

MINUTES OF THE HOUSE TRANSPORTATION.

The meeting was called to order by Chairperson Gary Hayzlett at 1:35 p.m. on February 14, 2002 in Room 519-S of the Capitol.

All members were present except:
Representative Howell, excused

Committee staff present:
Bruce Kinzie, Revisor
Hank Avila, Legislative Research Department
Chris Courtright, Legislative Research Department
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:
Representative McKinney
Representative Schwartz
Larry Baer, Assistant Legal Counsel, League of Kansas Municipalities
Tom Whitaker, Executive Director, Kansas Motor Carriers Association
Matt Moser, Bureau Chief for Titles and Registration, Division of Motor Vehicles

Others attending:
See attached list

HB 2693 - prohibiting compression release engine braking systems in certain locations

Chairman Hayzlett opened hearings on **HB 2693**. Representative McKinney was the first conferee. He said this bill would allow cities to extend the no compression braking zone to one-half mile beyond the city limits on a state highway to help alleviate the problem of noise within the city limits and irritation to its residents. (Attachment 1) He also presented written testimony from a resident in Greensburg, Kansas. (Attachment 2)

Larry Baer, Assistant Legal Counsel for the League of Kansas Municipalities, spoke in support of the bill. He stated that while many cities have adopted "Jake brake" ordinances to minimize or eliminate the loud and annoying noise that results with the use of the braking system this can only be enforced within the city limits. The braking system usage and the resulting noise occurs outside the city limits as well so therefore state control is necessary. He asked support of **HB 2693**. (Attachment 3)

Tom Whitaker, executive director of the Kansas Motor Carriers Association, stated a number of communities have expressed concern over the noise and several have banned the use of these devices so now is the time to address this issue on a statewide basis. He told the committee that all new trucks, which have been manufactured during the past 20 years, have been required to have a muffler, which meets EPA noise specifications. Current state law requires all vehicles must be equipped with a muffler and violation of the law is punishable by a fine of \$30 plus court costs. Because of the low fine, the existing law does not serve as a significant deterrent. He offered an amendment that targets only those few vehicles which pose the greatest noise problem - trucks with engine brakes but without mufflers and also would double the fine for no muffler when using an engine brake. This amendment would also remove the one-half mile restriction. He concluded that this amendment should take care of the perceived jake brake problem in numerous communities in Kansas. (Attachment 4)

In answer to a question from the committee regarding what the EPA noise specifications were, Mr. Whitaker responded for trucks prior to 1986 the noise level was 88dB and for trucks after 1986 a noise level of 85dB. He stated that in tests conducted on the compression release engine braking system, trucks fitted with a standard muffler produced a noise level of 83dB with the engine brake on. In contrast, those trucks with no muffler and the engine brake applied produce a noise level of 101dB.

Chairman Hayzlett closed hearings on **HB 2693**.

HB 2794 - providing for 48-hour transport permit

Chairman Hayzlett opened hearings on **HB 2794**. Representative Schwartz told the committee this legislation would clear up the legality of driving a vehicle purchased at an auction. This would allow an auctioneer to purchase 48-hour transport permits authorizing the purchaser of a vehicle at an auction conducted by the auctioneer, to operate the vehicle for a period of 48 hours. The fee for the permit would be \$2.00. (Attachment 5)

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

14, 2002.

She presented written testimony from Raymond Bott in support of **HB 2794**. (Attachment 6)

Mathew H. Moser, Manager Titles and Registrations, Division of Vehicles, spoke in support of **HB 2794**. He stated that auctions held on week-ends do not afford purchasers access to a county motor vehicle office where they could obtain a 30-day permit to transport a vehicle. This bill gives the Division sufficient latitude to design and implement a system that should be cost-effective and secure. However, they would like to offer a balloon which would add, in Section 1, (b) "whose primary place of business is in Kansas". (Attachment 7)

Following discussion Representative Hayzlett closed hearings on **HB 2794**.

HB 2792 - repealing KSA 68-163; approval of highway or bridge lighting plans by corporation commission

Chairman Hayzlett opened the floor for discussion and final action on **HB 2792**. Representative Powers made a motion to pass HB 2792 favorably, seconded by Representative Osbornw and the motion carried.

Chairman Hayzlett adjourned the House Transportation Committee at 2:35 p.m. The next meeting of the House Transportation Committee will be Tuesday, February 19, 2002.