



**Comments of Ahsan Latif
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Kansas Corporation Commission
Before the
Joint Committee on Administrative Rules and Regulations
March 28, 2019**

Mr. Chair and members of the Committee, thank you for the opportunity to testify before you today. My name is Ahsan Latif, and I am Litigation Counsel appearing on behalf of the Kansas Corporation Commission's (KCC) Transportation Staff. In Kansas, the KCC is the state agency charged with implementing rules and regulations relevant to motor carrier operations. The regulations before you simplify the process and reduce the complexity of many of the motor carrier regulations. In addition, the proposed changes repeal outdated regulations and language, and provide technical corrections resulting in greater uniformity of enforcement. These revisions will provide motor carriers a more uniform regulatory experience when compared with other states. The proposed changes aim to simplify many of our state's motor carrier regulations, repeal outdated language, and provide technical corrections and updates.

Before I begin describing the proposed amendments, I would like to provide you a little background on why these amendments are necessary.

I. Goals of the Proposed Revisions

a. To maintain uniformity of enforcement

Motor carriers based in Kansas generally do not limit their operations to the state of Kansas. Therefore, they are subject to the federal motor carrier rules and regulations. To eliminate conflicts between the federal and Kansas motor carrier regulations, Staff attempts to ensure Kansas regulations mirror federal regulations. Differences between state and federal regulations can cause confusion for motor carriers who may not know what to expect when traveling from state to state.

b. To maintain enforcement funding

The enforcement and regulatory oversight of motor carriers operating in Kansas is handled by a number of state agencies (e.g. KCC, KHP, and KDOR). Those agencies have developed an excellent collaborative working relationship.

The Federal Motor Carrier Safety Administration (FMCSA) funds the KHP's enforcement operations based on our state's adoption of regulations promulgated by the FMCSA. The

total federal funding provided to Kansas by the Motor Carrier Safety Assistance Program (MCSAP) is \$4,517,237 for FY2018 and \$4,530,340 for FY2019.

In order to ensure that Kansas' motor carrier regulations are compatible with the FMCSA's regulations, the KCC Staff and other agencies periodically compare Kansas regulations with FMCSA's regulations. The proposed regulations before you today are part of that review process.

II. Regulation Review Process

Federal requirements dictate state regulations be updated within three (3) years of changes in the federal regulations. The process begins with collaborative meeting between the KCC Transportation Division, the FMCSA, and the Kansas Highway Patrol. In August of 2016, KCC Staff submitted proposed changes to the Department of Administration.

The regulation review process generally takes eighteen (18) months due to the volume of regulations that need to be updated. The revisions before you were approved by both the Department of Administration and the Attorney General just a few days after the effective date of 2018 HB 2280, which required review of proposed changes by the Budget Office. That change in the law extended the review process.

Currently a public hearing is scheduled for May 14, 2019. Once that hearing has been completed the proposed regulations can become effective in early June, slightly before the three year approval window closes.

III. Proposed Amendments

a. Ensure Compatibility

Kansas adopts motor carrier regulations by reference. This results in regulations that mirror the FMCSA's regulations. The majority of the proposed amendments are to ensure that cross-references between the regulations remain consistent and coherent. For example, if a FMCSA regulation moves a paragraph to a different section, the Kansas regulation (1) will not make sense and (2) will not be compatible with the federal regulation. Compatibility amendments do not create any new requirements for motor carriers. They simply ensure Kansas motor carrier regulations properly adopt the FMCSA regulations.

b. Preventing the Creation of Dual Systems

In order to prevent creating "dual systems," a concern expressed by some motor carriers, some of the proposed regulations remove state specific references. Consequently, motor carriers can continue to comply with the federal system and that compliance will qualify at the intrastate level as well. The proposed changes streamline the motor carrier regulatory experience in Kansas.

c. Removal of Outdated Language

There are several proposed changes that result in the removal of outdated language. In the comprehensive review of the regulations, several references or entire sections dealt with regulations that no longer exist. For regulatory clarity, those references and sections are being removed.

d. Preservation of Kansas-Specific Exemptions

The state of Kansas does have unique exemptions that vary from the federal motor carrier regulations. The KCC Staff works closely with the FMCSA to ensure these specific exemptions are recognized and allowed as part of the regulation adoption process.

III. Conclusion

The proposed regulations before you are designed to ensure Kansas' adoption of motor carrier rules meets the requirements necessary to continue to receive federal funds. I would be happy to answer any questions you may have.