



**Kansas Grain and Feed Association
Kansas Agribusiness Retailers Association
Renew Kansas Biofuels Association**
816 SW Tyler, Topeka, Kansas 66612 | 785.220.5211

October 5, 2020

To: Joint Committee on Administrative Rules and Regulations
From: Randy Stookey, Senior Vice President of Government Affairs
Re: Proponent, Written Testimony on Amendment to Kansas Corporation Commission regulation, Kansas Administrative Regulation 82-4-3a, Hours of Service.

Chair Tyson and members of the Committee, thank you for the opportunity to provide testimony in support of the proposed amendments to K.A.R. 82-4-3a. The Kansas Corporation Commission has issued a public notice of its proposal to amend this existing agency regulation which sets forth the hours-of-service limitations for commercial drivers.

This testimony is jointly submitted on behalf of Kansas Grain and Feed Association (KGFA), Kansas Agribusiness Retailers Association (KARA), and Renew Kansas Biofuels Association (Renew Kansas). KGFA is the state association of the grain receiving, storage, processing and shipping industry in Kansas. KGFA's membership includes over 950 Kansas business locations and represents 99% of the commercially licensed grain storage in the state. KARA is a state-wide agribusiness industry association with over 700 members companies. Renew Kansas is the state-trade association of the Kansas biofuels industry.

Members of these organizations have an interest in the logistics and transport of agricultural inputs and products by commercial transport, and therefore have a direct interest in the proposed regulatory change. We comment today to express our support for the proposed amendment.

On June 1, 2020, the Federal Motor Carrier Safety Administration (FMCSA) revised four provisions of its hours-of-service regulations. These changes were intended to provide greater flexibility for drivers without adversely affecting safety. "Hours of service" refers to the maximum amount of time drivers are permitted to be on duty including driving time, and specifies number and length of rest periods, to help ensure that drivers stay awake and alert. In general, all drivers of commercial motor vehicles must comply with these regulations which are found in 49 Code of Federal Regulations 395.

Drivers of commercial motor vehicles are required to comply with the new hours-of-service regulations beginning September 29, 2020. Essentially, the federal hours of service rules were changed, as follows:

Adverse Driving Conditions Exception. The change expanded the driving window during adverse driving conditions by up to an additional 2 hours.

Short-Haul Exception. The change expanded the short-haul exception to 150 air-miles and allows a 14-hour work shift to take place as part of the exception.

30-Minute Break Requirement. The change required a break of at least 30 consecutive minutes after 8 cumulative hours of driving time (instead of on-duty time) and allows an on-duty/not driving period to qualify as the break.

The Sleeper Berth Provision. The change modified an existing exception to allow a driver to meet the 10-hour minimum off-duty requirement by spending at least 7 hours of that period in the sleeper berth combined with a minimum off-duty period of at least 2 hours spent inside or outside the berth, provided the two periods total at least 10 hours. Neither period counts against the 14-hour driving window.

According to the FMCSA, these changes will provide greater flexibility for drivers without adversely affecting safety, and are based on thousands of comments FMCSA received from industry, safety advocacy groups, Congress, and the American public. The modernized hours of service regulations are estimated to provide nearly \$274 million in annualized cost savings for the U.S. economy.

The Kansas Corporation Commission (KCC) is required to amend its hours of service regulations in order to maintain consistency with the federal motor carrier safety rules. The changes to the KCC hours of service rules are set forth in the proposed amendment to K.A.R. 82-4-3a.

For the reasons stated above, we support adoption of the proposed changes. Thank you for considering these comments.