

SESSION OF 2017

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2095**

As Agreed to April 5, 2017

Brief*

HB 2095 would authorize the Secretary of Transportation (Secretary) to issue an annual overweight divisible load operating permit for a truck-tractor semitrailer combination vehicle or a truck-tractor semitrailer, trailer combination vehicle with a gross vehicle weight of more than 85,500 pounds but not more than 90,000 pounds transporting divisible loads on 6 or more axles. The permit would be with respect to highways under the Secretary's jurisdiction, including city connecting links. The fee for the annual permit would be \$200, and collected fees would be deposited into the State Highway Fund (SHF). No single-trip permits would be issued.

The bill would include the following restrictions on such operation:

- Could not be operated on the interstate system when loaded in excess of 80,000 pounds;
- Would be required to be registered at the maximum weight category;
- Could not be operated on any bridge or highway that has a posted gross weight limit or posted axle weight limit less than that at which the vehicle is operating;

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- Would be required to comply with weight limits on wheels, axles, and groups of axles, except as otherwise allowed by the bill;
- Could not violate width, height, and length restrictions in current law;
- Could not operate with a total weight of more than 85,500 pounds when highway surfaces have ice or snowpack, or drifting snow; and
- Could not operate with a total weight of more than 85,500 pounds, unless the vehicle is carrying agricultural inputs, farm supplies, biofuels, feed, raw or processed agricultural commodities, livestock, raw meat products intended by the shipper for further processing, or farm products. The bill would direct the provisions in this paragraph to be construed liberally.

The bill would require the permit be carried in the vehicle when it is operated at a weight of more than 85,500 pounds. The bill would specify maximum loads to be carried on any group of two or more consecutive axles, by distance between those axles and number of axles.

The bill also would amend the definition of “triple axles” to increase from 120 inches to 132 inches the maximum distance such axles could be spaced apart.

Conference Committee Action

The Conference Committee agreed to all provisions in the bill as amended by the Senate Committee on Transportation with one amendment: in New Section 1, subsection (a), it replaced “and” with “or” between the phrases “an annual overweight divisible load operating permit for a truck-tractor semitrailer combination vehicle” and “a truck-tractor semitrailer, trailer combination vehicle.”

Background

The bill was requested by a representative of the Kansas Grain and Feed Association, who testified in support of the bill on behalf of that organization and the Kansas Cooperative Council in the House Committee on Transportation hearing. Also providing proponent testimony were representatives of the Kansas Agribusiness Retailers Association, the Kansas Cooperative Council, the Kansas Department of Agriculture, the Kansas Livestock Association, the Kansas Motor Carriers Association, the Kansas Soybean Association, and the Soy Transportation Coalition. Proponents stated a majority of states have increased allowable combination vehicle weights, lower weight limits in Kansas place Kansas farms and grain elevators at an economic disadvantage when compared with those in nearby states by requiring more vehicle trips to haul the same amounts, commercial vehicle drivers are in short supply, and the limits in the bill regarding weights and the number and placement of axles would mean no additional strain on roads and bridges.

Written-only proponent testimony was provided by the Kansas Corn Growers Association, the Kansas Livestock Marketing Association, the Kansas Pork Association, Renew Kansas, and Team Marketing Alliance.

Neutral testimony was provided by representatives of the League of Kansas Municipalities and the Kansas Association of Counties, expressing reservations related to inspections that would be needed for bridges on local roads and possible effects on property taxes. A representative of the Kansas Department of Transportation (KDOT) also provided neutral testimony and requested an amendment.

Providing opponent testimony were representatives of Kansas Railroads and the International Association of Sheet

Metal, Air, Rail, and Transportation Workers, who cited possible adverse effects if reduced quantities of agricultural products are shipped by train. Written-only opponent testimony was submitted by Teamsters Local Union 696 and the Director of Public Works for the City of Overland Park.

The House Committee adopted amendments requested by KDOT to clarify the Secretary could issue a permit only for use of highways under the Secretary's jurisdiction; change the name of the permit; require the permit to be carried in the vehicle when the vehicle is operating at a weight over 85,500 pounds; specify the permit would not authorize operation on any bridge or highway with a posted weight limit less than that of the vehicle and its load; prohibit any violations of restrictions on width, length, or height; and prohibit operation when highway surfaces have ice, snowpack, or drifting snow.

Testifying in support of the bill in the Senate Committee on Transportation hearing were representatives of the Kansas Grain and Feed Association, the Kansas Cooperative Council, the Kansas Agribusiness Retailers Association, the Kansas Livestock Association, the Kansas Motor Carriers Association, the Kansas Soybean Association, and Cargill. Written-only proponent testimony was provided by representatives of the Kansas Corn Growers Association, the Kansas Livestock Marketing Association, the Kansas Pork Association, the Kansas Soybean Association and the Soy Transportation Coalition, Renew Kansas, Team Marketing Alliance, and U.S. Premium Beef, National Beef, and National Carriers.

Neutral testimony was provided by representatives of the Kansas Association of Counties, the League of Kansas Municipalities, and KDOT.

Opponent testimony was provided by representatives of the International Association of Sheet Metal, Air, Rail, and Transportation Workers; the Kansas Railroads; and Teamsters Local Union 955. Written-only opponent testimony was submitted by AAA Kansas, the Kansas Emergency

Medical Services Association, the Kansas State Troopers Association, the International Brotherhood of Electrical Workers Local Union 304, a private citizen, and the Director of Public Works for the City of Overland Park.

The Senate Committee amended the bill to require a vehicle with the permit authorized by the bill and operating in excess of 85,500 pounds to carry only agriculture-related products. [Note: The Conference Committee retained this amendment.]

Under current law, no vehicle or combination of vehicles with a gross weight of more than 85,500 pounds may be operated on the highways without a special permit (see KSA 2016 Supp. 8-1909 and 8-1911). The weather-related restrictions in the bill would mirror those for oversize vehicles in KSA 2016 Supp. 8-1911.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KDOT indicates an analysis of existing bridge load ratings and posting new highway signs for any changes to the load ratings would be required. KDOT reports the agency would need \$93,386 in FY 2018 from the SHF for one professional civil engineer position to monitor the state highway system and bridge conditions, which would have ongoing costs of \$91,337 in FY 2019. The expenditure limitation on the agency operations account of the SHF would need to increase by at least those amounts. The fiscal note states KDOT is unable to estimate the expenditures for additional maintenance, design work, and modifications to the state highway system. The fiscal note also states the bill would result in additional revenue to the SHF, but KDOT cannot estimate the number of permits that would be issued under the bill. Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor's Budget Report*.

vehicle weight; nondivisible loads; agricultural products

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