

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 21, 1984 in room 519-S of the Capitol.

All members were present ~~except~~

Committee staff present:

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

Conferees appearing before the committee:

Representative Jessie Branson  
Representative Steve Cloud  
Representative Edgar Moore  
Dr. Arthur Cherry, Topeka, Kansas  
Mr. Bob Haley, Kansas Department of Transportation  
St. William A. Jacobs, Kansas Highway Patrol  
Trooper Curtis Waite, Kansas Highway Patrol  
Ms. Mary Pat Beals, Kansas Head Injury Association  
Ms. Largo Callenbach, Shawnee Mission, Kansas  
Ms. Jane Krueger, Shawnee, Kansas  
Ms. Phyllis Windle, Mayor, Liberal, Kansas  
Representative Bob Van Crum  
Ms. Betty Anglin, Kansas Congress of Parents and Teachers  
Ms. Lois Cook, Kansas Emergency Medical Technicians Assn.  
Dr. Patricia T. Schloesser, Kansas Department of Health & Environment  
Ms. Linda Lundgren, R.N., Topeka  
Mr. David Reavis, Kansas Fraternal Order of Police  
Mr. Ron Welch, AAA Auto Clubs  
Mr. Ted McFarlane, Kansas Association of Emergency Medical Administrators  
Ms. Loretta Teagarden  
Mr. Bill Green, Kansas Corporation Commission

Chairman Crowell called the meeting to order, and the first order of business was a hearing on HB-2723. Representative Jessie Branson was the first conferee and explained that the existing law which was passed in 1981 applies only to children under 2 years of age, applies to front seat passengers only, applies only to parents and legal guardians, applies only to passenger cars and there is no penalty other than a warning for violations. (See Attachment 1)

Representative Branson explained that HB-2723 applies to children under 4 years of age, imposes a \$10.00 fine for violations, and requires Kansas Department of Transportation to provide information to law enforcement officers regarding child passenger safety. She reported that in 1982, Kansas accident records show that 5,822 children under 4 years of age were involved in accidents. The result was 15 fatalities and 74 incapacitating injuries. She went on to say that in accidents where a child restraint device was in use, there were no fatalities and only 5 incapacitating injuries.

Representative Branson also pointed out that in 1981-1983 in Kansas, 39 fatalities to children under the age of 4 occurred, and records show that none of the 39 innocent victims were protected by being properly restrained.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on February 21, 1984

Representative Steve Cloud spoke in support of HB-2723 and gave an account of an accident occurring within his own family whereby his sister-in-law and three small children were traveling in a vehicle which rolled over twice coming to rest on its roof, and no one was injured due to the use of safety restraint devices.

Representative Edgar Moore was next to testify in support of HB-2723 and urged the committee to pass this legislation.

Dr. Arthur Cherry of Topeka, gave favorable testimony on HB-2723 noting that automobile accidents are a leading cause of death in children, and many of these deaths could be prevented with the use of restraint devices. (See Attachment 2)

Dr. Cherry reported that the number one cause of epilepsy due to trauma is from injuries received in automobile accidents and is a major cause of mental retardation and spinal injury.

Mr. Bob Haley from Kansas Department of Transportation appeared in favor of HB-2723. (See Attachment 3) Mr. Haley conveyed to the committee that every year about 10 child passengers 4 years of age and under, are fatally injured in Kansas automobile accidents, and hundreds more sustain injuries which are sometimes permanently disabling. He stated that KDOT considers the child passenger safety issue one of great importance and wholly supports the concept of strengthening the existing law and on this basis requests the committee to favorably consider HB-2723.

Sgt. William A. Jacobs of the Kansas Highway Patrol was next to testify on HB-2723 and referred to statistics from 1982 indicating of the 14 fatalities during the year, 12 did not have a child restraint device installed and on the remaining two it wasn't known if a child restraint device was installed. (See Attachment 4)

St. Jacobs said that the Highway Patrol feels restraint systems are a critical need in today's traffic, especially for young persons who cannot fend for themselves, and the National Safety Council research indicates approximately 50 per cent of all traffic deaths and injuries could be avoided through their use.

Discussion ensued among committee members regarding occupants of vehicles giving law enforcement officers incorrect ages of children riding with them, and Sgt. Jacobs stated it is difficult to tell actual ages.

Trooper Curtis Waite gave testimony regarding HB-2723 and related an accident which occurred near Lansing wherein a baby girl sitting on the front seat by her mother was killed when the car veered off the road overturning. Trooper Waite remarked that had the baby been fastened in a safety restraint device, she would probably still be alive today.

Ms. Mary Pat Beals, President of the Kansas Head Injury Association, gave testimony in favor of HB-2723. She informed the committee her organization gives support and help to head injured people, and urged passage of HB-2723.

Ms. Largo Callenbach, Shawnee Mission, Kansas, testified in favor of HB-2723. (See Attachment 5)

Ms. Jane Krueger of Shawnee, Kansas gave testimony in favor of HB-2723. (See Attachment 6) Ms. Krueger reported that in the state of Tennessee, whose child restraint law covers all children up to age 4, statistics show a death rate of 45 in 1977 prior to child restraint legislation and only 4 deaths in 1983.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on February 21, 1984

Ms. Phyllis Windle, Mayor of Liberal, Kansas, presented favorable testimony on HB-2723 and referred to a letter written to her by the Liberal Police Department in which an account was given of an accident involving a 4½ month old passenger who would have surely been killed had it not been for the safety restraint device. (See Attachment 7) She informed the committee that when a 100 lb. mother is traveling 30 m.p.h. holding a child on her lap and is involved in a crash, the crash hits that child with a force of 3,000 lbs.

Representative Bob Van Crum was introduced, and spoke in favor of HB-2723 and urged its passage.

Ms. Betty Anglin, State President of the Kansas Congress of Parents and Teachers, gave testimony in favor of HB-2723. (See Attachment 8)

Ms. Lois Cook, Legislative Liaison for Kansas Emergency Medical Technicians Association testified in support of HB-2723 and reported that in various accidents in Kansas children were spared serious injuries by the use of child restraint devices.

Dr. Patricia T. Schloesser of Kansas Department of Health & Environment, testified in favor of HB-2723. (See Attachment 9) Dr. Schloesser related that according to the Annual Summary of Vital Statistics, Kansas Department of Health & Environment, during the years 1978 through 1982, there were 84 motor vehicle deaths of children 0 through 4 years of age.

Ms. Linda Lundgren, R.N. Emergency Nurse from Topeka representing Kansas Nursing Association, gave testimony in favor of HB-2723. (See Attachment 10)

She cited automobile accidents involving children, and when restraint devices were used the children were uninjured. She explained that because a child's head is so heavy, and large in proportion to their body, often times they receive head and neck injuries.

Mr. David Reavis, Kansas Fraternal Order of Police, testified as a proponent on HB-2723, and urged its passage on behalf of his organization.

Mr. Ron Welch of the AAA Auto Clubs, testified in favor of HB-2723. (See Attachment 11) He stated to the committee that all resident Kansans should be required to comply with provisions of HB-2723, not just parents or legal guardians, due to the fact that in other states it has been discovered at the point of arrest there is difficulty determining if the violator is the person responsible for the child.

Mr. Ted McFarlane, Chairman of Kansas Association of Emergency Medical Administrators, testified favorably on HB-2723 and strongly urged its passage. (See Attachment 12)

Also testifying in support of HB-2723 was Ms. Loretta Teagarden who requested the bill be strengthened to include anyone transporting a child.

This ended the hearing on HB-2723.

Chairman Crowell described four bills which need to be introduced as follows: (1) implementing post audit suggestions for DUI statutes, (2) defining interstate system, (3) penalty for operating laden vehicle on a temporary permit, and (4) not dimming lights on a divided highway.

It was moved by Representative Dillon to introduce these bills as committee bills. Motion was seconded by Representative Fuller. Motion passed.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 1:30 ~~xx~~ p.m. on February 21, 19 84

Mr. Bill Green of the State Corporation Commission appeared before the committee on HB-2706, and reported they neither support nor oppose this bill. (See Attachment 13)

Mr. Green did relate that there are, and have been, instances in which the presence of a caboose has contributed to rail as well as public safety. He added that the presence of the caboose and the alertness of train crews have allowed for the immediate identification of derailments and fires caused by sparks from trains.

Mr. Green told the committee that the Commission cannot state freight trains over 1,000 feet or, freight trains over 990 feet should be required to have a manned caboose, however the Commission is concerned about rail safety as well as public safety and supports policies which contribute to these areas of safety.

Representative Fuller asked Mr. Green if the Corporation Commission had any feelings with regard to the cost to shippers or the cost to railroads. Mr. Green said from what he has read in newspaper and magazine articles, costs are passed on to the shipper.


Representative Fuller asked Mr. Green if he had any concern that it might be more of a management/labor dispute that the Legislature is being asked to settle. Representative Fuller remarked there may be more aspects to this than safety, and they ought to be addressed.

Mr. Green replied the Commission felt safety was the major area to focus on.

Chairman Crowell distributed copies of a letter from Secretary of Transportation John B. Kemp which stated all the roadside parks which had just been closed will be reopened except the one at Pittsburg which had been badly damaged by vandals; and four of the six which were destroyed will be rebuilt. (See Attachment 14)

Chairman Crowell related that the two which will not be rebuilt is one by Whitewater and one at Garden City which will no longer be on the main route when the bypass is built. Chairman Crowell conveyed that Secretary Kemp's department will do another study and report back to the Legislature next year. Therefore, there will be no hearings held on the two committee bills (HB-2984 and HB-2985) which deal with this subject matter.

The meeting was adjourned at 3:10 p.m.

  
Rex Crowell, Chairman



GUEST LIST

COMMITTEE: TRANSPORTATION

DATE: 2-21-84

PLEASE PRINT

| NAME                    | ADDRESS                                   | COMPANY/ORGANIZATION                  |
|-------------------------|---|---------------------------------------|
| David E. Reavis         | 1116.11 Lawrence                          | STATE F.O.P.                          |
| Ted McFarlane           | 225 Maine, Lawrence                       | K.A. of EMS Admin                     |
| RON CALBERT             | NEWTON                                    | U.S.U.                                |
| Leroy Jones             | Overland Park                             | B.L.E.                                |
| Mary Lee                | Dwight, Ks.                               | Ks. Farm Bureau                       |
| Michael C. Germain      | Topeka                                    | Ks Railroad Association               |
| Tom Whitaker            | Topeka                                    | Ks MOTOR CARRIERS ASSOCIATION         |
| JANE A. KRUEGER         | SHAWNEE, Ks. 66205<br>10530 W-59th        | PARENT                                |
| Largo L. Callenbach     | 6101 Lamar 66202<br>Countryside, Ks       | SOCIAL WORKER<br>PRENATAL EDUCATION   |
| Lois D. Cook            | 200 Waldorf<br>Warrego, Ks 66547          | KEMT-A                                |
| Claudine Bennett        | B-496<br>Jennings, Ks 66764               | women of Kansas<br>For Highway Safety |
| Paul Ranson             | 1100 W 31 Lawrence                        |                                       |
| Dorothy D. Danderson RN | 9099 2 Washburn<br>10202                  | KENA / St. Francis Hospital           |
| Kathryn D. Kymburg      | 2117 Wayne #6<br>Topeka, Ks 66611         | Kansas Women for<br>Highway Safety    |
| Bill Keitman            | 6600 W. 1025V.<br>Overland Park, Ks 66207 | Natl. Hwy. Traffic<br>Safety Adm.     |
| Glyssis Wandle          | 849 W 4th<br>Liberal, Ks                  | Ks Women for<br>Highway Safety        |
| Dorothy Marcannette     | Rt 1<br>Fair, Kans                        | Grandparent                           |
| Mary Pat Beach          | 5950 Kar #11, Overland Park 66205         | Kansas Road-Building Club             |
| G. Knudsen              | Topeka                                    | AP                                    |
| Lois Julia              | Topeka                                    | Ks Anticipation Club                  |
| Tom M. Jensen           | Lawrence                                  | KANU                                  |
| Beryl Robly             | Lawrence                                  | KANU                                  |
| Adrian Hubbard          |   | KDOT                                  |





JESSIE M. BRANSON  
REPRESENTATIVE, FORTY FOURTH DISTRICT  
800 BROADVIEW DRIVE  
LAWRENCE, KANSAS 66044  
(913) 843-7171



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: EDUCATION  
PENSIONS, INVESTMENTS AND BENEFITS  
PUBLIC HEALTH AND WELFARE

February 21, 1984

KANSAS CHILD PASSENGER SAFETY ACT

Existing law (passed in 1981)

- Applies to children under 2 years
- Applies to front seat only
- Applies only to parents and legal guardians
- Applies only to passenger cars
- No penalty; oral warning only

House Bill 2723 (changes in existing law)

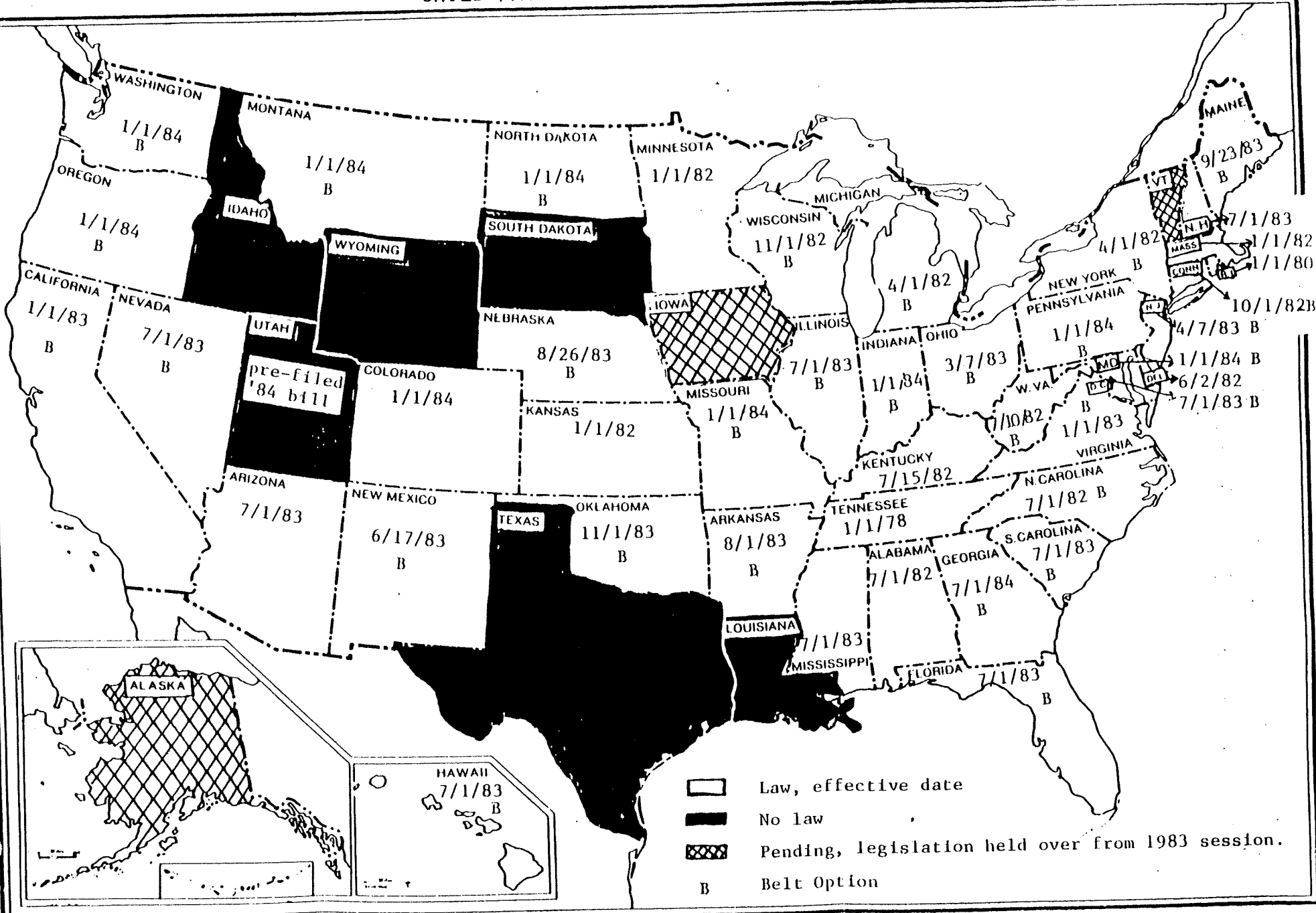
- Applies to children under 4 years
- Imposes a \$10.00 fine for violations. Fine and court costs would be waived prior to trial upon proof of purchase or acquisition of an approved safety restraint device, and upon proof that the child is 4 years or older.
- Kansas Department of Transportation required to provide information to law enforcement officers

JMB:pm

Attachment 1



# CHILD PASSENGER PROTECTION



- Law, effective date
- No law
- Pending, legislation held over from 1983 session.
- B** Belt Option



JESSIE M. BRANSON  
 REPRESENTATIVE, FORTY-FOURTH DISTRICT  
 800 BROADVIEW DRIVE  
 LAWRENCE, KANSAS 66044  
 (913) 843-7171



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HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 MEMBER: EDUCATION  
 PENSIONS, INVESTMENTS AND BENEFITS  
 PUBLIC HEALTH AND WELFARE

February, 1984

Fatalities and Injuries in Young Children in Kansas - Age 0-4 years

| <u>Year</u> | <u>Fatalities</u> | <u>Injuries (Total)</u> |
|-------------|-------------------|-------------------------|
| 1977        | 10                | 1,075                   |
| 1978        | 10                | 1,060                   |
| 1979        | 4                 | 1,002                   |
| 1980        | 4                 | 925                     |
| 1981        | 14                | 1,016                   |
| 1982        | 15                | 830                     |
| 1983        | 10 (12 mos)       | 379 (first 6 mos. only) |

In 1982 - Accident records show that 5,822 children under 4 years of age were involved in accidents. The result was 15 fatalities and 74 incapacitating injuries. In accidents where a child restraint device was in use, there were no fatalities and only 5 incapacitating injuries.

1981-83 - The most compelling statistic involves fatality accidents since 1981. In the three-year period 1981 through 1983, 39 fatalities to children under the age of 4 occurred. Records show that none of the 39 innocent victims were protected by being properly restrained.

Safety Restraint Usage - In 1980, 9.2% of those children under 4 years involved in an accident were properly restrained. This compares with 8.9% in 1981 and 14.6% in 1982. These comparisons indicate a slight increase in usage since the Child Passenger Safety Act went into effect.

CHILD PASSENGER PROTECTION IN TENNESSEE  
1978 - 1983

Public and professional concern about deaths of young children from motor vehicle crashes provided the impetus for the Tennessee Child Passenger Protection Act of 1977. An average of 25 children per year died in motor vehicle crashes prior to passage of the law. Table 1 shows the number of children under four years of age whose lives would have been saved by child restraint use.

TABLE 1

Selected Motor Vehicle Deaths of Passenger  
Children Less than Four Years of  
Age, Tennessee 1974-1983

|                    |                      | Age in Years |    |   |   |  |
|--------------------|----------------------|--------------|----|---|---|--|
| Year               | Total                | Under 1      | 1  | 2 | 3 |  |
| 1974               | 29                   | 7            | 10 | 4 | 8 |  |
| 1975               | 22                   | 5            | 4  | 4 | 9 |  |
| 1976               | 17                   | 6            | 4  | 2 | 5 |  |
| (Law passed) 1977* | 21                   | 9            | 3  | 7 | 2 |  |
| 1978*              | 17                   | 7            | 4  | 3 | 3 |  |
| 1979*              | 25                   | 12           | 5  | 3 | 5 |  |
| 1980**             | 20                   | 11           | 3  | 4 | 2 |  |
| 1981*              | 11                   | 3            | 1  | 2 | 5 |  |
| 1982               | 5                    | -            | 2  | 2 | 1 |  |
| 1983               | 4 (through November) |              |    |   |   |  |

\* One death each in 1977, 1978, 1981 and 1982, and two deaths in 1979 are not reflected because the crash was so severe that child fatalities were unavoidable regardless of restraint use.

\*\* Enforcement of the law via citation issuance did not really occur until November of 1980, when officials noticed that fatalities were not being reduced. Enforcement appears to be a very important component of child passenger legislation.

Source: Tennessee Department of Public Health - Health Statistics Section

Thursday, August 18, 1983

## It's Safety First in Royal Family

When your kid is heir to the throne, you don't go



Prince William, safely seated

don't treat their own children like future kings.

William was photographed at Aberdeen Airport in Scotland, where he was to be driven with his parents to Balmoral, summer home of the royal family. His grandma, Queen Elizabeth II, will meet him there.

taking unnecessary risks with him. That's why Prince Charles and Princess Diana make sure that little Prince William, now almost 14 months old, is strapped into a properly fitted infant car seat, complete with shoulder belt. Pity so many other parents

## AWLANDERS

# Michigan legislature gets thanks

The following appeared in the Muskegon Chronicle. I wish you would run it in your column. Millions may profit from it. It is an open letter to all subscribers:

"Public Act 117 of 1981.  
"THAT STUPID LAW.

"Dear Editor: I would like to tell your readers how mad I was when I was forced to go out and pay \$45 for an infant seat, and to top it off we couldn't fit everybody in my pickup truck with that big, bulky thing.

"On April 2 my wife was forced off highway M-120 into a ditch to avoid a collision — that's 55 mph to a dead stop. The back of the child car seat was facing the windshield (as I was told the law required for 4-month-old infants). That seat broke off the ashtray, cracked the dashboard and chipped the windshield. Our baby didn't have a scratch on her.

"I would like to thank God and whoever else is responsible for passing that stupid law."

Greg Hibbard, Holton, Mich.

Dear Greg: God does many wonderful things, but he is not in the Michigan legislature.

Your thanks should go to those lawmakers who did a terrific job on behalf of their constituents. Bless them one and all.

PEDIATRIC  
ASSOCIATES

918 West Tenth  
Topeka, Kansas 66604  
(913) 233-3362

Arthur C. Cherry, Jr., M.D., F.A.A.P.  
Dennis M. Cooley, M.D.  
Edward N. Saylor, M.D., F.A.A.P.

- 1. It is extremely dangerous for an infant or child to be transported in a motor vehicle without proper protection of any kind, under any circumstances

| Kansas 1976-78 |                             | Cost             |
|----------------|-----------------------------|------------------|
| No Restraint   | 29 Fatalities               | \$ 5,000,000     |
|                | 269 Incapacitating injuries | <u>4,000,000</u> |
|                |                             | 9,000,000        |
| Restraint Used | 0 Fatalities                |                  |
|                | 9 Injuries                  |                  |

- 2. The cost in dollars alone for care of these children is \$9,000,000.

Cost in human suffering, long term care is immeasurable.

More infants and children are killed or crippled while riding as passengers in motor vehicles than the total killed or crippled by the seven common childhood diseases which we can prevent by immunization.

What sort of injury?

Number one cause of epilepsy due to trauma  
Major cause of mental retardation and spinal injury

- 3. Motor vehicle accidents caused death and crippling of children is a preventable disease.

|              |    |                          |
|--------------|----|--------------------------|
| 0 Fatalities | vs | 29 not using restraints  |
| 9 Injuries   | vs | 269 not using restraints |

- 4. Childrens lives and intact normally functioning bodies are at the mercy not only of drivers who speed, use alcohol or are inexperienced teenagers but also at the mercy of sober, careful experienced drivers who find restraint devices inconvenient and/or restrictive.

Children can be killed or injured in a motor vehicle even if the vehicle is not involved in a crash with another car.

5. Efforts to increase public awareness, provide car seats for infants and children have had some but minimal effect on restraint use.
6. An adequate and properly enforced law can significantly increase the use of restraints.
7. The present law in Kansas is inadequate and cannot be enforced.

41 States and D.C. have child safety seat legislation  
 Kansas was #3 in passing the law.

Kansas law is unique

- Only law which protects children riding in the front seat only
- One of two states (N. Carolina) which only protect children under age two
- One of three states (Kentucky, Okla.) in which the law is unenforceable as there is no penalty

Ten states who have passed the law have corrected these same deficiencies.

8. Kansas law in effect says to drivers that you only need to protect infants and children riding in the front seat of a car and as soon as they are two years old they are safe without restraints.

9. Mandatory use of restraint devices for children riding in motor vehicles produces no more of an inconvenience or restriction on drivers than other restrictions imposed to protect our citizens.
  - Driving is a privilege, not a right.
  - Drivers must be licensed, obey traffic laws and speed limits and not drink while driving.

10. Enforcement of this law is as important as any other law regarding motor vehicles as it will save potential useful productive citizens from death or a crippling or injured body with life long dependency on others.

Our Law needs the following: *an appropriate appropriate fine would assist violation*

1. Require all drivers to have infants and children they transport at least through age 4 in a restraint device.

2. Safety belts would be an acceptable alternative for
  - children over the age of 1 year
  - children too large for a car seat (over 40 lbs. or 40")
  - children riding in a vehicle not owned by parent or guardian

3. The only exceptions:

inappropriate for medical reasons  
 during an emergency  
 all available seat belts are in use -  
 (children should have priority)



4. All drivers are responsible unless parent or guardian of the child is present in the vehicle.
5. An appropriate fine which may be waived for the first violation upon proof that a child safety seat has been acquired within a reasonable time.

### Summary:

The leading cause of injury and death in children over the age of one year is preventable by using car safety seats.

Children are completely defenseless and at the mercy of automobile drivers.

Drivers will use safety seats if there is an enforceable up to date law.

Such a law imposes no more of a restriction on drivers than other laws to protect the public.

COMPARISON OF CHILD PASSENGER ACCIDENTS

AGES FIVE YEARS AND YOUNGER

1977 TO 1983

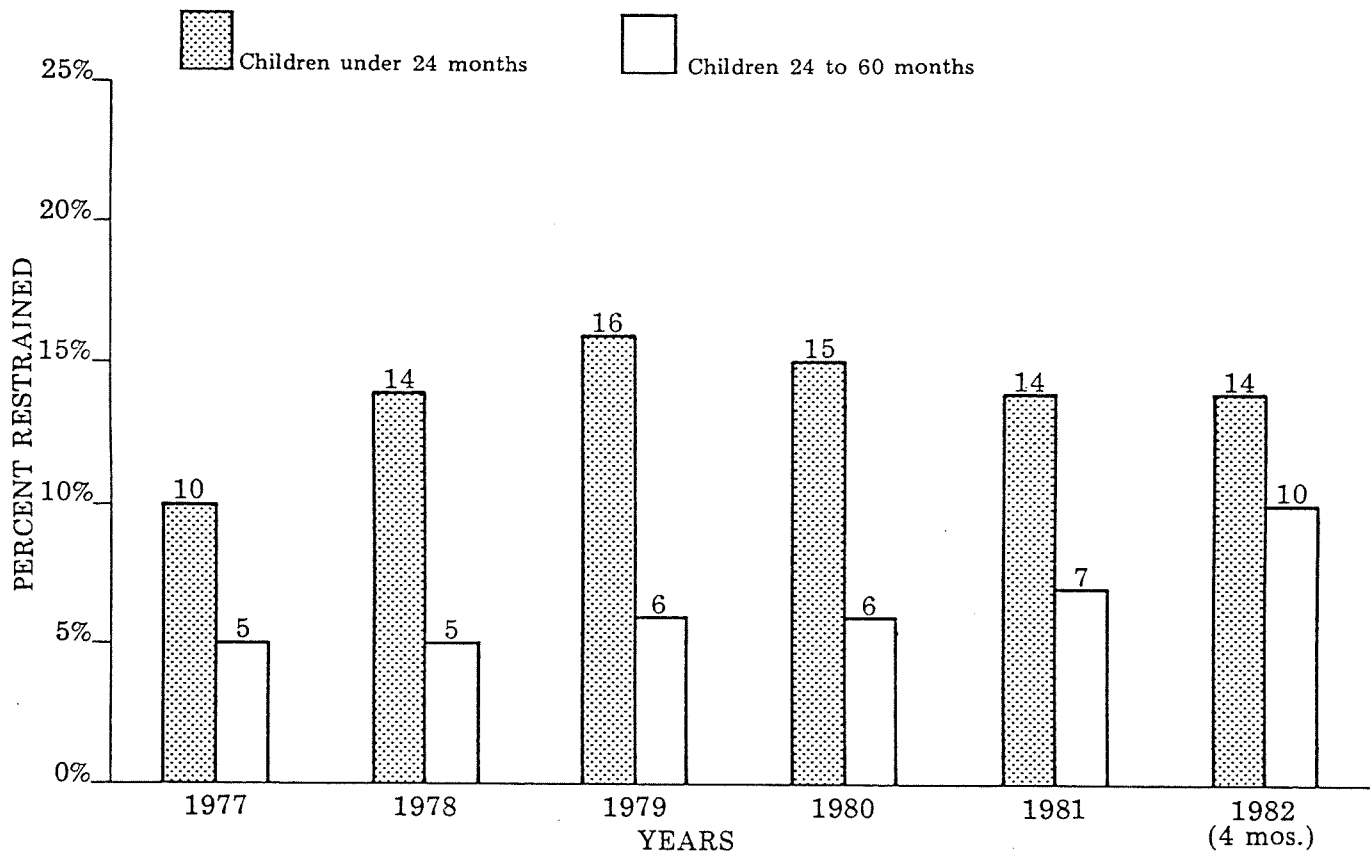
| <u>YEAR</u> | <u>NUMBER OF FATALITIES</u> | <u>PERCENTAGE CHANGE FROM PRIOR YEAR</u> | <u>NUMBER OF INJURIES</u> | <u>PERCENTAGE CHANGE FROM PRIOR YEAR</u> |
|-------------|-----------------------------|--|---------------------------|--|
| 1977        | 10                          | -  | 1,075                     | -  |
| 1978        | 10                          | 0%                                       | 1,060                     | (1.40%)                                  |
| 1979        | 4                           | 60%                                      | 1,002                     | (5.47%)                                  |
| 1980        | 4                           | 0%                                       | 925                       | (7.68%)                                  |
| 1981        | 14                          | 250%                                     | 1,016                     | 9.84%                                    |
| 1982        | 15                          | 7.14%                                    | 830                       | (18.31%)                                 |
| 1983        | 10                          | (33.3%)                                  | 379 *                     | (8.67%) **                               |

\* Data for first six months of 1983.

\*\* Percentage difference based on six month number of injuries multiplied by a factor of two.

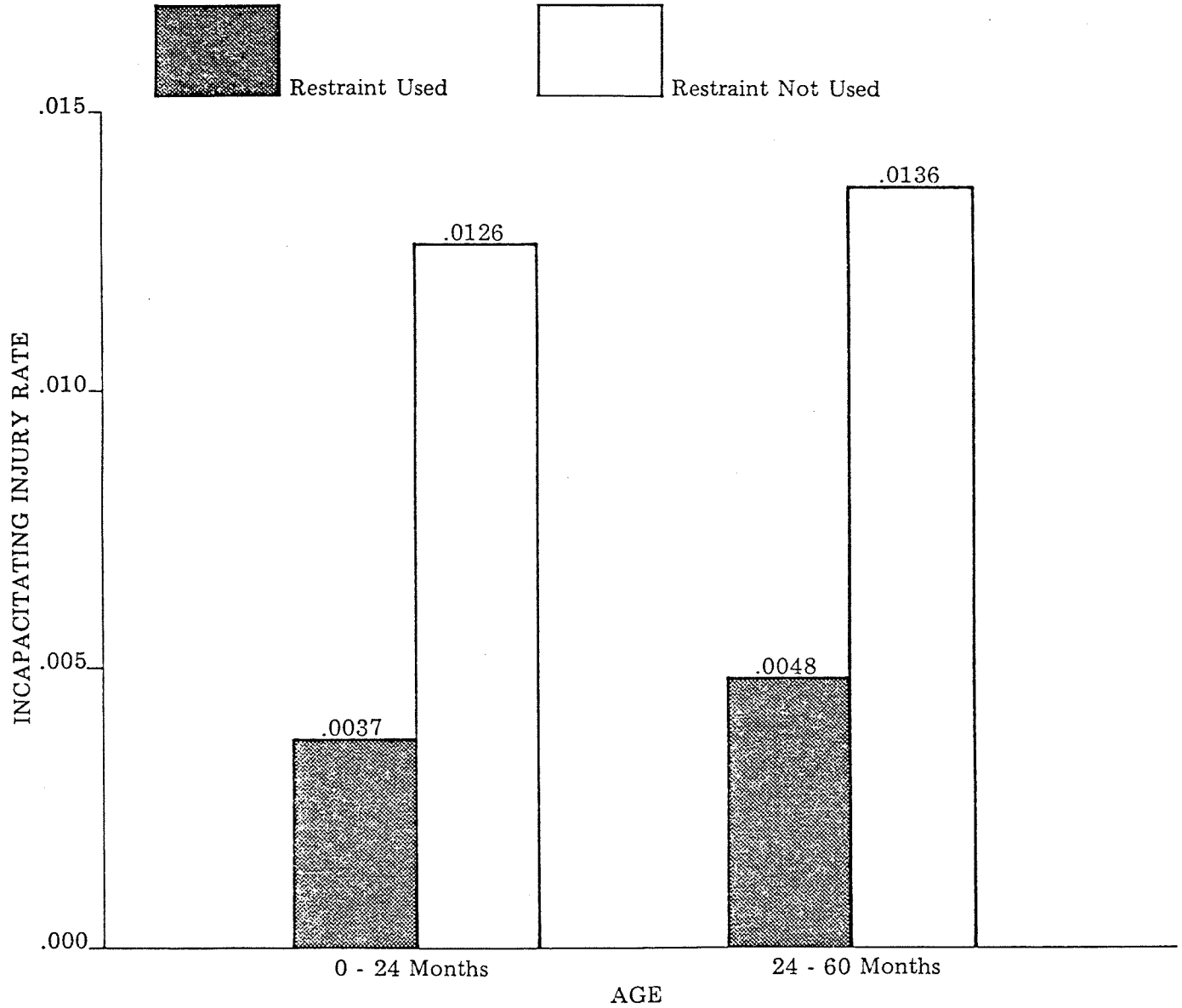
Att. 3

# CHILD PASSENGER PROTECTION IN ACCIDENTS



Source : Kansas Highway Safety Information System (KS - HYSIS) Basic Accident Record Data Base. Information contained in data base taken from accident report form submitted by Kansas law enforcement agencies to the Kansas Department of Revenue, Division of Vehicles. Above data requested and received October/1982.

**CHILD PASSENGER INJURIES  
RESTRAINT - USE vs NON-USE  
1977 thru 1981**



Source : Kansas Highway Safety Information System (KS - HYSIS) Basic Accident Record Data Base. Information contained in data base taken from accident report form submitted by Kansas law enforcement agencies to the Kansas Department of Revenue, Division of Vehicles. Above data requested and received October/1982.

H+-

SUMMARY OF TESTIMONY  
BEFORE THE HOUSE TRANSPORTATION COMMITTEE

HOUSE BILL 2723

Presented by the Kansas Highway Patrol  
(Sergeant William A. Jacobs)

February 21, 1984

APPEARED IN SUPPORT

The Patrol supports House Bill 2723.

It cannot be denied that restraint systems are a critical need in today's traffic, particularly for young persons who cannot fend for themselves. Especially when one considers National Safety Council research that indicates approximately 50% of all traffic deaths and injuries could be avoided through their use.

Statistics are not complete for calendar year 1983 at this time, therefore, statistics for calendar year 1982 pertaining to Kansas accident experience in the age group 0-4 years are used for the following illustrations.

ALL KANSAS ACCIDENTS-1982

INJURY SEVERITY-AGE 4 AND UNDER

| <u>Total</u><br><u>Involved</u> | <u>No</u><br><u>Injury</u> | <u>Fatal</u> | <u>Incapacitating</u><br><u>Injury</u> | <u>Non-Incapacitating</u><br><u>Injury</u> | <u>Possible</u><br><u>Injury</u> | <u>Unknown</u><br><u>If Injured</u> |
|---------------------------------|----------------------------|--------------|--|--|----------------------------------|-------------------------------------|
| 5,822                           | 4,897                      | 14           | 74                                     | 384  | 372                              | 81                                  |

The statistics also indicate that of the 14 fatalities, 12 did not have a child restraint installed and 2 were unknown.

We are in agreement with the amendments to K.S.A. 8-1345 which would establish a fine for non-compliance. We feel that the oral warning now stipulated, does little to encourage compliance. Also, we cannot determine to what extent the law is violated. A written record would afford this information.

From an enforcement standpoint, we have a concern about the ability to determine the age of a person under the age of four and determining the relationship to the driver. Possibly, the law could be amended to make it mandatory for a driver to provide this information when asked by a law enforcement officer and provide a penalty for failure to do so or when providing false information.



## Facts

### Approximately 50,000 Fatalities Caused by Motor Vehicle Accidents Annually

- Leading cause of death among people 44 and younger.
- Number 1 cause of on-the-job fatalities.
- Costs the average employer nearly \$120,000 per employee death. Comparable to the number of American soldiers killed in Vietnam.
- Two and one half times greater than all fatalities caused by accidents in the home.
- Ten times greater than fatalities caused by all other forms of transportation.
- Equivalent to a 727 passenger jet crashing every day.

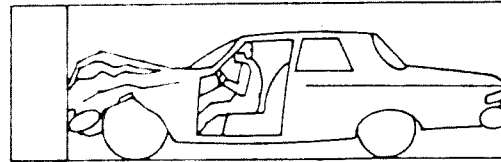
## Safety Belts Make A Difference

- Approximately 35,000 people die annually in cars, light trucks or vans equipped with safety belts.
- About 50 percent (17,000) of these people could be saved if they wore safety belts.
- Safety belts cut your chances of being killed or seriously maimed in a crash by about 50 percent.
- On any single vehicular trip the chance of an accident is very low; but the possibility of a serious accident on one of the many trips in your lifetime is better than 50 percent. (What percent of your friends have never been in an accident? Ask around . . . the percentage will be low.)
- Three out of four crashes happen within 25 miles of home.
- A common cause of death and injury to children in automobiles is being crushed by adults who are not wearing safety belts. In fact, one out of four serious injuries to passengers is caused by occupants being thrown into each other.
- Drivers wearing safety belts have more control over their car in emergency situations and are therefore more likely to avoid an accident.

## Myths

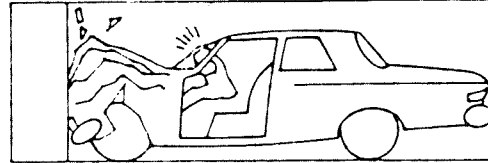
| Myth   | Fact   |
|--|--|
| "I don't need safety belts because I'm a real good driver. I have excellent reactions."  | "No matter how good a driver you are, you can't control the other car. When another car comes at you, it may be the result of mechanical failure and there's no way to protect yourself against someone else's poor judgement and bad driving."  |
| "I want to be trapped in by a safety belt. Better to be thrown free in an accident."   | "Being thrown free is 25 times more dangerous . . . 25 times more lethal. If you're wearing your belt you're far more likely to be conscious after an accident . . . to free yourself and help your passengers. Safety belts can keep you from: <ul style="list-style-type: none"> <li>● plunging through the windshield</li> <li>● being thrown out the door and hurtled through the air</li> <li>● scraping along the ground</li> <li>● being crushed by your own car</li> </ul> In almost any collision, you're better off being held inside the car by safety belts  |
| "If I don't wear a safety belt, I might be trapped in a burning or submerged car!"   | "Less than one-half of one percent of all injury-producing collisions involve fire or submersion. But if fire or submersion does occur, wearing a safety belt can save your life. If you're involved in a crash without your safety belt, you might be stunned or knocked unconscious by striking the interior of the car. Then your chances of getting out of a burning or submerged car would be far less. You're better off wearing a safety belt at all times in a car. With safety belts, you're more likely to be unhurt, alert, and capable of escaping quickly." |
| "I don't need it. In case of an accident, I'll brace myself with my hands."  | "At 35 miles per hour, the force of impact on you and your passengers is brutal. There's no way your arms and legs can brace you against that kind of collision. The speed and force are just too great. The force of impact at just 10 mph is equivalent to the force of catching a 200-pound bag of cement from a first story window."   |
| "I don't want other people would be offended if I asked them to put on a seat belt in my car."                                   | "Polls show that the overwhelming majority of passengers would even willingly put their own belts on if only you, the driver, would ask them."   |
| "I don't believe it will ever happen to me."   | "Everyone of us can expect to be in a crash once every ten years. For one out of 20 of us, it'll be a serious crash. For one out of every 60 children born today, it will be fatal."   |
| "I only need to wear them when I go on long trips, or at high speeds."   | "Eighty percent of deaths and serious injuries occur in cars traveling under 40 miles per hour and 75 percent of deaths or injuries occur less than 25 miles from your home."  |
| "I don't want to touch my head to the dashboard or I'm wearing my seat belt so there's no way it can help me in a car accident." | "Safety belts were designed to allow you to move freely in your car. They were also designed with a latching device that locks the safety belt in place if your car should come to a sudden halt. This latching device keeps you from hitting the inside of the car or being ejected. It's there when you need it."  |

## The Human Collision

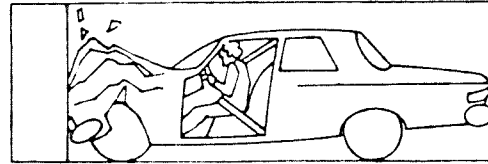


On impact, the car begins to crush and slow down. The person inside continues to move forward at the same speed the car was traveling.

Within 1/10 of a second, the car has come to a stop but the person is still moving forward.



1/10 of a second after the car has stopped, the unbelted person slams into the dashboard or windshield. This is the human collision.



With effective safety belts, the person will stop before hitting the steering wheel, dash or windshield.

The car has come to a complete stop within one tenth of a second. However, the unbelted driver is still moving along inside the car at 30 mph. It will take the driver about one-fiftieth of a second more to hit something—say the windshield or the steering wheel. That's the human collision. It happens about 0.02 seconds after the first collision, and belts can make a big difference in determining how serious that second collision is. A lot of people think they are strong enough to brace themselves in a crash. They aren't. At just 30 mph you'd be thrown toward the dash with the same force as if you'd jumped head first off a three-story building. No one's arms are anywhere near strong enough to "catch" himself and break a three-story fall. Safety belts are, though. And that's why people need them, even in a low-speed crash.

## How Effective are Safety Belts?

Most people accept the fact that wearing safety belts offers protection in a crash, but too few bother to find out exactly how much protection they can expect. If they asked, they would probably be surprised by the answer. While researchers may differ by a few percentage points either way, average figures coming out of safety belt studies look like this:

- Safety belts cut the number of serious injuries received by 50 percent.
- Safety belts cut fatalities by 60 to 70 percent.

To put these figures in other words, not wearing a safety belt doubles your chance of being hurt seriously in a crash. Serious injuries received in crashes often involve the head or spinal cord. In fact, in the U.S., auto accidents are the number one cause of epilepsy (from head injury) and paraplegia (from damage to the spinal cord). The restraining action of safety belts—especially shoulder belts—helps explain why they so drastically reduce the likelihood of being seriously hurt. Wearing just a lap belt gives you twice as good a chance of living through a crash as you'd have if you wore no belt at all. And using a lap/shoulder belt combination makes your chances of survival *three to four times better* than they are if you drive beltless. One important note: These improved chances of escaping injury or death thanks to safety belts hold true *regardless of speed*. Whether you're going 5 mph or 75 mph, you're a lot better off using belts.

The aim of safety belts is to:

- First, maximize whatever benefits come from the First Collision through "riding down." By making the impact of the first collision work on you sooner, belts give you the benefit of increased stopping distance and dissipation of the forces of impact by the car itself.
- Second, minimize the harm of the Second Collision. By taking the forces of impact quickly (but not too quickly), the belts dissipate those forces through a relatively safe medium (the belt itself) instead of through a dangerous medium (glass or steel).

Safety belts help occupants in five ways:

1. There is the "ride down" benefit, in which the belt begins to stop the wearer as the car is stopping.
2. The belt keeps the head and face of the wearer from striking objects like the wheel rim, windshield, interior post, or dashboard.
3. The belt spreads the stopping force widely across the strong parts of the body.
4. Belts prevent vehicle occupants from colliding with each other.
5. Belts help the driver to maintain vehicle control, thus decreasing the possibility of an additional collision.

Testimony of Largo Callenbach

Tuesday afternoon - February 21, 1984

Good afternoon! My name is Largo Callenbach and I live in Shawnee Mission, Kansas. Professionally, I am both a social worker and a certified childbirth educator. Personally, I am married to a pediatrician and the mother of two sons, ages 8 and 12.

As a social worker and grief counselor, the primary focus of my professional experience has centered on families who have experienced the death of a treasured child to the Sudden Infant Death Syndrome. SIDS is a disease for which there remains no cause and no cure. The remaining family members become the subsequent victims.

Sharing in the profound, devastating and long-lasting grief of parents whose children have died from a disease without cause or cure has been the primary motivator behind my efforts in the area of community safety belt and child restraint programs. This area provides an opportunity to prevent 90% of the deaths and to prevent up to 80% of the disabling injuries and subsequent emotional and financial drain that follows auto accidents.

As a result of my involvement in the development of a hospital-based, prenatal child restraint education program and my directorship of a community-wide child passenger safety project co-sponsored by the Parent Teacher Association and the American Association of University Woman (Shawnee Mission Branch), I was asked to testify at the federal Department of Transportation hearings held in Kansas City during December of 1983. During those hearings, Secretary of Transportation, Elizabeth Dole, once again reiterated her support of strong child passenger safety legislation. Secretary Dole's support of United States House Bill #2352 which would provide incentives to states that pass strong child restraint laws clearly demonstrates tangible commitment to child passenger safety.

The state of Kansas was a leader in the establishment of basic child passenger legislation. Of that we can be proud. However, of the current 41 states with existing child passenger safety laws, Kansas is one of only three without penalty for violation. It has been clearly documented that adequate enforcement increases the efficacy of the law. I encourage you to support HB #2723 which positively expands the age, efficacy, and educational impact of our current law. Your support can make a lifesaving difference! Thank you.

Largo Callenbach  
6101 Lamar  
Shawnee Mission, KS 66202  
913-831-3372

4-5

ATT

STATEMENT, JANE A. KRUEGER  
PARENT & CHILD ADVOCATE  
PUBLIC HEALTH & WELFARE COMMITTEE  
HEARINGS ON HB 2723  
CHILD RESTRAINT LAW  
FEBRUARY 7, 1984  
TOPEKA, KANSAS

ATT 6

## REPRESENTATIVE CROWELL AND COMMITTEE MEMBERS

My name is Jane Krueger and I live in Shawnee, Kansas with my husband and two children, ages 13 and 10. I want to thank you for the privilege of appearing before you to comment on HB 2723 to strengthen our child restraint law.

As a parent and as a child advocate I am here today because I have made a choice. I believe in the well known quote which says, "The greatest power we have is the power to choose. We do not have to do anything, but we are accountable for the consequences if we choose not to do something." A year and a half ago, through volunteer work, I became involved in administering a small grant from the National Highway Traffic Safety Administration to promote and educate about the effectiveness of safety belts and child restraints. Joining us in this project were the American Academy of Pediatrics, the American Red Cross, the National Safety Council and 19 other prominent organizations.

Our present child restraint law assures me that you are already aware of the effectiveness of child restraints in dramatically reducing the number of deaths and injuries, and lessening not only the devastating personal & family costs, but the costs to all taxpayers. Those costs can be even further reduced by raising the age of our present law to cover all children under 4 years of age and giving this lifesaving protection to all of those children who are physically incapable of protecting themselves and who are not covered under our existing law. Statistics of motor vehicle accidents show that everyone of us can expect to be in a crash once every ten years. For one out of 20 of us, it will be a serious crash. For one out of every 60 children born today, it will be fatal. You can change those statistics.

In the state of Tennessee, whose child restraint law does cover all children up to age 4, statistics show a death rate of 45 in 1977 prior to child restraint legislation and only 4 deaths in 1983. After nearly 20 years of educating the public, attitudes toward safety restraints are changing and most parents are eager to comply with such laws. However, the law is necessary because education is shown to change attitudes but not behavior. My personal experience confirms this.

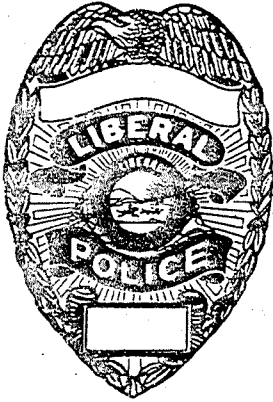
The issue of individual freedom and infringement upon parental rights is often raised when discussing mandatory child restraints. As a conservative Republican I am very concerned about any possibility of infringing upon individual freedoms. However, it is the rights of children that are truly at risk. It is their lives and their well-being that are threatened; the facts and statistics are in and they are overwhelmingly pro child restraint.

These alarming statistics which show that traffic accidents are the number one killer of children also make that neglect of children's rights a societal responsibility. The noted journalist, author and editor Norman Cousins states it most articulately, "At the turn of the 20th century, the principal causes of death for American children were tuberculosis, diphtheria, smallpox and

poliomyelitis. These diseases have been replaced, however, by man-made agents of death and disability in the form of . . . motor vehicles. The causes are known. The effects are clearly visible and just as clearly felt. But society has yet to act on the connection between cause and effect in a major area of its responsibility."

I urge you on behalf of the children of Kansas to strengthen our present child restraint law and assume the social responsibility for our children's rights.





# Liberal Police Department

P.O. Box 830

Liberal, Kansas 67901

(316) 624-0101

February 3, 1984

The Honorable Phyliss Windle  
Mayor Of Liberal, Kansas 67901

Dear Mayor Windle:

On Monday, January 30, 1984, about 9:00 AM, I assisted Sgt. Fern Noble with an accident investigation on Pine Street just East of Clay Avenue.

The results of the investigation indicated that a 23 year old female, driving a 1976 Mercury Marquis 4-door, had struck the rear end of a truck. The collision spun the car around and it slid approximately 51 feet passed the initial point of impact.

Approximately one hour was required by fire rescue personnel to extricate the driver from the vehicle. She was not wearing the shoulder harness/seat belt and is in very critical condition with multiple injuries.

A 4½ month old passenger in the Mercury was on the seat beside the driver in a child restraint device. The baby was secured in the restraint, but the device was not properly fastened to the vehicle seat.

It is my opinion that, had the baby not been in the restraint device, he would have been killed or very seriously injured. If the restraint device had been properly secured in the vehicle seat, I don't feel there would have been any injury to the baby.

Respectfully,

*Capt. Thomas Anderson*

Captain Thomas Anderson  
Line Services Commander  
Liberal Police Department

CTA/kb

# Kansas Congress of Parents and Teachers

Branch of the National Congress

STATE OFFICE, 404 WEST 7TH

TOPEKA, KANSAS 66603

February 21, 1984

I am Betty Anglin, State President of the Kansas Congress of Parent & Teachers, PTA. I represent a Kansas membership of over 61,000 people, I thank you for this opportunity.

The PTA is more than parents and teachers meeting at their local school; it is a National organization dedicated to improving the lives of our country's children. What better reason then do we need to try to save our young children by the use of seat belts and seat restraints. This has been a top priority of ours for several years in Kansas. We have held workshops at our last two State Conventions and will again at our Convention this October.

We have a program with a kit, available for use by all local units on seat restraints and seat belt safety. It has been one of our Legislative Directives, voted on at our State Conventions for several years. Unfortunately, our studies show that most parents do not provide their children with the protection child seats can offer. A recent survey found that only 7 percent of young children were using child seats correctly. Whether adults do or do not use safety belts available in cars is a conscious choice. Small children cannot decide for themselves to buckle up. They depend on their parents to protect them from harm, and make that decision for them.

I just received a letter, dated February 8th, from our National PTA President, Elaine Stienkemeyer, who represents a membership of 5.3 million people stating: Safety Belt & Child Restraint is a 1984-85 National PTA priority project, pending a signed contract from the National Highway Traffic Safety Administration.

So we are very involved and feel very strongly that this bill should be passed.

Att 8

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON HOUSE BILL 2723

PRESENTED FEBRUARY 21, 1984

HOUSE TRANSPORTATION COMMITTEE

This is the official position taken by the Kansas Department of Health and Environment on House Bill 2723.

NEED FOR:

House Bill 2723 amends the child passenger safety act which requires the use of a child passenger restraint system by raising the age of children from two to four years. It replaces the oral warning by a law enforcement officer with a fine of \$10 which can be waived if proof is furnished by the parent or guardian that a child passenger restraint system has been acquired.

According to the Annual Summary of Vital Statistics, Kansas Department of Health and Environment, for the years 1978 through 1982, there were 84 motor vehicle deaths of children 0 through 4 years of age as follows:

|       | <u>Under 1</u> | <u>1-4</u> |
|-------|----------------|------------|
| 1978  | 3              | 13         |
| 1979  | 0              | 13         |
| 1980  | 2              | 10         |
| 1981  | 2              | 20         |
| 1982  | <u>3</u>       | <u>18</u>  |
| Total | 10             | 74         |

Additionally it is estimated that 840 head injuries and other incapacitating injuring occur in the age group 4 and younger. Most of these deaths and injuries could be avoided with proper restraints.

STRENGTHS:

The strengthening of this law should result in a decrease of loss of lives and incapacitating injuries of very young children.

Secondary benefits include increased community awareness from publicity about the requirement and local loaner programs, as well as improved useage of seat belts by other family members.

WEAKNESSES:

None

DEPARTMENT'S POSITION:

The Department of Health and Environment recommends that the committee report House Bill 2723 favorably.

PRESENTED BY: Patricia T. Schloesser, M.D.

# KSNA

the voice of Nursing in Kansas

Statement of Linda Lundgren, R.N. Emergency Nurse  
before the House Transportation Committee  
February 21, 1984

In strong support of HB 2723, Child Passenger Safety

My name is Linda Lundgren. I am a Registered Nurse with eight years experience in Emergency Nursing. Currently I am Head Nurse of St. Francis Hospital Emergency Department, Topeka. I am representing KSNA and speaking in favor of HB 2723, Child Passenger Safety. In my years of experience in Emergency Nursing, I have seen many children who have received injuries when involved in automobile accidents. These injuries were needless and could have been avoided had the children been restrained.

I recall one case that had come into the ED. A mother and child were involved in a one car accident. The mother had lost control of the car she was driving, the car left the road at a high rate of speed, and the car flipped several times before landing upright. The mother received severe facial lacerations and a broken leg. She had to be hospitalized. The child, who was one year of age, had been restrained properly in a safety restraint seat, and came out of the accident without a scratch.

My most recent case was a car accident that occurred January 24, 1984, in Topeka. Two children were involved, a three year old and a three month old. The three year old unrestrained patient was thrown from her seat into the dash of the vehicle. Because a child's head is so heavy, and large in proportion to their body, you will often see head and neck injuries in little children. The three year old did not lose consciousness but did have several lacerations to the top of her head, and bruising around her left eye. She was allowed to go home with head injury instructions, ice to the bruises, and to follow up with her pediatrician if any problems. The three month old child had been properly restrained in a safety seat and was fine . . . due to the protection of a safety restraint seat.

Please support House Bill #2723.

Att. 10



L I N D A D. L U N D G R E N  
2032 Washburn Avenue, Topeka, KS 66604  
(913) 232-5149

**EMERGENCY/CRITICAL CARE  
TRAUMA NURSING**

**EMERGENCY DEPARTMENT HEAD NURSE** for 4½ years at St. Francis Hospital and Medical Center where responsible for the management of the unit and the nursing care given on the unit 24 hours a day, 7 days a week.

**AIR AMBULANCE**—Have designed all policies for working with air ambulance helicopters for St. Francis Hospital and Medical Center and have assisted with transporting patients via fixed-wing aircraft.

**PSYCHIATRIC EXPERIENCE**—well experienced in dealing with psychiatric patients in a high pressure emergency environment.

**HAVE WRITTEN POLICIES AND PROCEDURES** for the Emergency Department for St. Francis Hospital.

**CERTIFICATIONS**

Nursing Administration, American Nurses Association.  
Emergency Nursing, Emergency Dept. Nurses Assoc.  
Advanced Cardiac Life Support, American Heart Assoc.

**EDUCATION**

STORMONT-VAIL SCHOOL OF NURSING, Grad. 1977  
Specialization—Emergency Department Nursing

WASHBURN UNIVERSITY, 1972 to 1974  
Pre-Nursing Curriculum

HIGHLAND PARK HIGH SCHOOL, Grad. 1972

Continuing Education

Gave a workshop on Nursing Assessment in the Emergency Department, Sabetha Outreach Program, June 1980.

Presented a workshop with Dr. Truitt on Spinal Cord Injuries at St. Francis Hospital, April 1980.

Coordinator for the Advanced Cardiac Life Support Provider Course at St. Francis Hospital, February to March 1980.

|  |      |  |      |
|--|------|--|------|
| Certification Exam in Emergency Nursing    | 1983 | Coping and Managing Difficult people     | 1980 |
| Supervisory Training, St. Francis Hospital | 1983 | Publishing Workshop                      | 1980 |
| Infectious Disease Emergencies             | 1983 | Child Abuse                              | 1980 |
| Advanced Cardiac Life Support Course       | 1982 | Psychological Considerations for the     |      |
| Time Management, St. Francis Hospital      | 1982 | Assault/Rape Victim                      | 1980 |
| Nursing Management                         | 1982 | Instructor Course on Home Nursing        | 1980 |
| Triage and Shock                           | 1982 | Working with Victims of Rape and Assault | 1979 |
| Basic Critical Care Workshop               | 1982 | Assessments in the Emergency Department  | 1979 |
| Employee Relations Seminar                 | 1982 | Basic Coronary Care                      | 1979 |
| Nurses Accountability                      | 1981 | Chest Tubes and CVP's                    | 1979 |
| Depression and Suicide                     | 1980 | Advanced Cardiac Life Support Provider   | 1979 |
| Compassionate Friends Organization         | 1980 |  |      |



**AUTOMOBILE  
CLUB OF KANSAS**

TOPEKA  4020 WEST 6TH ST. P.O. BOX 1129 66601 / 913-272-6360  
 717 KANSAS 66603 / 913-232-7220

GARLAND CITY   
707 1/2 FULLER  
67846  
316/275-2471

HUTCHINSON   
4 EAST 12TH ST.  
67501  
316/663-2169

PITTSBURG   
410 N. BROADWAY  
66762  
316/231-8790

SALINA   
157 NORTH 9TH  
67401  
913/827-3505

WICHITA   
3340 EAST CENTRAL  
67208  
316/685-5241

Mr. Chairman, Members of the Committee:

The AAA Auto Clubs in Kansas ask your support for House Bill 2723.

We believe that the provision for a monetary penalty, not present in the current law, will lead to more usage of child restraints and to a reduction in the number of deaths and injuries sustained by young Kansans.

AAA has several changes it would like to suggest for House Bill 2723 to insure more youngsters receive the protection they need. First, pickup trucks, as well as passenger cars, should be covered under the act. Also, child restraints should be required for all seats of passenger cars, not just the front.

Finally, all resident Kansans should be required to comply with the provisions of House Bill 2723, not just parents or legal guardians. Twenty-five state laws have the resident provision and several other states, with the parent-legal guardian stipulation are attempting to amend theirs to the resident provision. They have discovered that law enforcement officers, at the point of arrest, are having difficulty determining if the violator is the person responsible for the child. This, AAA believes, can be avoided by a resident requirement.

Thank you.

AH 11

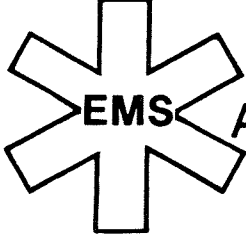
TED McFARLANE, Chmn.  
P.O. Box 706  
Lawrence, Ks. 66044  
(913) 843-7777

JAY SCOTT EMLER, Sec.  
Lindsborg (913) 227-3355

DAVID DENNIS, V-Chmn.  
Coffeyville (316) 251-1200

DONALD WHITE, Treas.  
Salina (913) 823-3738

KANSAS  
ASSOCIATION of EMS ADMINISTRATORS



February 21, 1984

TO: House Committee on Transportation

REFERENCE: House Bill 2723

My name is Ted McFarlane and I am the Director of the Douglas County Ambulance Service in Lawrence and Chairman of the Kansas Association of Emergency Medical Service Administrators. Our organization represents 49 administrators who serve more than 70% of the Kansas population.

I want to voice our support for House Bill 2723. We have seen the benefits of the original act and also the short comings. There is no doubt that the child safety seat is a life saver. No one can take on the windshield, door post or dash of a car and win. Adults can protect themselves with seat belts, but what can the 3 year old do?

The Legislature was far sighted 3 years ago when it passed the original safety seat law. But the vision has blurred over the past 2 years. Safety seats save lives if they are used, but the current law has no penalty for lack of use except the death of a child. We believe the penalty in House Bill 2723 is just. We find little justice in the death of an infant. We urge your passage of 2723 as submitted so the infants of our state will all live to wear seat belts as children and adults.

Ted McFarlane, Chairman

TM/bs



JOHN CARLIN  
MICHAEL LENNEN  
R. C. "PETE" LOUX  
PHILLIP R. DICK  
JUDITH A. Mc CONNELL  
BRIAN J. MOLINE

Governor  
Chairman  
Commissioner  
Commissioner  
Executive Secretary  
General Counsel

State Corporation Commission

Fourth Floor, State Office Bldg.  
Ph. 913/296-3355  
TOPEKA, KANSAS 66612-1571

STATEMENT ON HOUSE BILL 2706 PRESENTED TO  
THE HOUSE TRANSPORTATION COMMITTEE  
BY THE STATE CORPORATION COMMISSION OF KANSAS  
ON FEBRUARY 7, 1984

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM BILL GREEN, ADMINISTRATOR OF THE TRANSPORTATION DIVISION OF THE STATE CORPORATION COMMISSION. I APPEAR HERE TODAY REPRESENTING THE COMMISSION ON HOUSE BILL 2706. THE STATE CORPORATION COMMISSION NEITHER SUPPORTS NOR OPPOSES THIS BILL.

THE COMMISSION WOULD, HOWEVER, LIKE TO POINT OUT TO THIS COMMITTEE THAT THERE ARE, AND HAVE BEEN, INSTANCES IN WHICH THE PRESENCE OF A CABOOSE HAS CONTRIBUTED TO RAIL AS WELL AS PUBLIC SAFETY. THE PRESENCE OF THE CABOOSE AND THE ALERTNESS OF TRAIN CREWS HAVE ALLOWED FOR THE IMMEDIATE IDENTIFICATION OF DERAILMENTS AND FIRES CAUSED BY SPARKS FROM TRAINS. THERE ARE ALSO INSTANCES IN WHICH CHILDREN PLAYING UNDER TRAINS HAVE BEEN SAVED FROM INJURY.

A-13



THE COMMISSION CANNOT STATE THAT FREIGHT TRAINS OVER 1,000 FEET OR, FOR THAT MATTER, FREIGHT TRAINS OVER 990 FEET SHOULD BE REQUIRED TO HAVE A MANNED CABOOSE; HOWEVER, THE COMMISSION IS CONCERNED ABOUT RAIL SAFETY, AS WELL AS PUBLIC SAFETY, AND CONCEPTUALLY SUPPORTS POLICIES WHICH CONTRIBUTE TO THESE AREAS OF SAFETY.

AT THIS TIME MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, SHOULD YOU HAVE ANY QUESTIONS, I WILL BE PLEASED TO ANSWER THEM.

INSTANCE IN WHICH THE PRESENCE OF A CABOOSE HAS OR CAN  
CONTRIBUTE TO RAIL AND PUBLIC SAFETY

1. WHEN DERAILMENTS OCCUR, BOTH THE LOCOMOTIVE AND CABOOSE ARE SELDOM INVOLVED. ONE OR THE OTHER ARE LEFT INTACT. EMERGENCY RESPONSE PERSONNEL CAN GET THE CONSIST FROM THE SURVIVING UNIT TO DETERMINE WHAT AND WHERE HAZARDOUS MATERIALS ARE LOCATED. TIME IS OF THE ESSENCE AND WITHOUT THIS ESSENTIAL INFORMATION, LIVES CAN BE LOST IF THE PROPER ACTION IS NOT TAKEN. IF THE CABOOSE IS THE SURVIVING UNIT THE CONDUCTOR OR REAR BRAKEMAN CAN NOTIFY THE APPROPRIATE AUTHORITIES OF THE DERAILMENT.
2. K.S.A. 66-273 PROHIBITS TRAINS FROM STANDING UPON ANY PUBLIC ROAD OR STREET IN EXCESS OF TEN MINUTES. IF THE TRAIN IS LONG, THE ENGINEER AND FRONT BRAKEMAN MAY BE UNABLE TO DETERMINE IF THEY ARE BLOCKING A PUBLIC CROSSING AT THE REAR OF THE TRAIN. OPENING OF THE CROSSINGS, THEREFORE, MUST BE DONE FROM THE REAR OF THE TRAIN WORKING FORWARD. EMERGENCY VEHICLES (POLICE, FIRE DEPARTMENTS AND AMBULANCES) STOPPED AT CROSSING WILL BE ABLE TO RESPOND WITHOUT LOSS OF VALUABLE TIME.
3. RAILROAD OPERATING RULE 110 REQUIRES ALL EMPLOYEES TO OBSERVE PASSING TRAINS FOR DEFECTS SUCH AS BRAKES STICKING, WHEELS SLIDING, BRAKES RIGGING DOWN, SWINGING DOORS, HOT JOURNALS, PROTRUDING OBJECTS, LADING SHIFTS, EVIDENCE OF FIRE OR ANY OTHER CONDITION WHICH WILL ENDANGER MOVEMENT OF THE TRAIN. EMPLOYEES NOTING SUCH DEFECTS GIVE STOP SIGNALS.
4. RAILROAD OPERATING RULE 111 REQUIRES THE REAR TRAINMEN TO FREQUENTLY LOOK AHEAD, SPECIFICALLY ROUND CURVES, APPROACHING AND PASSING STATIONS, TO OBSERVE SIGNALS AND TO NOTE CONDITION OF THE TRAIN IN MOTION. WHEN APPROACHING AND PASSING THROUGH STATIONS OR YARDS, PASSING OVER RAILROAD CROSSINGS, DRAWBRIDGES, TRACKS COVERED BY SPEED RESTRICTING ORDERS, LONG DECENDING GRADES AND OTHER PLACES WHERE EXTRA SAFETY IS REQUIRED, REAR TRAINMEN MUST, WHEN PRACTICABLE,

STATION THEMSELVES WHERE THEY CAN OBSERVE CONDITIONS AND TRANSMIT SIGNALS AND ASSIST IN STOPPING THE TRAIN. INSPECTION MADE BY ELECTRONIC OR MECHANICAL DETECTORS DOES NOT RELIEVE THE CREW FROM VISUAL INSPECTIONS.

5. RAILROAD RULE 99 - FLAGGING RULE-: WHEN A TRAIN STOPS UNDER CIRCUMSTANCES IN WHICH IT MAY BE OVERTAKEN BY ANOTHER TRAIN, THE FLAGMAN MUST GO BACK A SUFFICIENT DISTANCE TO PROTECT THE TRAIN.
6. OTHER SAFETY CONSIDERATIONS:
  - A. CARS ON THE GROUND WILL NOT BE ABLE TO BE IDENTIFIED AT THE REAR OF THE TRAIN BY THE HEADEND CREWS.
  - B. HOT BOX AND DRAGGING EQUIPMENT DETECTORS ARE LOCATED 30-60 MILES APART ON MAIN LINES. THE LARGES PERCENTAGE OF TRACKS IN KANSAS ARE BRANCH LINES. WITH A CABOOSE, TRAINS CAN BE INSPECTED FREQUEENTLY, NOT EVERY 30-60 MILES BY EQUIPMENT WHICH IS NOT FAIL SAFE AND IS UNABLE TO DETECT SHIFTED LOADS.
  - C. COMMISSION REGULATIONS 82-6-1 THRU 3 CONCERNING SPARK ARRESTORS AND HIGH FIRE AREA PROMULGATED IN 1972 HAS REDUCED RAILROAD CAUSED FIRES. AFTER A COMMISSION STAFF MEETING WITH THE MISSOURI PACIFIC RAILROAD SEVERAL YEARS AGO, A BULLETIN WAS ISSUED WHICH REQUIRED TRAIN CREWS TO STOP THE TRAIN WHEN AN OBSERVED FIRE HAS BEEN SET; ISOLATE THE CAUSE AND INITIATE CORRECTIVE ACTION.
  - D. NUMEROUS TIMES MOTOR VEHICLES STRIKE TRAINS BEHIND THE LOCOMOTIVES WITHOUT THE KNOWLEDGE OF THE HEAD END CREW. THE REAR END CREW ARE IN A POSITION TO OBSERVE THE VEHICLE AND THROUGH THE USE OF THE RADIO IN THE CABOOSE CONTACT APPROPRIATE EMERGENCY PERSONNEL.
  - E. RAILROAD TRACKS HAVE BEEN AND WILL CONTINUE TO BE A PLAYGROUND FOR CHILDREN. THERE ARE DOCUMENTED CASES WHERE THE REAR TRAINMEN IN THE CABOOSE HAVE AVERTED INJURY TO THESE CHILDREN BY NOT ALLOWING THE MOVEMENT OF THE TRAIN UNTIL THE CHILDREN ARE CLEARED.

# KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

February 20, 1984

Honorable Robert V. Talkington, Chairman  
Senate Transportation Committee

Honorable Rex Crowell, Chairman  
House Transportation Committee  
State Capitol  
Topeka, Kansas 66612

Gentlemen:

This is to confirm our discussion earlier today concerning roadside parks. Copies of our roadside park study report were forwarded to you on November 16, 1983.

The Kansas Department of Transportation will reevaluate its roadside park study during 1984 and will report further to the 1985 Legislature.

Between now and then the Department will:

1. Reopen those roadside parks scheduled for closure except for site 4-4507 located two miles south of Pittsburg on US-69A. The toilet facilities have been extensively damaged by vandals and a sewage lagoon is needed to meet public health requirements. The cost to reestablish this rest area would approximate \$100,000 and this has not been budgeted.
2. Reestablish with the same facilities as had been there when we removed the roadside parks at the following sites:

| <u>Site Number</u> | <u>Location</u>            | <u>Highway</u> |
|--------------------|----------------------------|----------------|
| 4-1502             | 3 miles west of Fort Scott | US-54          |
| 4-3502             | 10 miles west of Parsons   | US-160         |
| 4-5501             | 5 miles west of Batesville | US-54          |
| 4-5509             | 1½ miles east of Moran     | US-54          |

3. Continue our program of transferring roadside parks to local units of government at their option.

Sincerely,

JOHN B. KEMP, P.E.  
Secretary of Transportation

JBK:fw

Attachment 14