

**Testimony of Ahsan Latif**  
**Litigation Counsel**  
**Kansas Corporation Commission**  
**Before the**  
**Joint Committee on Administrative Rules and Regulations**  
**October 5, 2020**

Chair and members of the Committee, thank you for the opportunity to testify before you today. My name is Ahsan Latif, and I am Litigation Counsel appearing on behalf of the Kansas Corporation Commission's Transportation Staff. In Kansas, the KCC is the state agency charged with implementing rules and regulations relevant to motor carrier operations. I am testifying today in support of proposed updates to K.A.R. 82-4-3a. 82-4-3a adopts relevant portions of 49 C.F.R. Part 395, which establishes the hours of service requirements for motor carriers and their employees.

On June 1, 2020, 49 C.F.R. 395 was amended by the Federal Motor Carrier Safety Administration to modify the rules governing the way drivers calculate on-duty time in the following four scenarios:

- Short-haul movements – the driving mileage radius and driving times for these movements are extended as follows: Driving mileage radius extends from 100 air miles to 150 air miles; Driving time is extended from 12 hours to 14 hours
- Adverse Driving Conditions - drivers encountering “adverse driving conditions” will have an extra two hours to operate before having to go off-duty.
- 30-Minute Break provision - the 30-minute break provision is modified to require the break after eight hours of driving time (instead of just on-duty time) and allows an on-duty/not driving period to qualify as the required break.
- Sleeper Berth provision – modifications to this provision allow drivers to split the 10-hour off-duty period as long as one off-duty period is at least two hours long and the other involves at least 7 consecutive hours in the sleeper berth.

The FMCSA is mandating these changes so the hours of service rules better reflect the reality of drivers' operations. The modification of these standards is a benefit to motor carriers operating in Kansas and they welcome the changes. The other amendments to the regulation incorporate edits to reflect minor grammatical and form corrections, and minor updates to other portions of this FMCSA regulation.

The temporary version of these proposed amendments was approved by the State Rules and Regulations Board on September 17, 2020. Enforcement of the modified hours of service rules

went into effect on September 29, 2020. The Kansas Highway Patrol has already begun enforcing the new standards.

A public hearing on this regulation is set for December 3, 2020 at 10 a.m. Notice for that hearing was published in the Kansas Register on September 24, 2020, fulfilling the requirement to publish notice of the hearing 60 days prior to the public hearing.

The KCC's proposed amendments to K.A.R. 82-4-3a will maintain national consistency for motor carriers and ease of enforcement by the Kansas Highway Patrol. The KCC anticipates no cost to motor carriers for by the implementation of these rules. No environmental impact is anticipated.

Thank you for the opportunity to provide testimony today, and I will be available to answer questions at the appropriate time.