

SESSION OF 2014

SUPPLEMENTAL NOTE ON SENATE BILL NO. 344

As Amended by House Committee on
Transportation

Brief*

SB 344 would specify signage requirements for a vehicle operating on any highway with a special permit because the vehicle exceeds dimension or weight restrictions and would specify the times and weather conditions when those vehicles could operate. The bill also would amend the times and weather conditions when a motor carrier transporting hay or related animal forage feedstuffs to a drought area during a drought declared by the Governor or the U.S. Department of Agriculture in Kansas (termed "hay transporter" for the purposes of this supplemental note) could operate if the vehicle exceeds dimension or weight restrictions.

The bill would require a vehicle operating under a permit because the vehicle exceeds width or length limitations to display an "oversize load" sign and would specify the size of the sign and of the lettering on the sign. It also would require red flags on all four corners of the oversize load.

The bill would specify these restrictions related to times and weather conditions:

- A vehicle that has a special permit because it exceeds width or length limitations could not operate from 30 minutes after sunset to 30 minutes before sunrise, when visibility is less than one-half mile, or when highway surfaces have ice or snow pack or driving snow.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- A hay transporter that exceeds width or length limitations could not operate when visibility is less than one-half mile, or when highway surfaces have ice or snow pack or driving snow. (Under continuing law, such a hay transporter cannot operate from 30 minutes after sunset to 30 minutes before sunrise.)
- A vehicle operating with a permit only because it exceeds weight limitations and a hay transporter that exceeds weight limitations would be permitted to operate 24 hours a day except when highway surfaces have ice or snow pack or drifting snow.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill would place in statute requirements similar to those in the Kansas Department of Transportation (KDOT) Administrative Rules and Regulations 36-1-35 and 36-1-36. The requirements in the bill would differ from those in rules and regulations in that, under the bill, only over-dimension (not exceeding weight limitation) loads would need “oversize” signs, the allowed times of operation would differ between over-dimension and overweight loads, over-dimension loads could not be operated when visibility is limited, and road conditions under which any oversize vehicle could not operate would be limited to ice, packed snow, or drifting snow. Requirements for the dimensions and lettering of the “oversize” signs would not change. Under law unchanged by the bill, hay transporters are exempted from permitting rules and regulations.

The original bill was requested by a representative of the Kansas Motor Carriers Association (KMCA) on behalf of the KMCA, the Kansas Agribusiness Retailers Association, the Kansas Association of Ethanol Processors, the Kansas

Cooperative Council, KDOT, the Kansas Grain and Feed Association, the Kansas Highway Patrol, and Kansas railroads. At the Senate Committee on Transportation bill hearing, a KMCA representative, speaking for the listed organizations, said the bill would address concerns related to over-dimension or overweight nondivisible loads that came to light after the opening of the new BNSF Intermodal and Logistics Park in Edgerton in October 2013. There was no other testimony.

The House Committee on Transportation also heard proponent testimony from the representative of the KMCA on behalf of the KMCA and the other organizations listed above. A representative of the Kansas Livestock Association presented neutral testimony and requested an amendment to allow those transporting hay to a drought area during a declared drought to operate under the same weather conditions as proposed in the bill for over-dimension vehicles. There was no other testimony.

Kansas Department of Transportation regulations (KAR 36-1-34 and 36-1-36) specify a load for which a special permit is issued must be nondivisible, and it defines “nondivisible” as “any load or vehicle exceeding the applicable dimensions or weight limitations that, if separated into smaller loads or vehicles, would result in having any of the following effects: (1) compromise the intended use of the vehicle; (2) destroy the value of the load or vehicle; or (3) require more than eight work hours to dismantle, using appropriate equipment. The applicant for a nondivisible load permit has the burden of proof as to the number of work hours required to dismantle the load.”

According to the fiscal note prepared by the Division of the Budget on the original bill, there would be no fiscal effect on the operations of the Corporation Commission, KDOT, or the Department of Revenue. No fiscal note was available on the bill as amended at the time of House Committee action.