

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairman Rex Crowell at 3:00 p.m. on February 17, 1994 in Room 519-S of the Capitol.

All members were present except: Rep. Garner, Excused
Rep. Shallenburger, Excused
Rep. Lloyd, Excused
Rep. Lawrence, Excused
Rep. Hendrix, Excused
Rep. King, Excused
Rep. Webb, Excused

Committee staff present: Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: Larry White, Dean & Larry White Trucking, Inc.
Robert Buchanan
Rep. Kejr
Chris Wilson, Kansas Assn. of Wheat Growers
Mary Turkington, KMCA
Rick Davis, KMIC

Others attending: See attached list

Chairman Crowell opened the hearing on HB 2864 regarding the issuance of excess weight special permits for certain vehicles.

Larry White was recognized by the Chairman as a proponent of the bill. He testified the reasons for this bill are for safety, road maintenance and competetiveness. See Attachment 1.

The Chairman acknowledged Robert Buchanan as a proponent of the bill. He testified that the necessity of this bill is one of safety. Because the double trailers presently operating with loads in excess of 80,000 pounds are not allowed to travel interstate highways, they must travel through the city in order to get to the turnpike.

Rep. Kejr author of the bill, was the next proponent.

Chairman Crowell recognized Chris Wilson as a proponent of the bill. She testified that this bill provides for special permits for transporting grain on interstate highway in excess of the gross weights permitted under the present law but no more than the maximum gross weight limitations. See Attachment 2.

Mary Turkington was acknowledged by the Chairman to testify on HB 2864 as an opponent. She testified that because of limitations set by ISTEA in 1991, states cannot increase the length nor weight of multiple-trailer combinations on interstates. See Attachment 3.

Chairman Crowell, because of time constraints, held HB 2864 open for testimony until the next Committee meeting.

The Chairman opened the hearing on HB 2974 regarding relative market area protection for motorcycle dealerships selling new vehicles.

Rick Davis was recognized by the Chairman as a proponent of the bill. He testified that motorcycle dealers need to receive the same protection afforded new auto dealers in regard to relevant market areas. See Attachment 4.

Chairman Crowell held HB 2974 open for additional testimony until the Committee meets the next time. He adjourned the meeting at 3:25 p.m. with the next meeting scheduled for February 21, 1994, at 1:30 p.m. in Room 519-S of the Capitol.

HOUSE TRANSPORTATION COMMITTEE

Name	Address	Representing
RICK DAVIS	TOPEKA	KANS. MOTORCYCLE INDUSTRY COUNCIL
Ken Gudenkaut	Topeka	KDOT
Bill Watts	Topeka	KDOT
Nancy Boagins	Topeka	KDOT
Mike Lackey	Topeka	KDOT
MARY E. TUCKINGTON	Topeka	Kans. Motor Carriers Assn.
Tom Whitaker	TOPEKA	KS MOTOR CARRIERS ASSN
Betty McBride	Topeka	KDOT
B. J. EICHEN	1705 JND WYANBROOK	KASB
Cal Kirkham	Topeka	Cal Home Sales
Donna Murphy	"	KMHA
Chris Wilson	Hammond	KS Ass'n of Wheat Growers
Pam Somerville	TOPEKA	KS Auto Dlr's Assn
DON LINDSEY	OSAWATOMIE	UTU
BOB GIFFIN	TOPEKA	KAP
Debbie Keelo	Paola	
JIM KEELE	PAOLA	BLE
BOB ANDERSON	TOPEKA	MOTORCYCLE INDUSTRY COUNCIL

A Few Reasons For Allowing State Weight Limits On Interstate Highways

Specifically double trailers, spread axle, and triple axle configurations.

I. Safety

A. Trucks would log less miles on small state and county roads.

1. Less risk to local citizens because of reduced traffic on these roads.
2. Less risk to the truck drivers.

II. Road Maintenance

A. The Interstate Highway System receives more Federal funds than any other roads.

1. Common sense tells us that if we are using the Interstates, the local county and state budgets will save dollars.
2. County roads receive very few federal funds. It makes sense to put these trucks on the Interstates, which were designed to carry these loads.

III. Competition is Stiff!

A. In the business world, becoming more competitive is the name of the game.

1. This is the reason we pull double grain trailers. It adds approximately 10% to the revenue of one truck when the gross weight is 85,500 pounds.
2. The time has come to stop penalizing trucking companies that are only trying to compete in a very competitive business.

Thank You,
Larry White
Dean & Larry White Trucking, Inc.
R.R.#1 Box 89
Culver, Kansas 67484

STATEMENT OF THE
KANSAS ASSOCIATION OF WHEAT GROWERS
TO THE HOUSE TRANSPORTATION COMMITTEE
REX CROWELL, CHAIRMAN
CONCERNING H.B. 2864
FEBRUARY 17, 1994

Mr. Chairman and Members of the Committee, I am Chris Wilson, representing the Kansas Association of Wheat Growers (KAWG). KAWG is the professional association of producers of wheat in Kansas, the leading wheat producing state in the nation. Our members span the state. We appreciate the opportunity to come before you today in support of H.B. 2864.

This bill provides for special permits for transporting grain on interstate highways in excess of the gross weights permitted under paragraph (2) of subsection (a) of K.S. A. 8-1909, but no more than the maximum gross weight limitations. We believe this to be a very reasonable bill. It will allow permits for a situation where grain is being moved within legal weight limits, then needs to travel on interstate for a short distance to reach a terminal elevator. Suddenly, the truck is over weight limits for the interstate travel. This bill would allow the truck to move on interstate, but only within the already established weight limits for other roads.

This bill is becoming increasingly important as rail service from many rural, grain producing areas declines. Trucks are needed to transport the grain from farms and country elevators to terminals for storage, market or processing. The small difference between weights allowed on other roads and on interstate may well account for a truck's margin of profit. Without H.B. 2864, truckers will often find it economically impossible to transport the grain.

Thank you for this opportunity to support H.B. 2864.

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HOUSE TRANSPORTATION
February 17, 1994
Attachment 2

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Expressing concern for the impact
of H.B. 2864 and the discrimination
which would result among vehicles
transporting grain.

Presented to the House Transportation Committee.
Rep. Rex Crowell, Chairman; Statehouse, Topeka,
February 17, 1994.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. I appear here along with Tom Whitaker, KMCA Governmental Relations Director; representing our member-firms and the highway transportation industry.

As we understand the provisions of H.B. 2864, for an annual permit fee of \$25 per power unit, the Secretary of Transportation would be required to issue special permits for the operation of a vehicle or combination of vehicles transporting grain to exceed 80,000 pounds gross weight on interstate highways.

The annual fee of \$25 is perhaps a nominal sum.

The real problem comes in the discrimination which would result among those transporting grain.

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Attachment 3-1

We have grain haulers who pay the maximum registration "Regular" license fee of \$1,925 for the power unit and \$35 for each trailer or semi-trailer and who can haul 85,500 lbs. gross vehicle weight on all highways OTHER THAN interstate highways in this state. Such units must, of course, comply with axle limits and the "formula B" weight distribution table in our statute.

Many of these vehicle owners operate twin grain trailer combinations. Their axle configurations result in axle limits of less than 20,000 lbs. per axle, their equipment is safe, productive -- and needed. These units will NOT be helped by this bill.

As a part of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Congress "froze" the operation of LCVs (Longer Combination Vehicles) to those operations in place as of June 1, 1991. Under the federal LCV "freeze", states cannot either increase the length of multiple-trailer combinations on any National Network roads (which includes the interstates and most major commercial routes), or increase the weight of multiple-trailer combinations on the interstates (because federal weight laws apply only to the interstates).

Such twin grain trailer combinations come under this multiple-trailer combination definition. Therefore, H.S. 2864 will NOT permit one more ounce of weight for these or any similar multiple-trailer unit.

The 80,000 lb. gross weight limitation on the interstate will continue to apply. It's the law.

The other type of combination vehicle that will NOT be helped by this bill is the typical tractor and five-axle semi-trailer unit. That unit already is fully utilizing its axle limits and therefore cannot legally haul one more ounce of freight whether it's on the interstate or any other road or highway.

The only units that we can determine would be helped by such a proposal, includes a tractor and triple-axle semi-trailer OR a tractor and semi-trailer utilizing a spread tandem.

The stone wall that confronts any such additional weight for grain or any other commodity -- regardless of axle configurations or gross weight limits -- is the 80,000 lb. barrier that Congress, with encouragement from the railroads -- wrote into the federal law.

Our industry recognizes the need for greater productivity of motor vehicle equipment. Kansas currently has adopted "formula b" which establishes axle spacing and weight limitations that meet current federal standards. The basic 20-year design life of our highway system relies on those limits.

Weight is transmitted to highway surfaces through axle weight configurations. Disregard for axle weight limitations and for weight distribution criteria will accelerate destruction of our highway system.

I believe that there will be changes in the 80,000 lbs. limit on the interstate system so long as such weight limits are controlled either by "formula b" or by some other equally efficient weight distribution formula. Our industry supports such revisions when the federal government adopts such changes.

We cannot support H.B. 2864 because it proposes to discriminate among those vehicles transporting grain - to say nothing of the discrimination it would create for those transporting other types of commodities.

Further, we sincerely believe this legislation would jeopardize the \$48.1 million that Kansas now receives annually in federal highway funds to help build and maintain our state's highway system.

Our industry pays literally millions of highway user tax dollars into that fund. We do not want to watch those dollars go to other jurisdictions when and if that money is withheld from Kansas.

As Kansans we are working together to complete our comprehensive highway program to help preserve the investment Kansas citizens have made in its system of streets and highways. I do not believe that any of us deliberately would do anything to weaken that program. Our state soon will be challenged to move into the next level of highway building and improvements in our state.

It is for these reasons, Mr. Chairman and members of the committee, that we must oppose House Bill 2864. I will be pleased to respond to any questions you may have.

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Attachment 3-4

Kansas Gross Weight Table

8-1909. Gross weight limits for vehicles; exceptions; safety of certain vehicles for operation. (a) No vehicle or combination of vehicles shall be moved or operated on any highway when the gross weight on two or more consecutive axles exceeds the limitations prescribed in the following table:

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles						
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles
4	34,000						
5	34,000						
6	34,000						
7	34,000						
8 and less ..	34,000	34,000					
More than 8	38,000	42,000					
9	39,000	42,500					
10	40,000	43,500					
11		44,000					
12		45,000	50,000				
13		45,500	50,500				
14		46,500	51,500				
15		47,000	52,000				
16		48,000	52,500	58,000			
17		48,500	53,500	58,500			
18		49,500	54,000	59,000			
19		50,000	54,500	60,000			
20		51,000	55,500	60,500	66,000		
21		51,500	56,000	61,000	66,500		
22		52,500	56,500	61,500	67,000		
23		53,000	57,500	62,500	68,000		
24		54,000	58,000	63,000	68,500	74,000	
25		54,500	58,500	63,500	69,000	74,500	
26		55,500	59,500	64,000	69,500	75,000	
27		56,000	60,000	65,000	70,000	75,500	
28		57,000	60,500	65,500	71,000	76,500	82,000
29		57,500	61,500	66,000	71,500	77,000	82,500
30		58,500	62,000	66,500	72,000	77,500	83,000
31		59,000	62,500	67,500	72,500	78,000	83,500
32		60,000	63,500	68,000	73,000	78,500	84,500
33			64,000	68,500	74,000	79,000	85,000
34			64,500	69,000	74,500	80,000	85,500
35			65,500	70,000	75,000	80,500	
36			66,000	70,500	75,500	81,000	
37			66,500	71,000	76,000	81,500	
38			67,500	72,000	77,000	82,000	
39			68,000	72,500	77,500	82,500	
40			68,500	73,000	78,000	83,500	
41			69,500	73,500	78,500	84,000	
42			70,000	74,000	79,000	84,500	
43			70,500	75,000	80,000	85,000	
44			71,500	75,500	80,500	85,500	
45			72,000	76,000	81,000		
46			72,500	76,500	81,500		
47			73,500	77,500	82,000		
48			74,000	78,000	83,000		
49			74,500	78,500	83,500		
50			75,500	79,000	84,000		
51			76,000	80,000	84,500		
52			76,500	80,500	85,000		
53			77,500	81,000	85,500		
54			78,000	81,500			
55			78,500	82,500			
56			79,500	83,000			
57			80,000	83,500			
58				84,000			
59				85,000			
60				85,500			

except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axles is 36 feet or more.

(1) The gross weight on any one axle of a vehicle shall not exceed the limits prescribed in K.S.A. 8-1908, and amendments thereto.

(2) For vehicles and combinations of vehicles on the interstate system the table in this section shall not authorize a maximum gross weight of more than 80,000 pounds.

(3) The table in this section shall not apply to truck tractor and dump semitrailer or truck trailer combination when such are used as a combination unit exclusively for the transportation of sand, salt for highway maintenance operations, gravel, slag stone, limestone, crushed stone, cinders, coal, blacktop, dirt or fill material, when such vehicles are used for transportation to a construction site, highway maintenance or construction project or other storage facility, except that such vehicles or combination of vehicles shall not be exempted from any application of the table as may be required to determine applicable axle weights for triple and quad axles as defined in K.S.A. 8-1908, and amendments thereto. As used in this subpart (3), the term "dump semitrailer" means any semitrailer designed in such a way as to divest itself of the load carried thereon.

HOUSE TRANSPORTATION
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Attachment 3-5

Kansas Motor Carriers Association
P.O. Box 1673
Topeka, KS 66601-1673
(913) 267-1641

AXLE DEFINITIONS

"Gross weight on any one axle" means the total load on all wheels whose centers are included within two parallel transverse vertical planes not more than 40 inches apart.

"Tandem axle" means two or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced not less than 40 inches and not more than 96 inches apart.

"Triple axle" means three or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced more than 96 inches and not more than 120 inches apart.

"Quad axle" means four or more consecutive axles, arranged in tandem and articulated from a common attachment to the vehicle or individually attached to the vehicle, with such axles spaced more than 120 inches and not more than 150 inches apart.

AXLE LIMITATIONS

The gross weight on any one axle shall not exceed 20,000 pounds.

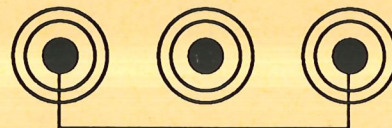


The gross weight on tandem axles shall not exceed 34,000 pounds.



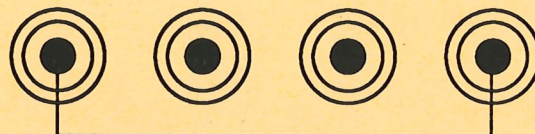
not less than 40"
not more than 96"

The gross weight on any triple axle combination will be allowed to carry up to 42,000 lbs. if the triple axle configuration measures 8'1" to 8'11". The table applies for measurements 9' and over.



more than 96" - not more than 120"

The gross weight on any quad axle combination will be allowed to carry up to 50,000 lbs. if the quad axle measures up to 12'. The table applies for measurements over 12'.



more than 120" - not more than 150"

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Attachment 3-6

HB2974

KANSAS MOTORCYCLE INDUSTRY COUNCIL

(KMIC)

RICK DAVIS - VICE PRESIDENT

PROPONENT FOR THE AMENDMENT

My name is Rick Davis. I am the Vice President of the KMIC, which represents all the motorcycle dealers in the State of Kansas. I am not a lobbyist, but because I live here and I have a motorcycle dealership in Topeka, the membership looks to me when necessary.

I ask you today for a yes vote amending HB2974 that removes the statutory exception excluding motorcycle manufactures from appointing same brand dealers within 10 / 15 miles from an existing same brand dealer, and / or we would like to be part of and parallel to KSA - 82430 (i) that explicitly excludes motorcycles from that statute.

The motorcycle manufacturers lobbied for the exclusion in 1993 and we motorcycle dealers were not aware of the bill.

Now we ask you to give the motorcycle dealers the same consideration and protection that you obviously saw the wisdom to grant the auto dealers last year.

In fact we feel that the motorcycle dealers should have even greater protection because we do not have the volume that the auto dealers have. Yet we have exactly the same problems and benefits, just lower volume.

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I do not know what the ratio is from new car sales to new motorcycle sales are, but it certainly has to be in the hundreds if not thousands to one.

No, we do not have investments of millions of dollars, but we each have investments of hundreds of thousands of dollars. New motorcycles cost from a low of \$1100 to a high of \$16,200.

An automobile is a necessary thing to own. A motorcycle is the least high ticket item I can think of that is necessary to own, and in that light we feel our protection should actually be wider.

However in the interest of expediency we ask that you approve this amendment as it now stands.