

Approved: March 23, 2011  
Date

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on March 16, 2011, in Room 783 of the Docking State Office Building.

All members were present except:  
Representative Jerry Henry

Committee staff present:  
Scott Wells, Office of the Revisor of Statutes  
Jill Shelley, Kansas Legislative Research Department  
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:  
Representative Sharon Schwartz  
Tom Whitaker, Executive Director, KS Motor Carriers Ass'n.  
Michael McLin, Bureau Manager, Titles and Registration, Dept. of Revenue

Others attending.  
See attached list.

Chairman Hayzlett opened the meeting and the hearing on **HCR 5025**.

**HCR 5025 – Truck size and weight limits**

Staff explained that **House Concurrent Resolution 5025** urges congress to repeal Public Law 23 U.S.C. 127(d) concerning the federal freeze on truck size and weight limits which were in effect at that time and allow Kansas to determine the appropriate vehicle size and weight limits.

The Chairman recognized Representative Schwartz as the first proponent on **HCR 5025**. (Attachment #1) According to Representative Schwartz she had been contacted over the past several years about outdated regulations and the impact on the ability to do business in Kansas. She urged the Committee's support of **HCR 5025**.

The next proponent was Tom Whitaker. (Attachment #2) Mr. Whitaker said this resolution concerns the federal freeze on more productive trucks and allows the State of Kansas to determine the appropriate vehicle size and weight limits necessary for the economic growth in Kansas and the central United States. He said any attempt to circumvent the federal freeze could result in the loss of federal highway funds. He explained that if Congress repealed the federal freeze on more productive trucks, both the Kansas House of Representatives and the Kansas Senate must adopt any change in truck size and weight limits and said changes must be approved by the Governor.

Chairman Hayzlett drew the Committee's attention to Written Testimony submitted by Kansas Livestock Association, in support of HCR 5025. (Attachment #3)

There being no other proponents and no opponents, after all questions had been answered, the Chairman closed the hearing on **HCR 5025**.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

## CONTINUATION SHEET

Chairman Hayzlett opened the hearing on **SB 213**.

### **SB 213 – Registration of lightweight roadable vehicles**

The Chairman asked staff to explain **SB 213**. Chairman Hayzlett then recognized Michael McLin, Department of Revenue. According to Mr. McLin (Attachment #4) this bill will clarify and implement a definition for a lightweight roadable vehicle. He said the definition was necessary to enable individuals who purchase a vehicle called “The Transition” to drive on the public roadways in Kansas.

There were no other proponents and no opponents. After questions were answered, the Chairman closed the hearing on **SB 213**.

Without objection from the Committee, Chairman Hayzlett sought discussion and action on **HCR 5025**. Representative Grant moved to introduce a resolution urging congress to repeal Public Law 23 U.S.C. 127(d) concerning the federal freeze on more productive trucks and allowing the State of Kansas to determine the appropriate vehicle size and weight limits necessary for the economic growth for Kansas and the central United States. The motion was seconded by Representative Wolf and the motion carried.

Without objection from the Committee, the Chairman sought discussion and action on **SB 213**. Representative Fawcett moved to remove the contents of SB 213 and replace with language from HB 2192 to be designated as H Sub for SB 213, to include the Safety Belt Use Act in the Uniform Act Regulating Traffic, clarifying that no court costs are to be applied to seat belt violations and would remove outdated language. Representative Worley seconded the motion and the motion carried.

Chairman Hayzlett thanked the Committee for their work this session. There being no further business before the Committee, the meeting was adjourned.

## HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 3-16-11

[illegible]

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

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(785) 325-2568  
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State Representative  
106th District  
State Capitol, Room 149-S  
Topeka, Kansas 66612  
(785) 296-7637

March 16, 2011

<sup>5025</sup>  
HB 2436

Testimony for the House Transportation Committee

Chairman Hayzlett and Committee members,

Thank you for the opportunity to appear in support of HCR 5025. This resolution urges the U.S Congress to repeal the current law and allow Kansas to determine the appropriate vehicle size and weight limits necessary to carry out business.

For the past several years I have been contacted by numerous businesses in regard to outdated regulations and how these regulations have impacted their ability to do business in Kansas. Custom Harvesters and trailer manufacturers are especially affected. Through these years the size of equipment has changed to reflect the changes in business practices. Consequently the method and size of trailers and trucks has changed to accommodate the equipment. Currently the maximum length allowed is 65 ft and needs to be changed to at least 81 ½ ft. to reflect larger and heavier equipment.

I urge your support of HCR5025.

*Representative Sharon Schwartz*  
#106

House Transportation  
Date: 3-16-11  
Attachment # 1





# Kansas Motor Carriers Association

*Trucking Solutions Since 1936*

**Sherwin Fast**  
Great Plains Trucking  
President

**Jason Hammes**  
Frito Lay Service &  
Distribution  
Chairman of the Board

**Larry Graves**  
Farmers Oil, Inc.  
First Vice President

**Jane Westerman**  
DeClue Transport  
Second Vice President

**Louis Thompson**  
Beaver Express Service, LLC  
Treasurer

**Larry "Doc" Criqui**  
Kansas Van & Storage  
Criqui Corp.  
Corporate Secretary

**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  
ProTruck PAC Chairman

**Jeff Robertson**  
JMJ Projects, Inc.  
Foundation Chairman

**Richard Orton**  
Roberts Truck Center, LTD  
Allied Industries Chairman

**Tom Whitaker**  
Executive Director

## LEGISLATIVE TESTIMONY

by the  
Kansas Motor Carriers Association

### In Support of House Concurrent Resolution No. 5025

Presented to the House Transportation Committee  
Representative Gary Hayzlett, Chairman  
Wednesday, March 16, 2011

#### MR. CHAIRMAN AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE:

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear before you this afternoon representing our 1,100 member firms and the Kansas trucking industry in support of House Concurrent Resolution No. 5025.

HCR 5025 urges the United States Congress to repeal Public Law 23 U.S.C. 127(d) concerning the federal freeze on more productive trucks and allowing the State of Kansas to determine the appropriate vehicle size and weight limits necessary for the economic growth and Kansas and the central United States. Currently, any attempt to circumvent the federal freeze could result in the loss of federal highway funds.

The effects of the federal freeze on more productive trucks is evident by the request of the custom harvesting industry's for additional length limits to move ever evolving harvesting equipment and the inability of the State of Kansas to accommodate the industry's request for support of our State's agricultural economy.

The federal freeze has been in effect for almost 20 years. Should Congress repeal the federal freeze on more productive trucks, both the Kansas House of Representative and the Kansas Senate must adopt any change in truck size and weight limits and such changes must be approved by the Governor. This is an issue of State's rights.

The Kansas Motor Carriers Association supports HCR 5025 and we urge the House Transportation Committee to report the resolution favorably. We thank you for the opportunity to appear before you this afternoon and would be pleased to respond to any questions you may have.

House Transportation  
Date: 3-16-11  
Attachment # 2



*Since 1894*

To: House Transportation Committee  
Representative Gary Hayzlett, Chair

From: Mike Beam, Kansas Livestock Association

Re: HCR 5025; Testimony in support of resolution

Date: March 16, 2011

*The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,000 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.*

The Kansas Livestock Association (KLA) appreciates this committee's efforts to bring attention to the issue of inconsistent weight limits for hauling freight in interstate commerce. Grain and livestock transportation is a significant input cost. For example, we are currently experiencing livestock hauling rates of up to \$3.80 per loaded mile. This rate compares to \$3.10 per mile a year ago. Increasing the Kansas weight limits, with the appropriate axle configuration, would result in significant savings for our industry.

The inconsistent weight limits among states is troubling to our members. In Nebraska, truckers can legally haul loads up to 91,000 pounds (GVW) with a triple axel trailer and up to 102,000 lbs. with triple-axel tractor and trailer configuration. If traveling on interstates, however, the weight limit is 80,000 lbs.

I'm attaching a fact sheet prepared by our affiliate, the National Cattlemen's Beef Association (NCBA). As a 2011 policy priority, "NCBA is focused on making transportation policies more efficient for cattle producers by supporting legislation to create uniform transportation laws across all states and helping states adopt transportation laws that increase allowable weight, length and trailer requirements. Furthermore, adding additional axles to livestock and semi-trailers will increase braking power and place less total weight on each axle, making transporting livestock safer and less stressful on U.S. roadways.

KLA believes HCR 5025 will send an appropriate and timely message to Congress. Thank you for considering this resolution.

House Transportation  
Date: 3-16-11  
Attachment # 3





# Transportation

## ***Getting Beef from the Pasture to Your Plate***



### **The Highway Bill**

- The Surface Transportation Act of 2009—also known as the Highway Bill—is up for reauthorization.
- This legislation is critical for cattle producers, who require timely and safe methods for transporting cattle from farm to market.
- The truck weights legislation ties safety with productivity to save businesses and consumers billions in transportation costs.
- And using fewer trucks to haul the same freight reduces energy consumption and helps out business's bottom line.
- Because of the short time left for reauthorization and the many other bills before Congress, it is likely that Congress will have to extend the current bill for 18 months.

### **Transportation Needs for Cattle Producers**

Agriculture and cattle production are unlike the manufacturing industry. During busy seasons, our transportation needs don't comply with normal working schedules. For that reason, cattle producers need Congress to increase the allowable truck weight limits for certain agricultural vehicles.

Increasing truck weights will increase productivity and make us more competitive with Mexico and Canada, which allow 97,000 lb trucks.

Additionally, because of the varying conditions needed for pasturing cattle versus feeding cattle, livestock must frequently be transported across state borders. Uniform standards are critical for a smooth flow of commerce.

Maintaining the integrity of our infrastructure is important. According to the Department of Transportation, there would be 20-year pavement restoration costs savings of nearly \$2.5 billion dollars if 5-axle 80,000 lb trucks were replaced by 6-axle 97,000 lb trucks.



### **Favorable Legislation**

- H.R. 1799—The Safe and Efficient Transportation Act of 2009—would allow states to permit vehicles to haul agricultural products up to 97,000 pounds with the addition of a third axle. Allowing each state the right to increase single-trailer weights from 80,000 to 97,000 pounds reduces the number of vehicle miles traveled on our interstates
- HR 1220—the Farm Truck Bill—would exempt agricultural haulers from federal commercial motor vehicle and operating regulations, as well as raising the federal definition of commercial vehicles from 10,001 pounds to 26,000 pounds. S.639 is a Senate bill which would provide similar measures.
- All of these bills would help cattle producers raise healthy animals and get quality, affordable beef to consumers.

March 15, 2011

To: House Transportation Committee

From: Michael J. McLin – Bureau Manager of Titles & Registrations

Subject: AN ACT concerning motor vehicles; relating to registration of lightweight roadable vehicles; amending K.S.A. 2010 Supp. 8-126 and 8-1486 and repealing the existing sections.

The Kansas Department of Revenue is providing testimony today in support of the proposed Amendments to K.S.A. 2010 Supp. 8-126, 8-1486 and 79-201k. This Bill will clarify and implement a definition for a Lightweight roadable Vehicle. The definition is as follows:

***New Section - K.S.A. 8-126 New Section 1. "Lightweight Roadable vehicle" means a multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction of, the federal aviation administration.***

***New Section - K.S.A. 79-201(k)(b)(2) - The term "aircraft" shall not include lightweight roadable vehicles, as defined by K.S.A. 8-126, and amendments thereto.***

This definition is necessary to enable individuals who purchase a vehicle called "The Transition" to drive on the public roadways in the state of Kansas. This Lightweight Roadable vehicle can "Transition" from an automobile to a Lightweight Aircraft. While an automobile this vehicle can approach speeds of 115 mph while driving.

An individual must register this Lightweight Roadable vehicle with the Federal Aviation Administration in order to fly this Light Sport Aircraft. Since it will be certified as a Light Sport Aircraft, the Transition® will require at least a Sport Pilot license to fly, which requires a minimum of 20 hours of flight time and passing a simple practical test in the aircraft. You will also need a valid driver's license for use on the ground. Terrafugia will provide three days of familiarization training to every customer. This bill does not allow for tax exemption of the light weight roadable Vehicles.

As a Light Sport Aircraft (similar to most General Aviation Aircraft) Transitions will be flown out of the smaller airports, 90% of which do not have control towers. Specific protocols are established by regulation (FAA) as to the procedures for taking off and landing at all airports. In the absence of a control tower (ATC), pilots are required to advise of their intentions on a common communications frequency.

House Transportation  
Date: 3-16-11  
Attachment # 4

DIVISION OF VEHICLES  
TITLES & REGISTRATIONS

DOCKING STATE OFFICE BUILDING, 915 SW HARRISON ST., TOPEKA, KS 66612-1588  
Voice 785-296-3621 Fax 785-296-3852 <http://www.ksrevenue.org/>

Flight plans are not required for flights under Visual Flight Rules (VFR), used when the weather conditions are favorable; pilots do have the option of filing a flight plan with the FAA. Light Sport Aircraft are not certified to fly under Instrument Flight Rules (IFR), used in adverse weather conditions including limited visibility.

Terrafugia currently has over 80 aircraft reserved representing 24 states and some Canadian Provinces, representing an order backlog of over \$16 million. Refundable airframe reservations are currently being accepted to hold a place in production. Terrafugia is currently marketing to pilots and to people willing to become pilots to use the Transition®. All sorts of people have placed reservations, from retired couples planning to travel to independent business people with clients spread over a large geographic area. You can reserve your "Transition" for a refundable \$10,000 and purchase the "Transition" for \$200,000 to \$250,000. The current backlog of production puts delivery as far out as 2013. However, we are a fortunate state to have one of the "Transition's" purchased in the early design phases. Delivery of the first Transition to the state of Kansas is early 2012. I am requesting the favorable passage of the amendments as proposed today.

This bill passed as amended in the Senate 39-0.

Thank you again Mr. Chairman and Committee for your time today. If you have any questions, you may reach me at [Michael.McLin@kdor.ks.gov](mailto:Michael.McLin@kdor.ks.gov) or at (785) 296 - 2571.

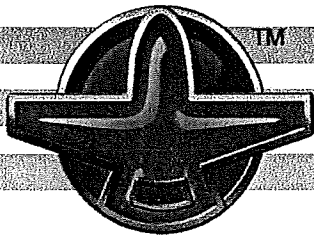
Sincerely,



Michael J. McLin

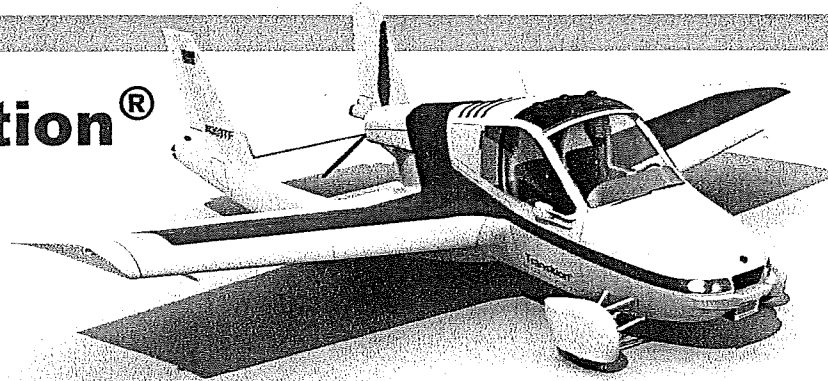
Bureau Manager  
Titles and Registrations/  
Dealer Licensing





# Driven To Fly™

## The Transition®



### Performance

Max, Vh:	100 kts (115 mph, 185 km/h)
Cruise, Vc:	93 kts (105 mph, 172 km/h)
Stall, Vs:	45 kts (51 mph, 83 km/h)
Range:	425 nmi (490 mi, 787 km)
Takeoff:	1700' (518 m), over 50' obstacle

Gross Takeoff Weight:	1430 lbs (650 kg)
Empty Weight:	970 lbs (440 kg)
Useful Load:	460 lbs (210 kg)

Fuel Burn:	5 gph (at cruise)
On Road:	35 mpg, 65 mph (105 km/h)
Useable Fuel:	23 gal (87L)

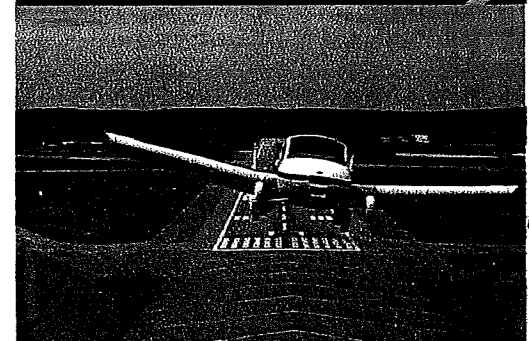
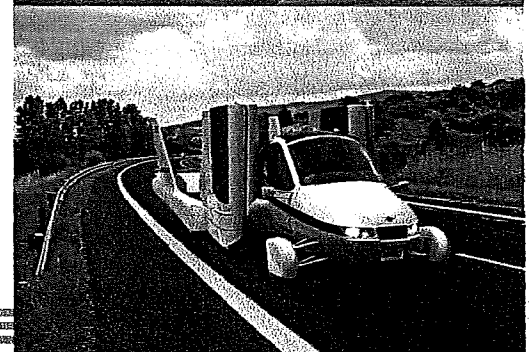
### Safety

- Drive in case of inclement weather
- Proven 100 hp Rotax 912S engine
- Full vehicle parachute
- Modern glass avionics
- Safety cage, crumple zone, airbags
- Factory built Light Sport Aircraft (S-LSA)

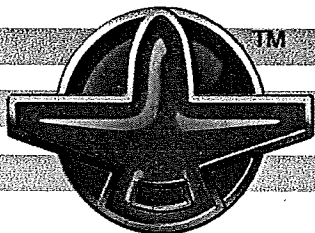
### Convenience

- Rear wheel drive on the road
- Automotive-style entry and exit
- Automated electromechanical folding wing
- No trailer or hangar needed
- Continuously variable automatic transmission
- Touch-screen cockpit user interface

[www.DrivenToFly.com](http://www.DrivenToFly.com)

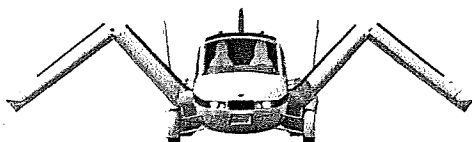
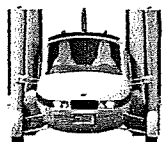


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# ***Driven To Fly™***

## **The Transition® Roadable Light Sport Aircraft**



### **Dimensions**

#### **Driving:**

80" (2 m) tall  
90" (2.3 m) wide  
19' 6" (6 m) long

#### **Flying:**

78" (2 m) tall  
26' 6" (8 m) wingspan  
19' 9" (6 m) long

#### **Cockpit:**

48" at shoulder  
Carry-on luggage  
Golf clubs  
Two place, side-by-side

### **Training**

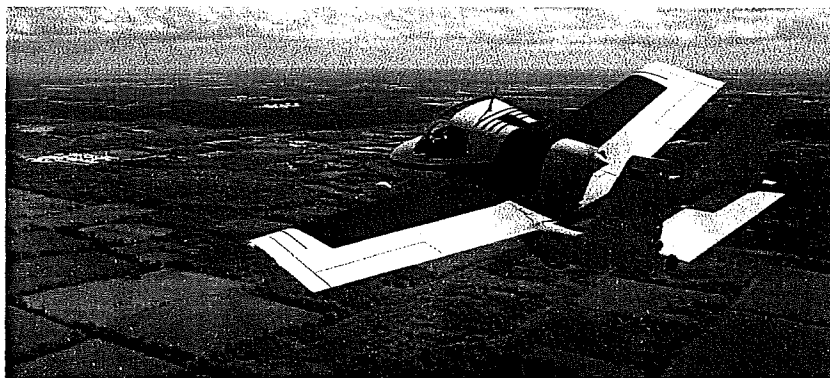
Become a Sport Pilot in as little as 20 hours of flight time.

Transition®-specific courses will be available.

For existing pilots, get comfortable quickly with the familiarization training included with every Transition® delivery.

### **Order Today**

Place your refundable \$10,000 reservation deposit today.



**Terrafugia Inc.**  
**info@terrafugia.com**  
**T: +1-781-491-0812**  
**F: +1-781-491-0282**

**www.DrivenToFly.com**

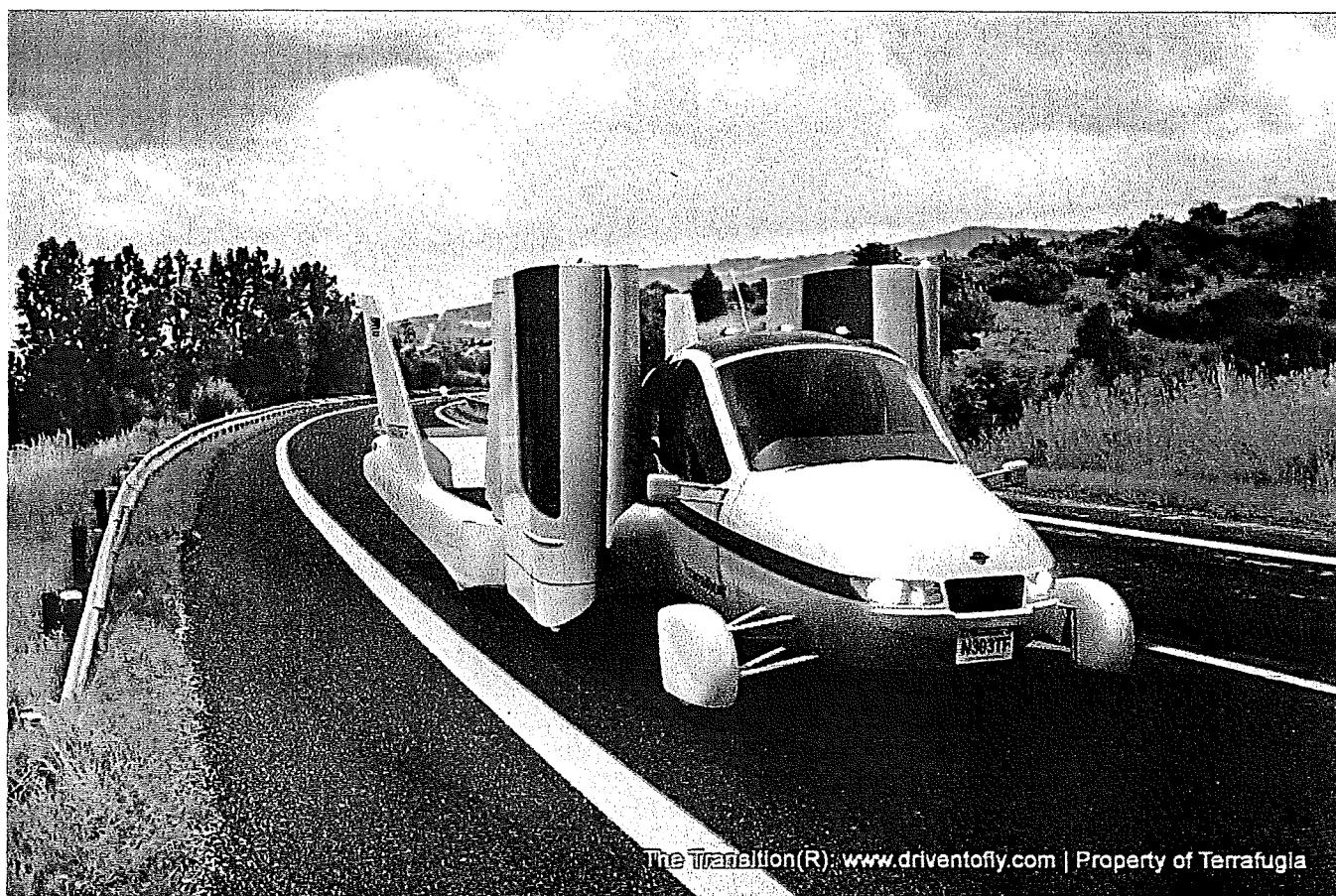
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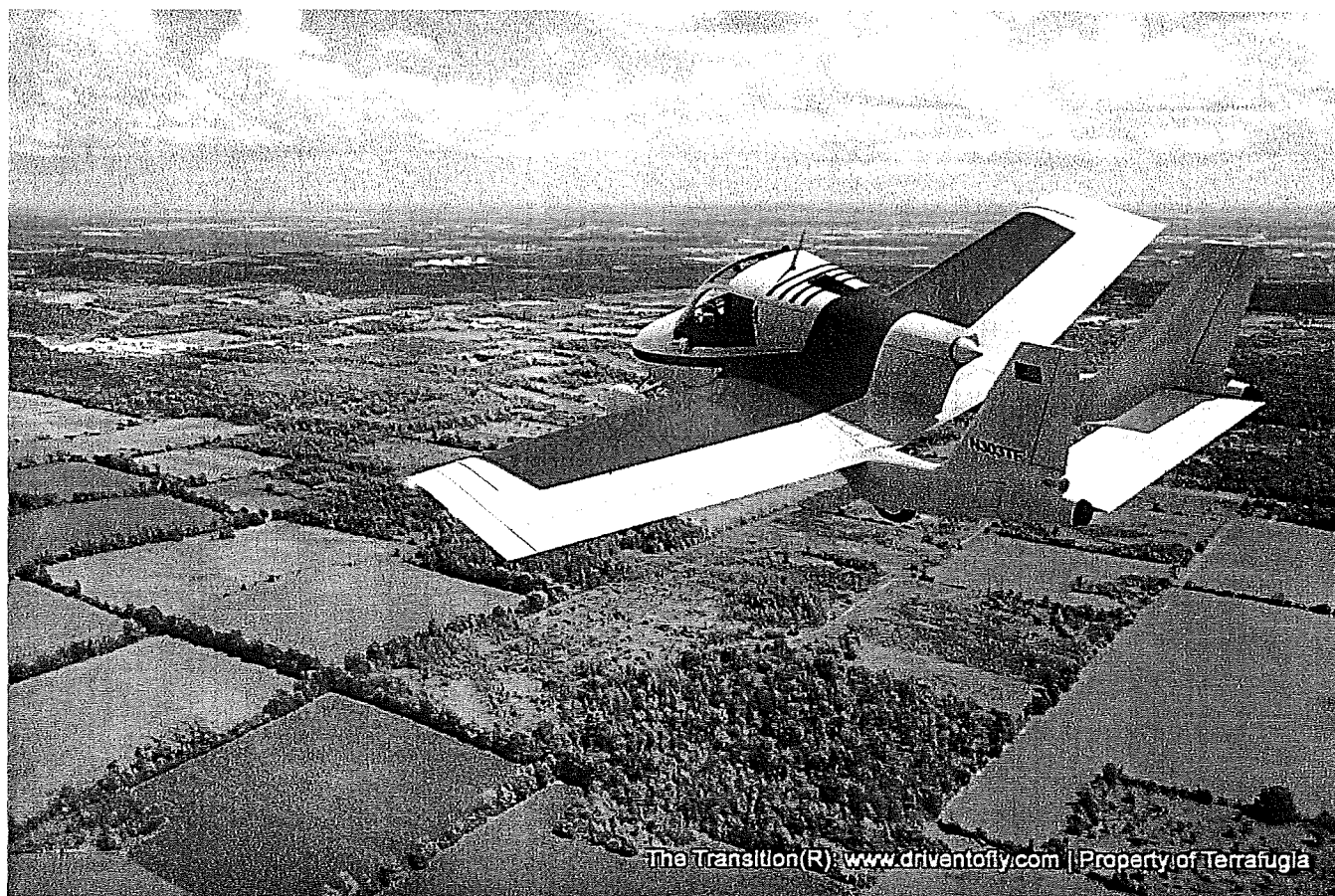


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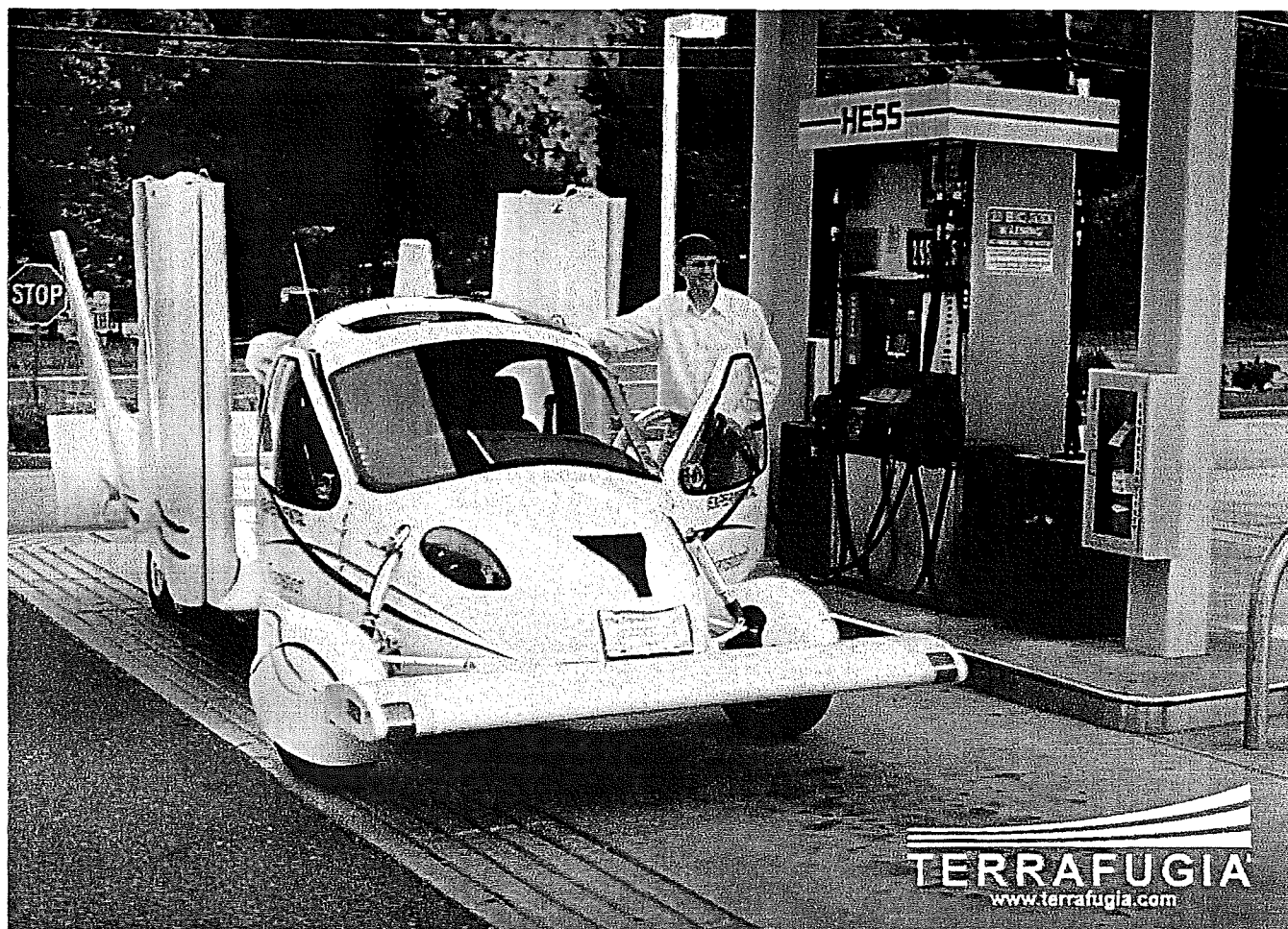
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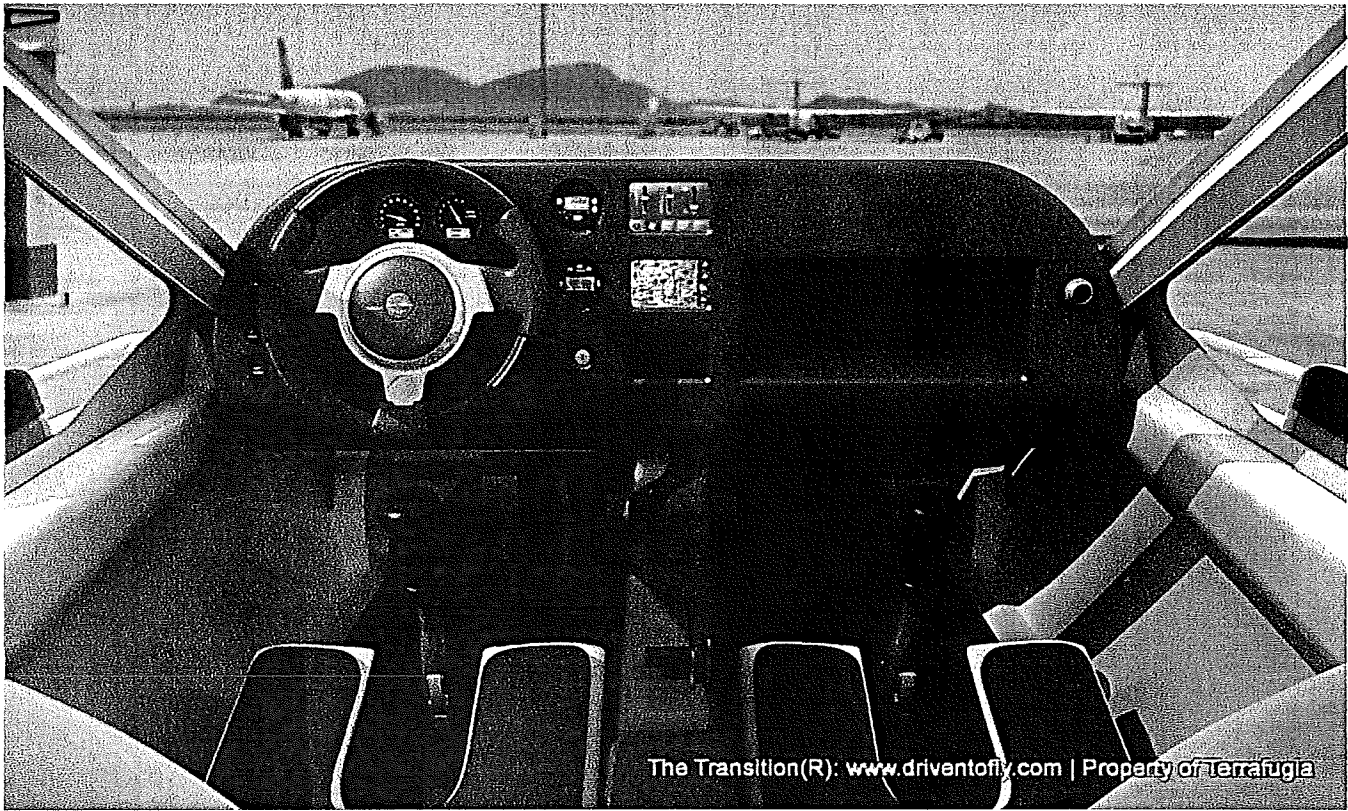


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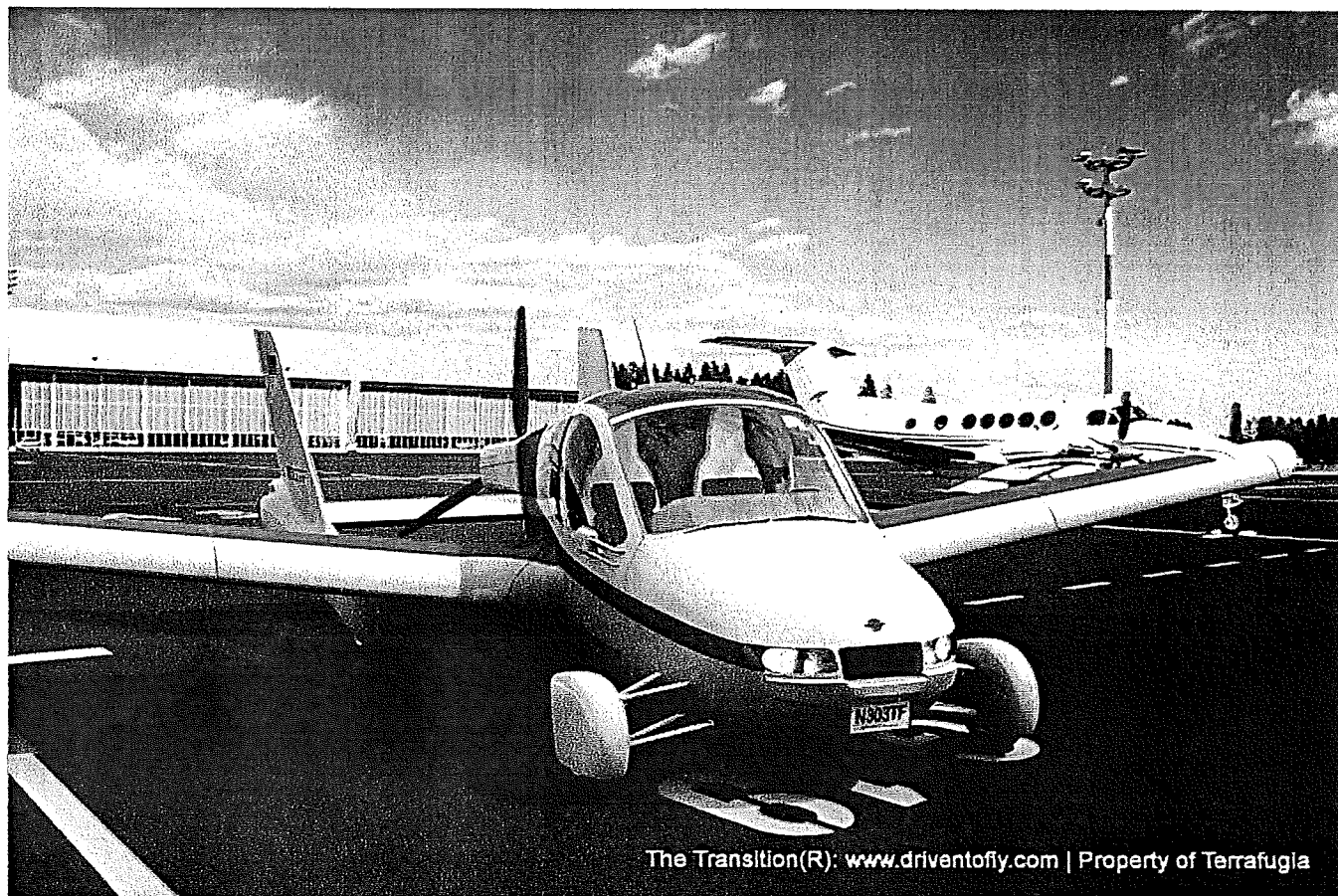




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