

June 2, 2006

Mayor Mike Amyx
City of Lawrence
P.O. Box 708
Lawrence, KS 66044

Re: Proposed Overweight (Ord. 7990) and Motor Vehicle Safety Regs. (Ord. 7991)

Dear Mayor Amyx:

Thank you for deferring the May 16, 2005 discussion of the referenced proposed ordinances to allow me time to review the documents.

After reading the staff memo and proposed Ordinances No. 7990 and 7991 I have the following comments:

1. I am in general agreement with the research that concludes that one of the many factors that contribute to the deterioration of roads is the weight of vehicles as measured by the equivalent single axle load (ESAL) method. As the research supplied in the staff report indicates there are many other factors that also contribute to the deterioration of roads and those other factors should not be ignored as the proposed ordinances are considered.
2. It is important to note that Section 17-902(e) Ordinance No. 7990 includes certain exemptions to the axle weight limits requirements that are copied from the state statute. It appears that these exemptions are likely the result of political influence rather than the result of research that justifies the exemptions. None of the literature provided by staff suggests that trucks hauling garbage or trucks mounted with fertilizer spreaders, which are both exempted, impact the roads to a lesser degree than other trucks. I suggest that this section be deleted from the proposed ordinance.
3. Section 17-913 of Ordinance No. 7990 states that vehicles owned or operated by the City of Lawrence shall comply with the ordinance which would make it appear that City sanitation trucks are covered. However, this section goes on to state that if the ordinance grants an exception that applies to a similarly situated vehicle not owned or operated by the City then the exception also applies to a similar City vehicle. The result is that the City sanitation trucks are exempted from the weight laws unless 17-902(e) is deleted.
4. Section 17-1004(b) of Ordinance No. 7991 appears to contain verbiage from two separate sections of K.S.A. 66-1,129(c) as the last two lines do not seem to relate to the previous lines. Obviously this needs to be corrected prior to adoption of the ordinance.

5. Section 17-1004(f) of Ordinance No. 7991 exempts certain vehicles, including the vehicles of any municipality in the state from the safety inspections required by this ordinance. As with the overweight requirements it only seems fair that the City of Lawrence not exempt their vehicles from inspection by the Police Department. Exempting city vehicles from fines seems reasonable, but exempting them from inspection does not.
6. An additional concern that I have with both proposed ordinances is the potential impact on our products and customers from excessive delays for weighing or inspection. This concern primarily applies to concrete deliveries although it also applies to a lesser degree to asphalt and other construction deliveries. Concrete is a perishable product and significant delays of loaded trucks can result in the product not being useable or even beginning to harden in the truck. Delay in a delivery arriving at the jobsite can result in "cold joints" between successive loads of concrete which can result in both visual and structural problems. The motor vehicle inspectors from the State of Kansas are aware of these issues and have been willing to work with ready-mix concrete producers across the state to minimize delays of loaded concrete trucks. It would be my hope that local police officers would also be instructed to be aware of these issues.

One final concern that I have is whether performing the overweight and safety inspections is really making the best use of our limited police resources. Although I often hear citizens raise concerns about police enforcement activities that they would like to have additional police resources devoted to, I can truthfully say that concern about overweight vehicles has never been raised with me. State inspectors often visit the Lawrence area and it is difficult to drive very far in Lawrence without driving on a designated state or federal highway which would fall under their jurisdiction. As a result truckers of all types are mindful of the need to do their best to operate within the limits of the law. It appears to me that the real intent of these ordinances is simply to increase city funds by directing violations to City Court rather than District Court. I have to question whether the cost of the enforcement is justified by the potential additional income.

Sincerely,

Stephen E. Glass
President