



Written Testimony in Opposition of House Bill 2475
House Committee on Transportation

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The Kansas Highway Patrol (KHP) appreciates the opportunity to provide written testimony in opposition of House Bill 2475, and we respectfully request the Committee consider our agency's concerns. House Bill 2475 would limit commercial motor vehicle inspections to roadways with a posted speed limit of 40 miles per hour or less, or on to the shoulder of any entrance or exit to a highway where there is adequate space on the shoulder to safely perform such an inspection.

The Kansas Highway Patrol has a mission that is devoted to improving quality of life through spirited and dedicated service. We pledge to be responsive to concerns of citizens and public safety partners. We will do this by providing professional law enforcement services and share resources in the most effective and efficient manner possible.

The Federal Motor Carrier Safety Administration (FMCSA) is one of our public safety partners which provides the State of Kansas with the Motor Carrier Safety Assistance Program (MCSAP) Grant. MCSAP is a Federal grant program that provides financial assistance to States to reduce the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles (CMVs). The goal of MCSAP is to reduce CMV-involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs.

The Kansas Highway Patrol has highly trained personnel and a specialized unit that enforce Federal Regulations regarding CMVs. We conduct this enforcement primarily through the inspection of the commercial motor vehicle itself and the inspection of driver qualifications. We do this to strengthen operating standards and to increase safety awareness.

In 2021 the Kansas Highway Patrol conducted 35,559 commercial motor vehicle inspections. These inspections were conducted safely and without incident because Federal Regulation 49 CFR 350.207 (a)(18) already requires that the inspector "ensure the driver or vehicle inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel." Our inspection personnel are very acquainted with the areas they work and know when and where a safe commercial motor vehicle inspection can be conducted.

In 2021 our safety enforcement efforts discovered 3,948 vehicles with severe enough safety violations that they were placed Out of Service. We also discovered 2,192 drivers who did not meet the regulations

or minimum qualifications for driving a Commercial Motor Vehicle. Under the limitations of HB2475 many of these unsafe vehicles and drivers would not have been discovered, causing an even greater risk to the motoring public.

Most of Kansas' rural highways and county roads are two-lane roadways with speed limits above 40 mph. In most cases these roadways have speed limits at either 55 or 65 mph. This would require more inspections to be done in city limits where there are normally no shoulders, and thus creating more traffic congestion. This type of enforcement would also lead to more crashes as vehicles would have to slow down and change lanes on city roadways. Commercial motor vehicle inspections should not be moved to private property. This practice will not only place an inconvenience on a business owner, and it may also destroy their parking lot. These vehicles are heavy and should not be placed on surfaces that are not reinforced.

Pulling a vehicle off a highway and onto a gravel road for an inspection also causes issues for roadway maintenance. The roadway and bridge on a side or county road may not be designed or in good enough repair to support heavy vehicles. Often there is not enough room to turn the vehicle around to get it back onto the roadway. We would only inconvenience and delay a driver even further by requiring them to take an alternate route.

Without industry knowledge commercial motor vehicle inspections might appear strictly as negative enforcement. The reality is that inspection process when adhered to, will improve a company's safety rating which in turn reduces insurance costs. The reduction in insurance costs is of such an importance that carriers will often pay incentives to their drivers when no violations are discovered during an inspection.

In closing, we oppose House Bill 2475 because of the risks it presents to the safety of the motoring public, and because it contradicts the mission and goals of the Kansas Highway Patrol and the MCSAP program. If fewer commercial motor vehicle inspections are conducted, it will not improve highway safety. HB 2475 will ensure that fewer inspections will be conducted because it also creates a Class A misdemeanor for the inspector if it is not adhered to.

49 CFR 350.207 requires a state to, among other things, "provide satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic laws and regulations on CMV safety" [(a)(7)], "provide that the State will conduct comprehensive and highly visible traffic enforcement and CMV safety inspection programs in high-risk locations and corridors" [(a)(17)], and "ensure that driver or vehicle inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel" [(a)(18)].

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