

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Representative Rex Crowell at
Chairperson

1:30 ~~xxx~~ p.m. on February 13, 1984 in room 519-S of the Capitol.

All members were present except:

Representatives Dempsey, Webb, Knopp and Erne, all excused.

Committee staff present:

Fred Carman, Revisor of Statutes
Hank Avila, Legislative Research
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Mr. Charles Nicolay, Kansas Oil Marketing Association
Mr. Amos Kramer, Kansas Petroleum Council
Mr. Tom Hatten, Kansas Motor Vehicle Department
Mr. Wayne Elmore, Division of Taxation, Department of Revenue
Ms. Mary Turkington, Kansas Motor Carriers
Mr. Spencer Seery, Kaw Valley Bicycle and Touring Club
Mr. Ed DeSoignie, Kansas Department of Transportation

Chairman Rex Crowell called the meeting to order, and briefed the committee on HB-2860. He explained HB-2860 provides that any individual who wants to purchase diesel fuel for on-road consumption who wants to purchase it in bulk, can purchase that fuel, pay the tax to the jobber and the jobber will remit the tax. He said currently the jobber is having to collect the 9¢ Federal Excise tax on that fuel which goes into the federal report and he's remitting that twice a month. The jobber is bonded and the state would know they would get their money. Chairman Crowell noted that HB-2860 is for the person who is going to use all of his special fuel for on-road consumption.

Chairman Crowell pointed out that there may be a problem with the bill in terms of fuel brought in from out of state, and he would have no objection to amending it in order to take care of the problem. Currently the person who buys fuel from out of state would report it just like fuel bought within the state.

Mr. Charles Nicolay of Kansas Oil Marketing Association, testified on HB-2860 and related to the committee that he has received many calls asking why the tax cannot be collected by the jobber, when the taxpayer wants to pay it in that manner. Also, many jobbers go ahead and collect the tax in current practice.

Mr. Amos Kramer representing the Kansas Petroleum Council, gave testimony in support of HB-2860.

Mr. Tom Hatten of the Kansas Motor Vehicle Department testified in opposition to HB-2860, and stated that the bill places responsibility for collecting the special fuel tax on the jobber who must report the amount collected from each user to the Director of Taxation. (See Attachment 1)

Mr. Hatten reported that there are approximately 600 licensed special fuel users who file quarterly Interstate Motor Fuel Users Tax Reports. The Motor Fuel Audit Section reconciles these reports by comparing them with the total for special fuel reported in the monthly reports filed by the licensed user for the same time period. He added that under the present bill, the Audit Section might not have monthly reports and would have to reconcile the jobber's monthly reported sales to users with the

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on February 13, 1984.

taxable purchases reported by the interstate licensee and the change in procedure would result in considerable expense to the Motor Vehicle Department.

Mr. Wayne Elmore of Division of Taxation, Department of Revenue, took the stand and answered various questions by committee members regarding the sale of motor fuel.

Representative Crowell asked Mr. Elmore if it is correct that the reason initially for the different procedures for paying the tax on gasoline and special fuels was because gasoline was considered for on-road consumption and special fuels for off-road consumption. Mr. Elmore said that was correct.

Representative Moomaw asked Mr. Elmore to define "off-road" use. Mr. Elmore replied that any equipment not licensed is referred to as an "off-road" vehicle.

Ms. Mary Turkington of the Kansas Motor Carriers testified on HB-2860 and explained that the bill is permissive and in the case of the motor carrier who is going to purchase fuel for highway use, there would probably not be any change in the fact that the motor carrier would continue to be a user dealer and register with the Department and buy his fuel in bulk because he buys it less the tax and then reports quarterly to the state of Kansas on the miles operated in Kansas and the gallons of fuel purchased in Kansas. Ms. Turkington stated she didn't feel HB-2860 would change the fact that those who buy in bulk as motor carriers would continue to register as a user dealer and make the monthly reports to the Department of Revenue on the fuel purchased monthly and still continue to make reports quarterly on the actual consumption.

The next order of business was HB-2525 and Mr. Spencer Seery of the Kaw Valley Bicycle and Touring Club of Topeka testified in support of the bill. (See Attachment 2)

Mr. Seery stated, in his opinion, the enactment of HB-2525 will have a positive benefit for all vehicular traffic in Kansas.

Discussion ensued between committee members and Mr. Seery regarding bicyclists making left-hand turns, and whether bicyclists should be required to be licensed.

Mr. Ed DeSoignie of the Kansas Department of Transportation reported to the committee regarding HB-2525 and presented possible amendments to the bill. (See Attachment 3)

The meeting was adjourned at 2:45 p.m.


Rex Crowell, Chairman

MEMORANDUM

TO: Harley T. Duncan
Secretary of Revenue

DATE: February 14, 1984

FROM: William L. Edds
General Counsel

RE: House Bill 2860

House Bill 2860 allows bulk purchasers of special fuel for highway use to pay the fuel tax at the time of purchase, and avoid the current requirements of licensing, permits, bonding and reporting. The bill places responsibility for collecting the special fuel tax on the jobber who must report the amount collected from each user to the Director of Taxation.

The current law contains no reporting requirements for special fuel users who purchase the fuel exclusively for non-highway use. Users who purchase less than a total of 10,000 gallons per year may obtain a \$5 permit and pay the dealer the tax for the proportional amount of the fuel that is purchased for highway use. The permit holder is required to file an annual report with the Director. All other special fuel users must be licensed and bonded and are required to file monthly reports with the Director. Under the present law the licensed special fuel user must report all purchases, whether the fuel is obtained from a licensed Kansas jobber or from an out of state dealer.

Currently, approximately 600 of the licensed special fuel users also file Interstate Motor Fuel Users Tax Reports. The Motor Fuel Audit Section reconciles the two reports by comparing the total for the special fuel apportioned to Kansas use in the Interstate Report with the amount of fuel reported in the monthly reports filed by the licensed user for the same time period. Under the present bill, the Audit Section might not have monthly reports and would have to reconcile the jobber's monthly reported sales to users with the taxable purchases reported by the interstate licensee. The change in procedure could only be accomplished at considerable expense to the Department.

The Departments objections to the bill would largely be eliminated by:

1. Requiring all interstate motor fuel users to be licensed special fuel users.
2. Allowing nonlicensed users to purchase only from licensed Kansas dealers, with appropriate criminal sanctions for purchasing fuel from nonlicensed dealers.
3. Repealing K.S.A. 79-3475(d), which allows for tax paid authority. Such authority is currently granted to approximately 60 out of 2000 licensed users. The authority requires a needless accounting step to compare dealer and user returns and should be eliminated.
4. Eliminating the mandatory language of Article 79, e.g. that found in K.S.A. 79-3477, or rewording the amendment so that it more clearly specifies that it is meant to provide an alternative method for collecting and paying the special fuel tax.

Attachment 1

LEGAL SERVICES

BY: Tom Walter
Attorney

APPROVED: William J. G.
General Counsel

WLE:TEH:k/8/HB2860

Statement by Spencer Seery before the House Transportation Committee

Thank you, Mr. Chairman, and members of the Committee. I appreciate the opportunity to speak before you. My name is Spencer Seery, and I am a member of the board of the Kaw Valley Bicycle Touring Club of Topeka, The Topeka Bicycle Advisory Board, the League of American Wheelmen, and a bicycle commuter and tourist.

Bicycle use, especially bicycling for transportation and recreation, has increased significantly in the past few years. In this light, I would like to recommend supporting HB 2525, which, if enacted, will bring our state statutes very close to being in full compliance with the bicycle safety guidelines formed by the NCUTLO, by incorporating their recommendations from the UVC.

I believe you have been previously provided with a copy of a letter dated February 8, 1983 from Mr. W. Robert Alderson, who at that time was First Deputy Attorney General, addressed to Mr. Fred Carman, First Assistant Revisor of Statutes in which Mr. Alderson described the various amendments. In the interest of brevity, I will not re-iterate what he has stated, but will comment on a few amendments which perhaps need some further clarification.

The request for an alternative right-turn hand signal in K.S.A. 8-1550 provides for a method of signaling which is easier and safer for a bicyclist to use, and easier for a motorist to comprehend when viewed from the rear. The extending and raising of the left arm exposes it to another vehicle which may be passing the

Attachment 2

bicycle legally, and the raised left hand is further from the handlebar than an extended right hand signal, in case quick steering action is needed to avoid a hazard. Since the extended right arm signal is physically easier to make, it is likely that more right turns would be signalled than by the existing method.

Concerning the position on the roadway as proposed in the amendment to K.S.A. 8-1590, the term "motorized bicycle" appears to apply to the machine commonly known as a "moped" and appears to be included for being in agreement with the UVC. I do not take any position either for or against moped regulations as they differ significantly from bicycles.

In regards to paragraph (c), concerning removal of the requirement to use a bicycle path, if available, bicyclists feel, and statistics prove that bicycling on a path is five times as dangerous as riding on a low traffic street, and 2.56 times as dangerous as riding on a major arterial street. This law should definitely be removed for several reasons, some of which I will mention. These paths are often inadequately maintained, whereby broken bottles and other debris are allowed to accumulate, causing flat tires and erratic riding to avoid the obstacles and holes. They are also treated as sidewalks by pedestrians and joggers, thus inviting bicycle-pedestrian accidents. Furthermore, vehicles on roadways treat these paths as sidewalks, especially at intersections, very often failing to yield the right-of-way when in fact the right-of-way legally belongs to the path. These same vehicles will normally yield to a bicycle legally occupying a roadway. The addition to paragraph (c) will allow proper turns into the left lane

of one-way streets from the correct lane without having to cross over multiple lanes to get to the right hand curb. It will also allow travel in the left lane for a subsequent left turn without crossing multiple lanes to get to the right and crossing back to the left a short distance later to make a legal left turn.

In closing I would like to quote from the attached article by John S. Allen which appears in the March, 1984 issue of BICYCLING magazine regarding the safety of bicycling. "... for skilled cyclists, the accident rate is about the same as the accident rate for the average motorist. And that's the accident rate PER MILE! That makes the rate per hour of "exposure" actually SAFER for cycling! There's more: this accident rate for cycling is about three times safer per mile than the accident rate for ... WALKING. (emphasis capitalizations are his).

In summation, I feel the enactment of HB 2525 will have a positive benefit for all vehicular traffic in Kansas, and appreciate your efforts for this improvement.

How Dangerous Is Bicycling?

First, the Good News . . .

John S. Allen

You're getting ready to ride home from work. As you carry your bike out the door, your best friend at work smiles good-naturedly and calls out with a slight tremor of concern, "See you tomorrow; now don't get killed!" Or you're leaving home, and it's your mother. Or school and it's your classmate.

But then you like bicycling for whatever reason—exercise, ecology, convenience—so you ride even though people think it's a bit risky. If you die, you'll have been a noble martyr to appropriate technology, right?

You smile back, but you tense up a little bit. Maybe today one of those cars out there has your name on it . . .

Yet if you asked your friends just how big the risk is, none of them could give you an answer. Neither can you, probably, beyond—with a less-than confident tone in your voice—"I've been riding ten years and, well, here I am!"

Surprisingly, there is an answer, and it's much more optimistic than you might imagine. It goes something like this:

"Cycling is pretty dangerous for all the people who don't do it right, but for skilled cyclists, the accident rate is about the same as the accident rate for the average motorist."

And that's the accident rate *per mile!* That makes the rate per hour of "exposure" actually *safer* for cycling!

There's more: this accident rate for cycling is about three times safer per mile than the accident rate for . . . *walking*.

Ten to One

Now, there's a quirk to this: It is only by developing cycling skills and by using safety equipment (helmets, good lights at night, et cetera), that you put yourself in the stratosphere of bicycle safety statistics. At "sea level" (averaging cyclists of all ages, skilled and unskilled), the statistics are not quite as rosy.

Cycling skills are important, and you don't have to take my word for it. In 1975, researcher Jerrold Kaplan conducted a survey of regular adult bicycle users, members of the League of American Wheelmen (LAW), for the National Highway Safety Administration. And in 1977, Bikecentennial, the organization that brought you the TransAmerica Trail, published a study based on 10.4 million miles of cycle-tourist riding in the summer of 1976.

How do Kaplan's LAW members and the Bikecentennial riders compare with the popu-

lation of bike riders at large in this country? Here are the statistics—per million vehicle miles—for accidents that were severe enough to damage the bicycle substantially or to require medical attention (criteria varied slightly, but not significantly, from study to study):

LAW League members	113
Bikecentennial tourists	74
College-affiliated adults	510
Children	720

League members had only one-fifth as many accidents per mile as the "college-affiliated" adults (probably untrained cyclists for the most part; the statistics are based on admissions at a college medical center). By comparison, the Bikecentennial tourists had an even lower rate. These are striking contrasts.

But what is most astonishing is that the "college-affiliated" adult doesn't do much better than a child rider. The League members' and Bikecentennial tourists' low accident rates do not necessarily reflect an extraordinary level of skill—in fact, many Bikecentennial riders began as novices, though their group leaders were experienced. Clearly, if the "college-affiliated" rider is representative of the average untrained adult bicyclist, then that average adult rider has a very low level of skill.

Beating the Average

Kaplan's League members are different from the average adult rider in that they ride more miles per year, have more years of experience, and belong to bike clubs, so they ride together and learn from each other. They also ride under more challenging conditions of weather, terrain, and traffic—and surely ride more miles after dark. Significantly, they ride more like drivers and less like pedestrians.

The last two of these characteristics would seem to point toward increased risk, but the statistics contradict this idea.

Kaplan's statistics for different locations of riding throw some light on this problem. While the differing skill levels of riders who choose the different environments certainly affect these statistics to some degree (less experienced riders tend to do more of their riding on bikepaths), still, the dramatic differences in accident rates clearly point out that bikepaths are not the solution to bike safety problems. The following numbers represent accidents per million vehicle miles traveled in each environment:

Low traffic bike route streets	58
Minor arterials	104
Major arterials	114
Bikepaths	292

As expected, there was a higher accident rate on more heavily traveled roads (major ar-

terials and minor arterials) as compared to the low traffic bike route streets. But astonishing to many people is the high rate of accidents on bikepaths—until you reflect that many bikepaths are narrow, with sharp curves, poor sightlines, pedestrian traffic, and poor design of intersections with streets.

The Kaplan and Bikecentennial surveys give proportions of different accident types. These lead to another surprise: only about 20 percent of all accidents involved a car. About another 20 percent were bike-bike collisions, but more than half were single-bike accidents, and about ten percent were bike-dog collisions. Of the fatal or permanently disabling accidents, the Bikecentennial study shows that a larger proportion involved cars—yet cars are still clearly not the only risk or the overwhelming risk. Most car-bike accidents occur at intersections. The much-feared rear-end collision is much less common than most people think, though it is often serious when it does occur.

The Bikecentennial survey shows high rates of accidents associated with fast downhill runs, touring loads, and rider fatigue. An overwhelmingly high percentage of accidents occurred late in a day of touring. Some states had only one-quarter the accident rate of others, apparently because of good road design and maintenance.

But there's another important factor affecting the statistics: the Kaplan and Bikecentennial data were collected before helmet use became very common—1975, the year Kaplan surveyed LAW members, was also the year the Bell helmet first became available; the Bikecentennial survey on touring in 1976 indicates that only 27 percent of the riders wore helmets, and not all of these were hardshells. The average untrained rider today still does not wear a helmet.

Just wearing a good helmet can skew the statistics significantly further in your favor. Convincing data are available to show that 75 percent of deaths and permanent disabilities resulting from bicycle accidents are due to head injuries. Good helmets can prevent most of these.

Bicycling vs. Driving and Walking

A baseline is available for comparing bicycling accident rates with those for walking and driving. According to the National Safety Council, rates of fatal and serious bicycle accidents for average (untrained) bicyclists are about ten times as high per mile as for people in cars, but only about a third as high as for people on foot.

When you add the advantage of wearing a helmet to that of experience and of correct riding techniques, bicycling doesn't look so dangerous any more. It has its risks, but they are certainly not much greater than for riding in automobiles, even on a per-mile basis. In other words, for an experienced cyclist, deciding whether to use the automobile instead of the bicycle should be based on safety consid-

How Dangerous Is Bicycling?

erations only under very unusual circumstances.

John Forester has calculated a relationship of accidents per year to individual miles per year; for cyclists who rode more than the (low) average, the number of accidents remained about the same regardless of mileage! So, if you ride a lot of miles, you're probably not at much greater risk than if you only ride 1,000 miles per year.

Another neglected factor in discussing the risks of bicycling—or walking—is that of the health benefits of exercise. As you already know, these should more than compensate!

Even discounting the health benefits, you are not much more likely to be killed in a bicycle accident than in a car accident, since the average car travels about 10,000 miles per year, the average regular bicycle user about 2,500. As a bicyclist, you can expect an injury every few years, ranging from scrapes and bruises to a broken bone, though most injuries will not be serious. Injury rates for bicycling are comparable with those for many other active sports. Forester estimates that, for experienced riders, they are perhaps twice as great per year as for people using cars.

I think it intriguing that the relative risks of walking, driving and bicycling are nearly equal for the number of miles per year a person will typically use each of these modes.

Putting the Statistics to Use

There are some useful conclusions you can draw from the statistics in this article.

If you want to travel as safely as possible, use public transportation. The risk, again according to the National Safety Council, is only about one percent that of driving, whether for a train, plane or bus ride. But be sure you live very close to the bus stop so it's a short walk away. And make sure some of your bus rides take you to a gym for the aerobic workouts you're missing by not bicycling.

But let's get serious! You're not going to give up bicycling, so if your skills could use sharpening, seek out experienced bicyclists to help

Bibliography

Burgess, Bruce and Dan Burden. *Bicycle Safety and Information Report. Missoula, Montana: Bikecentennial, 1977.*

Forester, John. *Bicycle Transportation. Cambridge, Mass.: MIT Press, 1983. (Note: this book has been previously published under the title Cycling Transportation Engineering.)*

_____. *Effective Cycling. Cambridge, Mass.: MIT Press, 1983.*

Kaplan, Jerrold. *Characteristics of the Regular Adult Bicycle User. Office of Highway Safety, Federal Highway Administration. Washington, D.C.: 1975.*

you learn about bicycling: join a local cycling club and go on its rides.

Read this column regularly. Learn the specific riding techniques taught in the League of American Wheelmen Effective Cycling Program, as described in John Forester's book *Effective Cycling*, my commuting book (*The Complete Book of Bicycle Commuting*), and the League of American Wheelmen Effective Cycling course. Even most bike club members still don't know the best technique for a panic stop, quick swerve or lane change. If you use these techniques, you can be even safer than the average League member.

Understand the relative risks of different ac-

cident types, and the factors that increase accident risks, such as downhill riding and the handling changes introduced by loads on the bike. Then you can focus your attention on real hazards rather than imagined ones.

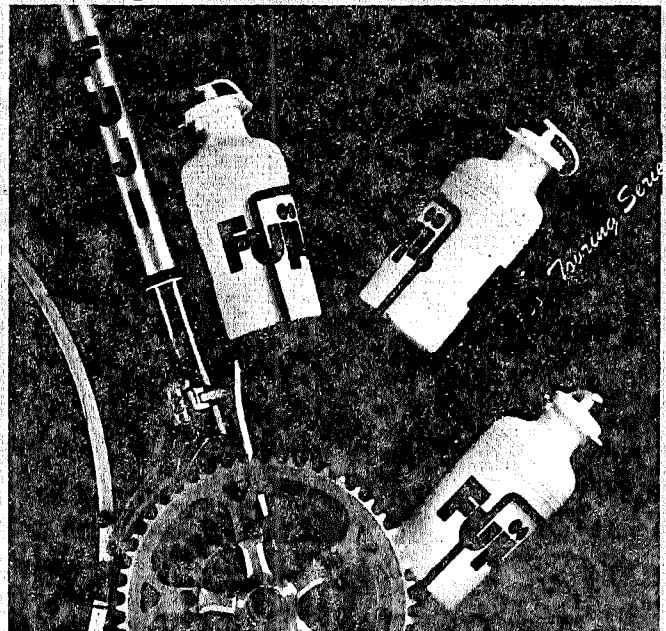
On long rides, avoid fatigue by drinking before you are thirsty, eating before you are hungry, and resting before you are exhausted.

Know your bike and how to take care of it. While Kaplan's statistics show that relatively few accidents are due to mechanical failure, poor mechanical performance of brakes or other important safety equipment is a contributing factor in many accidents.

And wear a helmet.○

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*P. Bert Frost, "Stopping by Woods on a Snowy Evening"

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KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

MEMORANDUM TO: House Committee on Transportation
FROM: Kansas Department of Transportation
REGARDING: House Bill 2525
DATE: February 9, 1984

I. SUMMARY

House Bill 2525 attempts to amend Kansas Statutes concerning the operation of bicycles to conform with the Uniform Vehicle Code (UVC) as published by the National Committee on Uniform Laws and Ordinances with four notable exceptions. The bill incorporates changes made to the UVC as reflected in the 1979 Supplement of that publication.

II. FISCAL IMPACT

The bill would not impact the Kansas Department of Transportation over and above the Governor's budget recommendation.

III. COMMENTS

The Kansas Department of Transportation has concerns with certain provisions in the bill.

Section 3, page 2, amends K.S.A. 8-1550 to permit bicyclists to signal for a right turn by extending their right arm and hand horizontally. The UVC does not permit this optional method. The Department requests that the italicized language on lines 59 through 61 be deleted beginning with "except that."

The KDOT also has concerns with new language in Section 7 which would permit an adult rider (bicycle) to carry a child in a back pack or sling. This is in conformity with the UVC. However, while the Department has no evidence, it appears that the potential for injury to a child in the case of an accident could be higher than other methods available. The Department would request deletion of the language on lines 97 and 98 beginning with "securely attached" and the addition of language similar to the following "in a child carrier designed for such purpose, securely attached onto the frame of the bicycle." The Secretary of Transportation may adopt rules and regulations governing the design of child carriers if appropriate standards can be determined.

Attachment 3

MEMORANDUM TO: House Committee on Transportation
REGARDING: House Bill 2525
DATE: February 9, 1984
PAGE TWO

The proposed language in Section 9, lines 120 through 124 is also of concern to the Department because of its reference to a substandard width lane; defined as a lane which cannot accommodate both a vehicle and a bicycle side-by-side. Our concern is with the implication that such a standard exists. We are aware of no such standard and would request amending subparagraph (3) to delete the words "substandard width" in lines 120 and 121, delete language in lines 122 and 124 beginning with "For purposes of this section ...", and revising line 121 to read "lanes of a width that make it unsafe ..."

The Department would request the reinsertion of stricken language in paragraph (C) to bring K.S.A. 8-1589 into conformity with the UVC.

The Department would request the addition of language to paragraph (f) in Section 11 which would prohibit the use of a whistle as well. This would conform with the UVC.

Paragraph (j) of Section 11 has raised questions with the Department because of the exclusion permitted bicycles from the provisions of Article 19 of Chapter 8 of the Kansas Statutes. The Department does not understand this amendment and would request its deletion if no reasonable explanation is available.