer equipment in checks
for unsafe tires.

Currently, tires on motor vehicles and trailer equipment
operated in combination with such motor vehicles by motor carriers
subject to safety rules and regulations of the Kansas Corporation
Commission and/or the Federal Highway Administration, are routinely
checked by enforcement officials. Those checks, of course, would
continue to be made.

We support H.B. 2452 as amended by the House Transportation Committee.

We worked with the Patrol to develop the language in the amendment relating to vehicles being transported by a wrecker or tow truck. We believe this addresses a real concern with respect to abandoned, wrecked or disabled vehicles which obviously could have damaged tires.

Adoption of the bill as amended by the House Committee, we believe, makes the bill workable and accomplishes the safety enforcement factor sought by the Patrol.

We respectfully ask your favorable consideration of H.B. 2452 as passed by the House. We will be pleased to respond to any questions.

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TRANS.
3/18/93
D-2

Summary of Testimony

Before the
Senate Transportation and
Utilities Committee

March 18, 1993

House Bill 2453

Presented by the Kansas Highway Patrol
(Lieutenant Samuel G. Grant)

Appeared in Support

Mr. Chairman, members of the Committee, I appear before you today on behalf of Colonel Lonnie McCollum in support of House Bill 2453.

This Bill amends (K.S.A. 8-2107) the statute which provides for cash bonds for traffic related offenses. The amendment establishes two additional violations for which a bond may be required. The two additional violations are, **driving while license is canceled, suspended, or revoked and failure to provide proof of financial security** (liability insurance).

During the last legislative session, statutes were amended to permit law enforcement officers to issue a traffic citation to a suspected traffic violator for driving while suspended rather than take them into custody. This Bill would permit the posting of bond for the suspected violation.

Our experience indicates the majority of persons who drive while their licenses are suspended or without liability insurance don't feel particularly compelled to appear in response to a traffic citation. The posting of a bond may encourage the suspected violators to contact the courts and answer charges. Forfeiture of bond would permit courts to dispose of cases of this nature rather than leave them pending for extended periods of time.