

MINUTES OF THE House COMMITTEE ON Transportation

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

1:30  
~~am~~/p.m. on March 26, 1984 in room 519-S of the Capitol.

All members were present except: Representative Fuller, Excused

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:

Senator Roy Ehrlich  
Representative Jerry Friedeman  
Ms. Dorothy Bowman  
Mr. Marian Mull  
Mr. Larry Rutter, Kansas State Historical Society  
Secretary John B. Kemp, Kansas Department of Transportation  
Mr. Chris Mitchell, Washburn University Rowing Crew  
Mr. Don Craig, Washburn University Rowing Crew  
Mr. Larry Humes  
Mr. Darrell Montei, Kansas Fish & Game Commission  
Mr. Ted Cunningham, Kansas Outdoors Unlimited  
Senator Paul Feleciano  
Mr. Jack Quinlan, Kansas Motor Car Dealers Association  
Representative Ieary Johnson  
Mr. Gordon Chappell, ABATE of Kansas  
Representative Bob Frey  
Major Stuart A. Elliott, Kansas Highway Patrol  
Mr. Bill Edds, Department of Revenue

The meeting was called to order by Representative Rex Crowell and the first order of business was a hearing on SB-693, concerning maintenance of the access road to Pawnee Rock Historical State Park. Senator Ehrlich, sponsor of the bill, briefed the committee on the contents of the bill.

Next to testify on SB-693 was Representative Friedeman who requested favorable consideration of the bill.

Ms. Dorothy Bowman, a member of the Pawnee Rock delegation, gave favorable testimony on SB-693, and explained the history of Pawnee Rock. Ms. Bowman reported that many people visit Pawnee Rock each year and therefore stressed the importance of maintaining the access road.

Ms. Marian Mull of Pawnee Rock testified in support of SB-693, and presented a list of signatures of people who also support SB-693.  
(See Attachment 1)

Mr. Larry Rutter of the Kansas State Historical Society testified on behalf of Mr. Joseph W. Snell concerning SB-693. (See Attachment 2) He reported that the road from U.S. Highway 56 and 156 to Pawnee Rock Park is in deplorable condition and urged the committee to recommend SB-693 for passage.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation

room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on March 26, 1984

Secretary John B. Kemp of the Kansas Department of Transportation was introduced and gave testimony opposing SB-693. (See Attachment 3) He informed the committee SB-693 would require the Department to reconstruct and maintain to the standards of the State Highway system the roadway from State Highway 56 north through the city of Pawnee Rock to Pawnee Rock Historical State Park, at an estimated cost of construction of \$290,000 with engineering costs of \$20,000 and annual maintenance costs of \$700.

Secretary Kemp told the committee that vehicle counts of the roadway leading to Pawnee Rock Historical Park taken in April of 1978 did not meet the minimum standards for inclusion in the state program and only 20 per cent of the traffic north of the city is to the park. Based upon this information, he said this route could not be included in their program and urged the committee to report SB-693 unfavorable for passage.

This ended the hearing on SB-693.

The next order of business was a hearing on SB-569 concerning safety regulations for watercraft. Mr. Chris Mitchell, Captain of the Washburn University Rowing Crew, gave favorable testimony on SB-569. (See Attachment 4) Mr. Mitchell referred to Line 153 of the bill and asked for an amendment striking the words "statute book" and inserting "Kansas Register".

Mr. Don Craig, Coach of the Washburn Rowing team was introduced and gave favorable testimony on SB-569. (See Attachment 5) He explained that the main problem with a life jacket being required in a racing shell is if you slide it under the seat in a position where it is not met to be or if it is left loose so it can be used, an athlete could become tangled in the belt and drown.

Mr. Larry Humes took the stand and testified in favor of SB-569. (See Attachment 6) He informed the committee of various dangers involved in the use of flotation devices during water sports.

Mr. Darrell Montei of the Kansas Fish and Game Commission appeared before the committee in favor of SB-569. (See Attachment 7) He stated the Commission supports SB-569, however, does not support the inclusion of sail boards used for wind surfing.

Mr. Ted Cunningham of Kansas Outdoors Unlimited, appeared in opposition to SB-569, and advised the committee that wind surfing in Kansas is new and most persons are inexperienced. Mr. Cunningham related that his organization urges the committee to require flotation devices to be used during wind surfing.

This ended the hearing on SB-569.

The next order of business was a hearing on SB-558 concerning grandfathering certain auction motor vehicle dealers. Senator Feleciano, sponsor of the bill, explained its provisions to the committee.

Mr. Jack Quinlan, of the Kansas Motor Car Dealers Association, gave favorable testimony concerning SB-558.

This ended the hearing on SB-558.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 1:30 ~~xx~~ p.m. on March 26, 19 84

The next order of business was a hearing on HCR-5084 requiring KDOT to conduct certain tests on multi-lane divided highways. Representative Johnson, sponsor of the bill, briefed the committee on its intent.

Mr. Gordon Chappell of ABATE of Kansas testified in support of HCR-5084 and stated the right hand side of multi-lane highways are usually worn and rough and dangerous for motorcycles, therefore, it would be helpful to travel in the left lane.

Secretary John Kemp testified in opposition to HCR-5084. (See Attachment 8) He told the committee KDOT has a firm commitment to the preservation of our state highway system and HCR-5804 appears to be designed to assist in maximizing existing resources to the fullest economic benefit. Secretary Kemp stated his concerns with doing such a test include possible serious safety problems, problems with enforcement, and the costs to conduct such research. Secretary Kemp pointed out enforcement of such a law would be difficult and requested that HCR-5084 not be favorably acted upon.

The next order of business was a hearing on HB-3107 concerning voluntary inspection programs for certain vehicles. Representative Bob Frey, sponsor of the bill, explained that it provides for a voluntary system of inspection for motor vehicles and trailers and semitrailers, and would be handled by the Highway Patrol or a designee.

Mr. Steve Wiechman of the Kansas Automotive Wreckers Association testified favorably on HB-3107. (See Attachment 9) Mr. Wiechman advised his association supports HB-3107 and recommends various changes as outlined in Attachment 9.

Next to testify on HB-3107 was Major Stuart A. Elliott of the Kansas Highway Patrol. (See Attachment 10) Major Elliott told the committee the Patrol supports HB-3107 but with minor changes. They recommend the word "or" be substituted for the word "and" on line 0175 in order to conform with the non-highway title provisions of section 1. It was also suggested considerable titling abuses could be remedied by checking the vehicle inspection number on out-of-state vehicles.

Mr. Bill Edds of the Revenue Department presented favorable testimony regarding HB-3107. (See Attachment 11) Mr. Edds stated the Revenue Department supports passage of HB-3107 and especially the checking of vehicle inspection numbers in order to try to cut down on the number of stolen vehicles coming into the state.

The meeting was adjourned at 3:35 p.m.

  
Rex Crowell, Chairman

GUEST LIST

COMMITTEE: TRANSPORTATION

DATE: 3-26-84

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
Laurie Bowman	Pawnee Rock, Ks	Community Dev. Chairman
Jean Causey	Pawnee Rock, Ks	Resident
Don Baylor	Pawnee Rock, Ks	Pub. Comm. Member
Marian Mullen	Larned, Ks resident of P.R. Comm.	Pawnee Rock 20 <sup>th</sup> Century Club member for 56 years member of former board of trustees of P.R. Historical State Park
Shiela Sutton Schmidt	The Rock House, Pawnee Rock	
Mrs. P.D. Smith	Box 8 Pawnee Rock	Pres. member
P.D. Smith	" " "	
L. Wanda Hendricks	Box 72 " "	City Clerk
Linda Wyman	Box 233, Pawnee Rock	City Council
Mary E. Flick	Box 191 Pawnee Rock, Ks	Resident
Nancy Zielke-Bigsby	7 <sup>th</sup> Floor State Offices	KDOT
Steven Wiechman	1101 W 10 <sup>th</sup> . Topeka, Ks	Kansas Automotive Wreckers Assn.
Larry Rutter	Route #1, Box 70 Meriden, Ks	KANSAS Historical Soc.
SGT BILL JACOBS	TOPEKA	KANSAS HIGHWAY PATROL
Dorcas Chappell	Lawrence	A.B.A.T.F. of Kansas
<del>A. Clark</del>	Topeka	Kansas Antique Dealer
Tom Whitaker	Topeka	Ks Motor Carriers Assn
ANDREA EDWARDS	TOPEKA	JUDICIAL ADMIN'S. OFF.
Larry Humes	Lawrence	Sen. Steingjer
DON CRAIG	TOPEKA	U.S. Rowing Ass'n
Chris Mitchell	TOPEKA	WU. Rowing Crew
Overturn	Heat Bend	CJC
Mary Turkin	Topeka	Kansas Motor Carriers Assn





March 19, 1984

My Dear Representative,

The Pawnee Rock area residents whose signatures appear below urge your support of Senate Bill 693 as amended by Senator Ehrlich.

This bill provides for the construction of an access road to Pawnee Rock State Park from US 56-156, the Santa Fe Trail Route. Pawnee Rock State Park is the only State Park in Kansas without such an access road.

Pawnee Rock State Park is one of the first two landmarks on the Santa Fe Trail. The huge sandstone which towered above the flat plains was an early day lookout for Indians and was named by them as Pawnee Rock.

The sandstone was used for building purposes in the early days of settlement here until 1908 when the Daughters of the American Revolution and other concerned Kansas club women were determined to stop the destruction of the old landmark and preserve what was left of it. By 1912 they had accomplished their mission and the area was officially designated as Pawnee Rock State Park.

That was 72 years ago. To date the  $\frac{1}{2}$  mile route from the highway to the State Park has not become a State access road. The Park has become a popular tourist attraction. It is visited by people from every state and many foreign countries, however, the road is in deplorable condition and nearly impassable.

For these reasons, the people signed below would appreciate your support toward the passage of Senate Bill 693 as amended.

Sincerely,

The Concerned People of the  
Pawnee Rock Area

Linda Wyman  
Dorothy Bowman  
Edward A. Bowman  
Thomas A. Shick  
Richard E. Bowman  
Norma Kasselmann  
Charles Converse  
Howard A. Converse  
Emmett Kasselmann  
P. D. Schmidt  
Keith C. Converse  
Joyce A. Link

Betty Clark  
Arthur M. Saylor  
Beatrice B. Saylor  
Wynona Warrick  
Bertha Lester  
Ina S. McGinness  
Earl F. McGinness  
P. D. Smith  
Leslie Schick  
Mrs. P. D. Smith  
Becky J. Smith  
Donna Miller  
Kim A. Welch  
John L. Link

Att. 1

The concerned citizens of the Pawnee Rock community having signed below, urge your support toward the passage of Senate Bill 693.

Katie Bauer  
Robert J. Miller  
Burl Schell  
Norma Maxwell  
Roy Bauer Jr.  
Roy Bauer Sr.  
Georgann J. Bauer  
Isid L Bowman  
Doris B. Spreier  
Reva L. Ross  
Bessie French  
Helen P. Converse  
Lucas Spruck  
Beverly Kallb  
Harold Kallb  
Shiela Sutton Schmidt  
Berhard Peters  
Pauline Peters  
Marian E. Mull  
Debra Bowman  
Matty Loving  
Howard W. Bowman  
Lynne Adams Jr.  
Jim R. Anderson  
Clay Schmitt  
Fred Schmitt  
John Schmitt  
Tonya Urban  
Alice Urban

Ryan A Welch  
W.H. Hendricks  
Butt Walker  
Dale Lister  
Alice Ingram  
Kenneth Ingram  
Barbara Clauson  
Ruby E. Wilson  
Mary E. Flich  
Olwa Schell  
Helen Dechut  
Janet Bowman  
Joseph M. Bowman  
Jack Parret  
Betty L. Parret  
Carole Bowman  
Doug Walker  
Betty L. Svoboda  
Doris Futak  
Art Clauson Jr.  
Bill Murray  
Beewmiller  
Sally S. Vetecka  
Tonya Heit  
Stephen Heit  
Doris Byer  
Marion Byer  
Elizabeth Hansen

Supplement to original letter re: Senate Bill 693

The concerned citizens of the Pawnee Rock community having signed below, urge your support toward the passage of Senate Bill 693.

Pamela J. Henning  
Jeff Henning  
Jury D. Will  
Laurence L. Buehler  
Lorian Bright  
Delores A. Blair  
Edith M. Shewberry  
Jesse Franklin  
Gayce Smiley  
Erin Bennett  
Arless Bennett  
Linda Slavik

Mark Smith  
Bruce Herbs  
De Los Carr  
Roland Schmidt

Lalwanda Hendricks



Statement of Joseph W. Snell, Executive Director of the Kansas State Historical Society, before the House Transportation Committee in regard to Senate Bill 693, March 26, 1984.

The State Historical Society endorses the provisions of Senate Bill 693 wholeheartedly.

Pawnee Rock is one of eighteen state-owned historic sites which the State Historical Society administers. While the State and the Society have maintained the road within the park, the road from U. S. Highway 56 and 156 to Pawnee Rock Park has received little attention. Through no fault of the citizens of the town of Pawnee Rock that portion of the access road passing through town is in a deplorable condition.

Last month on a cold and rainy day while driving back from Liberal to Topeka, I stopped by Pawnee Rock to check its condition. Driving from the highway to the Park was like driving through a battlefield. Potholes as big as shell holes, filled with water, were everywhere. It was impossible to avoid them and it was with some difficulty I was able to proceed through town.

While we do not have a curator at Pawnee Rock Park and hence do not know what the attendance is there, I am confident that attendance is low because of that bad portion of access road from U. S. Highway 56.

If it is indeed the policy of the State of Kansas to develop an appreciation of the heritage of our state among our citizens and Americans generally, then it appears to me we should do everything possible to make access to historic sites as convenient as possible.

I ask the Committee to give serious consideration to Senate Bill 693 and recommend its passage to the full House of Representatives.

Att. 2

# KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

MEMORANDUM TO: HOUSE TRANSPORTATION COMMITTEE  
FROM: JOHN B. KEMP, P.E.  
SECRETARY OF TRANSPORTATION  
REGARDING: SENATE BILL 693  
DATE: MARCH 26, 1984

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY REGARDING SENATE BILL 693, AS AMENDED BY THE SENATE COMMITTEE.

SENATE BILL 693 WOULD REQUIRE THE DEPARTMENT TO RECONSTRUCT AND MAINTAIN TO THE STANDARDS OF THE STATE HIGHWAY SYSTEM THE ROADWAY FROM STATE HIGHWAY 56 NORTH THROUGH THE CITY OF PAWNEE ROCK TO PAWNEE ROCK HISTORICAL STATE PARK. THE ROAD IS APPROXIMATELY ONE-HALF MILE IN LENGTH. PROJECT ESTIMATES PLACE THE COST OF CONSTRUCTION AT \$290,000 WITH ESTIMATES OF CONSTRUCTION ENGINEERING OF APPROXIMATELY \$20,000 AND ANNUAL MAINTENANCE COSTS OF \$700.

UNDER THE STATUTORY PROVISIONS OF K.S.A. 1983 SUPP. 68-406 (d) THE SECRETARY OF TRANSPORTATION IS PROVIDED THE DISCRETIONARY AUTHORITY TO USE HIGHWAY FUND MONIES FOR RECONSTRUCTING AND MAINTAINING HIGHWAYS TO STATE PARKS, NATIONAL MONUMENTS, NATIONAL HISTORIC SITES AND PLACES OF MAJOR SCENIC ATTRACTIONS. THE KDOT HAS CRITERIA ALREADY IN PLACE WHICH SPELL OUT THE REQUIREMENTS FOR THE INCLUSION OF SPUR ROUTES LEADING TO STATE PARKS AND HISTORICAL SITES.

Att 3

MEMORANDUM TO: HOUSE TRANSPORTATION COMMITTEE  
MARCH 26, 1984  
PAGE 2

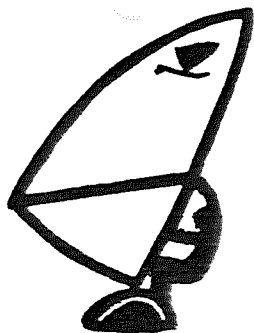
VEHICLE COUNTS OF THE ROADWAY LEADING TO PAWNEE ROCK HISTORICAL PARK, TAKEN IN APRIL OF 1978, ARE SHOWN IN THE AERIAL PHOTOGRAPH OF THE CITY AND PARK. AS CAN BE SEEN, THE TRAFFIC COUNTS DID NOT MEET THE MINIMUM STANDARDS AND THE COMMITTEE WILL PLEASE NOTE THAT ONLY ABOUT 20 PERCENT OF THE TRAFFIC NORTH OF THE CITY IS TO THE PARK. THESE DATA DO NOT SUPPORT INCLUSION OF THIS ROUTE IN OUR PROGRAM.

AS SECRETARY OF TRANSPORTATION I AM CHARGED WITH THE RESPONSIBILITY OF MAINTAINING THE STATE'S HIGHWAYS TO A LEVEL WHICH WILL ENSURE BOTH THE SAFETY OF ALL HIGHWAY USERS AND FACILITATE THE MOVEMENT OF INTER AND INTRASTATE COMMERCE. CONSISTENT WITH THIS RESPONSIBILITY I HAVE DEVELOPED A STATEWIDE HIGHWAY PROGRAM WHICH PRIORITIZES INDIVIDUAL PROJECTS BY LOOKING AT STATEWIDE NEEDS AS A WHOLE. SENATE BILL 693 CONFLICTS WITH THIS VERY BASIC CONCEPT BY REQUIRING A PROJECT TO BE ADVANCED AHEAD OF OTHER MORE NECESSARY PROJECTS.

FROM THE INCEPTION OF THE STATE HIGHWAY SYSTEM THE LEGISLATURE HAS AS A POLICY ADDRESSED STATE NEEDS THROUGH PROGRAMS, NOT BY MANDATING INDIVIDUAL PROJECTS. SENATE BILL 693 ESTABLISHES A PRECEDENT IN THIS REGARD BY LEGISLATING A PROJECT. THIS GOES TOTALLY AGAINST THE FUNDAMENTAL PRINCIPLES OF A STATE HIGHWAY PROGRAM BASED ON STATE WIDE PRIORITIES.

ENACTMENT OF THIS LEGISLATION COULD PRODUCE UNWANTED EFFECTS IN PROJECTS SCHEDULING.

I AM OPPOSED TO SENATE BILL 693 FOR THE REASONS STATED AND BELIEVE THIS LEGISLATION WOULD NEGATIVELY IMPACT OUR PROGRAMS. I WOULD URGE THE COMMITTEE TO GIVE THESE MATTERS ITS FULLEST CONSIDERATION AND REPORT SENATE BILL 693 UNFAVORABLE FOR PASSAGE.



# PRAIRIE WINDSURFING, INC.

THE BOARDSAILING CENTER

ULLA NEUBURGER

To Senator Steineger  
347 N. Capitol

Topeka, Ks. 66612

Wichita, Ks., Jan. 28, 1983

Dear Senator Steineger,

as a sailboard dealer and a supervisory instructor of an International Windsurfer Sailing School in Wichita, Kansas, I strongly oppose the mandatory wearing of PFD's on sailboards. During 5 years of involvement with all levels of windsurfing I have never encountered a situation when the safety of the boardsailor depended on the wearing of a lifejacket. To the contrary: it restricts the sailor's mobility on the board and in the water so severely that in certain situations it could be dangerous.

The sport of windsurfing attracts by it's very nature only swimmers (just like surfing). It is like surfing a "boardsport", involving much swimming, especially during the sailor's learning stage. The few non-swimmers, who feel attracted to watersports, wear PFD's and usually don't pursue windsurfing to a more demanding level.

The allround-sailboard, like the Windsurfer<sup>®</sup>, is the best PFD in itself: 400 lbs. flotation! When the boardsailor falls, the rig (mast, sail & boom) falls as well and works like a sea-anchor, so that the board cannot travel away, particularly since today all boards are equipped with safety-leashes (connecting board & rig). No more than 1-3 swimming strokes are needed to get back to the board. In heavy winds (for which Kansas is known) it might occasionally take a few more strokes, which only with a restricting life jacket could become a problem. So has been the PFD in a situation, when the sail falls on top of the sailor. Today's sails are cut very flat; not offering the "camber" (billowing), that let the sailor breathe above the water under the sail. So one has to dive under immediately to come up next to sail and board. The diving under is a necessity as well, when heavy winds and waves catapult the board: the boardsailor has to dive momentarily to avoid getting hit by equipment. Hawaii is a great example for these practices - with a high safety record!

The last point: The sailboard is not designed to carry PFD's on board - it is a highly maneuverable, responsive and economical piece of equipment. And it is the perfect flotation device in itself, having been used worldwide for sea-rescue action.

It is the fastest growing sport with a perfect safety record, it is an Olympic event, and it is an affordable healthy athletic activity. The required wearing of a PFD is detrimental to all safety aspects. Please, do consider our concerns!

INTERNATIONAL WINDSURFER<sup>®</sup> SAILING SCHOOL  
and  
WINDSURFER<sup>®</sup> DEALER

Sincerely,

*Ulla Neuburger*

Attach. 4

OFFICE: 14201 Brookline Ct., Wichita, KS 67230 — Tel. (316) 733-2113

*Attach. 4*

# CONN. SAILBOARD SAFETY COMMITTEE

## QUESTIONS AND ANSWERS

### About PFD's-for-Sailboards Controversy

Charlie Granger  
Greenwich

Eric Ossorio  
Greenwich

Mike Levitt  
Norwalk

Brad Calcagni  
Norwalk

Chris Granger  
Farmington

Steve Embersits  
Madison

Paul Einarsen  
Bonnington

Richard Kane  
Milford

...Others being  
added

Although the U.S. Coast Guard had exempted Windsurfers from the requirement to carry "personal flotation devices" or "PFDs" (i.e. lifejacket, or cushion, or life ring), the Coast Guard has now removed itself from such regulations. Connecticut (through the Department of Environmental Protection) has determined that sailboards previously exempt must now carry PFD's like other vessels.

Q: WHY SHOULD SAILBOARDS BE TREATED DIFFERENTLY FROM ANY OTHER BOAT?

A: Basically, they should not be. The sailboard hull in itself is a superb flotation device as recognized by the Coast Guard in exempting Windsurfers. The present Connecticut situation penalizes sailboards unfairly by requiring them to carry a second flotation device. Two other differences: Sailboards are essentially designed for the operator only, not multiple passengers. To learn to operate a sailboard (like a surfboard) one must do a good deal of swimming and thus be a competent swimmer.

W/o C.H. Granger  
10 Mead Point Dr.  
Greenwich, CT  
06830  
203-622-6836

Q: WHY THE BIG DEAL? ON MY CONVENTIONAL SAILBOAT I MERELY USE A LIFE CUSHION AS A SEAT PAD.

A: Sailboards are a mini-boat, a waterborne sporting device, essentially for operation by 1 person in a standing position. There are no seats or other places to stow a PFD on a sailboard. It is merely a surfboard with a sail.

Q: WHY NOT SIMPLY WEAR AN APPROVED LIFEJACKET?

A: There are at least 3 reasons: (1) The requirement in the law is to carry such a device aboard, not to wear it. To single out sailboards to require wearing would be unfair, when sailboarders are already standing on a superb flotation device. (2) Many approved jackets are very bulky and restrictive for what is an action fast-movement sport, like surfboarding (where PFD's are not required by Connecticut). (3) Under some circumstances wearing a PFD can increase danger to sailboarders.

Q: HOW CAN A PFD ACTUALLY INCREASE DANGER?

A: (1) When the sailor falls under the sail, he must duck under the water to get out from under the sail. Obviously, a lifejacket hinders ducking under the water. (2) Some approved lifejackets bulk back from the sailboarder's head and neck in a way that can possibly cause tangling in the rigging while underwater. (3) Sailboarding action can be rapid, both on the board and in the water. A lifejacket can slow down maneuvers in the water as well as on the board.

Q: CAN'T THE SAILBOARDER BE KNOCKED UNCONSCIOUS BY A FAST-MOVING BOOM OR MAST?

A: No. This does not happen on a sailboard. Unlike a conventional sailboat where the boom is able to swing free and be a danger, on a sailboard the operator holds the boom (in part, for steering purposes). When the mast falls it has about 60 square feet of sail attached so it must float down to the water. History proves that sailboarders are not knocked unconscious by booms or masts.

(over)

This information provided  
courtesy of Boardsailing U.S.A.  
and  
Board & Sail Magazine



Q: BUT SUPPOSING THE SAILBOARDER DOES NOT SWIM? SHOULD HE THEN HAVE A PFD?

A: Sailboarding by non-swimmers, or by people with incapacitating ailments however temporary, is strongly recommended against, just like surfboarding. Novice sailboarders expect to do much swimming, so the situation does not come up. Although we do not oppose optional wearing of life jackets or carrying other PFD's, we feel a non-swimmer should wear a lifejacket, but even more preferably he should refrain from sailboarding until he has mastered swimming. To our knowledge, this is not a problem; non-swimmers simply do not sailboard.

Q: BUT SHOULDN'T YOUNG CHILDREN BE REQUIRED TO WEAR LIFEJACKETS?

A: Note this is not a requirement of present law, only to carry a PFD. From a practical viewpoint very young children do not sailboard because they must be about 90 pounds weight to lift the sail out of the water. Some young sailboarders are highly competent.

Q: WHAT ABOUT WOMEN, WHO MAY NOT BE AS STRONG AS MEN. DO THEY NEED SPECIAL AIDS?

A: This is similar to the previous question. Some women are highly skilled sailboarders. Like skiing or skating, it is more a question of balance than of strength.

Q: STATISTICALLY, HOW SAFE IS SAILBOARDING?

A: Extremely safe. The statistics of injury on sailboards are practically non-existent because injuries are so rare. We do not believe the Conn. DEP had any statistical documentation when it took action that effectively ended the former Coast Guard exemption. A death occurred on the West Coast some years ago. In a summer 1982 tragedy a visitor with a known history of epilepsy drowned presumably from an epileptic seizure while sailboarding. Even if he had had an approved PFD aboard as required by law, it presumably would not have helped. If he had been swimming, the tragedy would have been the same. Driving on the Conn. Turnpike, it might have been worse. Furthermore, most lifejackets do not float an unconscious person in breathing position; in any event the law does not require this type of PFD nor that it be worn, only that it be aboard. Such tragedy could recur tomorrow under existing regulations. Those persons subject to such incapacity would seem well advised to refrain from swimming, surfboarding, conventional small boat sailing or other watersports. A sweeping regulation for all persons designed to help those subject to epilepsy etc. does not appear to be a reasonable solution.

Q: ARE YOU NOT AT ALL CONCERNED ABOUT SAFETY WHILE SAILBOARDING?

A: Very much so. Possibly the greatest hazards are (1) Sailboarders going offshore in winds or waves more than their ability to handle. They should hail a passing boat for assistance rather than exhausting themselves in wind beyond their capability, and in any event stay calmly sitting on the superb flotation-device hull. (2) Sailboarders should always connect the "leash" tying together the mast and hull, keeping the whole assembly together. (3) Unskilled sailboarders should stay clear from boat channels or other heavy-traffic areas. (4) Hypothermia should be guarded against in chillier weather. Education in and observance of these rules are far more important to safety than PFD's which can actually be counterproductive. Much like the volunteer ski patrols which formed when skiing first became popular in the 1930's and 1940's, experienced sailboarders are very much aware of these problems as sailboarding popularity soars; they, like the Ski Patrol, are educating their novice colleagues and helping them when they are in trouble.

2/22/83

This information provided  
courtesy of Boardsailing U.S.A.  
and  
Board & Sail Magazine

Major Hall  
3315 N.E. 16th Place  
Ft. Lauderdale, FL 33305

February 3, 1983

Senator Eugene A. Skowronski, Co-Chairman Environment Committee  
Rep. Teresalee Bertinuson, Co-Chairman Environment Committee  
General Assembly, State Capitol  
Hartford, CT 06115

Dear Sen. Skowronski, Rep. Bertinuson, and other Legislators:

Re: Bill #5472 Removing PFD Requirement From Sailboards

As you are probably aware, sailboarding is to be a new sport in the 1983 Summer Olympics. Although I still maintain a Connecticut address, I am now in Florida working hard with our best athletes as the Coach of the U.S. Boardsailing Team, from which the U.S. representatives to the Olympics will come.

I have been associated with boardsailing for many years, as well as virtually all other aspects of amateur sailing and sailing competition from Olympics down to local competitions. Naturally, I am interested in boardsailing as a sport and in encouraging the growth of this healthy and relatively inexpensive activity in a constructive and as safe a manner as possible.

In my experience, boating accidents where flotation devices can be of help involve non-swimmers. In contrast, sailboarders — like surfers — are by definition swimmers. They must swim a great deal to learn how to use a sailboard.

I am afraid a strenuously enforced law requiring sailboarders to wear "PFD's" could do needless and irreparable harm to the sport, all for no good reason. Requiring "carrying" a PFD aboard is almost the same as requiring that they be worn, since there is no suitable place on such a small craft to stow a PFD. Serious sailboarding is an action sport requiring a great deal of body movement both in the water and out of the water, not unlike surfing. A sailboarder wearing a PFD (approved PFD's are invariably bulky) has his movements restricted when he is up on the sailboard hull, and when he is in the water. Such a requirement would hinder boardsailing athletes just like it would hinder a swimming team or a gymnastic team.

Carrying or wearing of PFD's is virtually unknown among sailboarders, especially at championship levels. Until this past year the Coast Guard had exempted Windsurfers from the need to carry a PFD. Accidents indicating the use of PFD's simply have not occurred. Many states such as Massachusetts, Florida, California, and Hawaii have no such requirement.

In my opinion, requiring sailboarders to wear or carry PFD's would greatly inhibit the growth of this sport in Connecticut, and to a degree the image of Connecticut as a watersports state. As of this time we have a Connecticut contender on the U.S. Boardsailing Team, Wendy Thomson of Darien. I hope you will see fit to help our present and future Connecticut athletes in this inexpensive, healthy, and safe sport by enacting your proposed bill #5472 returning to the situation of a year or so ago when the Coast Guard exempted sailboarders from the need to carry PFD's.

Sincerely yours,

Major Hall

Attach. 6

This information provided  
courtesy of Boardsailing U.S.A.  
and  
Board & Sail Magazine

TESTIMONY OF KANSAS FISH AND GAME COMMISSION ON

SENATE BILL 569  
AS PROVIDED TO HOUSE TRANSPORTATION  
COMMITTEE ON MARCH 26, 1984

The Commission supports the exemption of racing shells and sculls and racing kayaks. The basis for this support is the Safe Boating Act of 1971 pre-empts the state's authority to regulate vessels differently than the Coast Guard regulates those vessels. Consequently, we support it in order for the regulations on federal waters and on non-federal waters of the state to be uniform.

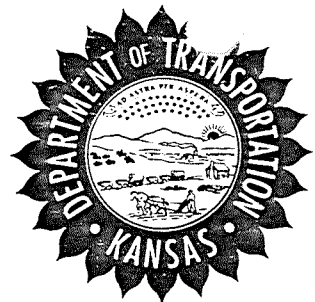
The Commission does not support the inclusion of sail boards used for wind surfing, because the Coast Guard has given jurisdiction on sail boards to the state. When that action was taken, Section 9 of the Safe Boating Act was used to exempt the states from the pre-emption clause (Section 10). The result of the Coast Guard's action with sail boards is that jurisdiction to regulate those vessels has been ceded to the state. Indeed, the requirement to carry life saving devices can be enforced on federal as well as state waters in Kansas under present law.

The Commission does not believe that any of these vessels are necessarily safer than other vessels, but in the case of racing shells, rowing scull and racing kayaks, the Commission supports the exemption only for uniformity purposes. Since that is not necessary with sail boards, the Commission's position remains that, for safety purposes, these vessels should be required to carry life saving devices.

Attach. 8 17

# KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

MEMORANDUM TO: HOUSE TRANSPORTATION COMMITTEE  
FROM: JOHN B. KEMP, P.E.  
SECRETARY OF TRANSPORTATION  
REGARDING: HOUSE CONCURRENT RESOLUTION 5084  
DATE: MARCH 26, 1984

MR. CHAIRMAN AND COMMITTEE MEMBERS:

I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU THIS AFTERNOON ON HOUSE CONCURRENT RESOLUTION 5084. THE KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) HAS A FIRM COMMITMENT TO THE PRESERVATION OF OUR STATE HIGHWAY SYSTEM. AS I HAVE STRESSED MANY TIMES, WE MUST PRESERVE OUR HUGE INVESTMENT AND CONTINUE TO PERFORM THE NECESSARY WORK TO KEEP OUR SYSTEM SAFE AND SOUND. THE KDOT REMAINS COGNIZANT AND WILLING TO EXAMINE ALL MEANS TO BE EFFICIENT AND PRODUCTIVE.

HOUSE CONCURRENT RESOLUTION 5084 SEEMS DESIGNED TO ASSIST KDOT IN MAXIMIZING EXISTING RESOURCES TO THEIR FULLEST ECONOMIC BENEFIT. I UNDERSTAND AND APPRECIATE THE CONCERN OF MEMBERS OF THIS LEGISLATURE AND FEEL CONFIDENT THAT THESE CONCERNS REPRESENT CRUCIAL PERCEPTION OF THE IMPORTANT TASK WE BEAR IN THE PRESERVATION AND IMPROVEMENT OF OUR HIGHWAY SYSTEM.

*Attach. 8*

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THE HIGHWAY FUNDING PROGRAMS PROVIDED BY THE KANSAS LEGISLATURE COUPLED WITH THE FEDERAL SURFACE TRANSPORTATION ASSISTANCE ACT HAS BEEN TRANSLATED INTO A MULTI-YEAR PRESERVATION AND IMPROVEMENT PROGRAM OF APPROXIMATELY ONE BILLION DOLLARS. SIMULTANEOUSLY, STATE HIGHWAY AND TRANSPORTATION OFFICIALS HAVE RECEIVED DEFINITE INDICATIONS OF A NATIONAL MOMENTUM FOR HIGHWAY SAFETY. THE U.S. DEPARTMENT OF TRANSPORTATION SECRETARY, ELIZABETH DOLE, RECENTLY INDICATED THE U.S. DEPARTMENT OF TRANSPORTATION CONSIDERS SAFETY IT'S HIGHEST MANDATE. WITH THIS I MUST SAY THAT I HAVE A PHILOSOPHICAL PROBLEM WITH HOUSE CONCURRENT RESOLUTION 5084 AND ITS POSSIBLE SERIOUS SAFETY PROBLEMS. I ALSO HAVE CONCERNS ABOUT ENFORCEMENT OF SUCH A PROCEDURE, WHAT MEANINGFUL TESTS COULD BE CONDUCTED AND RELATED COSTS TO CONDUCT SUCH RESEARCH.

THE KDOT IS PRESENTLY INVOLVED IN EXTENSIVE RESEARCH IN THE AREA OF PAVEMENT MANAGEMENT.

MULTILANE PAVEMENTS, SUCH AS THE INTERSTATE, ARE USUALLY DESIGNED WITH EQUAL THICKNESS IN BOTH THE LEFT AND RIGHT LANES. MOST PAVEMENT DESIGNS ARE BASED, AT LEAST IN PART, ON THE AASHTO DESIGN PROCEDURE WHEREBY PROJECTED TRAFFIC IS MEASURED BY EQUIVALENT SINGLE AXLE LOADINGS. THE PROJECTED TRAFFIC IS DISTRIBUTED EQUALLY AMONG THE LANES. HOWEVER, THE ACTUAL TRAFFIC IS CONCENTRATED ON THE RIGHT HAND LANE. THE HYPOTHESIS OF HOUSE CONCURRENT RESOLUTION 5084 IS THAT THE OVERALL PAVEMENT LIFE WOULD BE EXTENDED IF TRAFFIC USED BOTH LANES EQUALLY.



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VARIOUS STATES, ALSO BELIEVING BOTH LANES WOULD BE USED EQUALLY HAVE ATTEMPTED TO MOVE TRAFFIC TO THE LEFT LANE. THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT, IN AN EFFORT TO EQUALIZE PAVEMENT WEAR ON EACH LANE OF INTERSTATE HIGHWAYS, ERECTED SIGNS AT WEIGHT STATION EXITS TO ENCOURAGE HEAVY TRUCK VEHICLES TO USE LEFT LANES ON THE INTERSTATE HIGHWAYS. LOUISIANA FOLLOWED ARKANSAS' USE OF SIGNS TO ENCOURAGE TRUCKS TO USE LEFT LANES ON I-20 IN THE DELTA AREA. PENNSYLVANIA HAS SOME LOCAL USE OF THE SIGNS IN AREAS WHERE THE RIGHT LANE HAS BECOME DISTRESSED.

THE ARKANSAS DEPARTMENT OF TRANSPORTATION EXPERIENCED A 7 PERCENT INCREASE IN THE USE OF THE LEFT LANE BY TRUCKS AFTER THE POSTING OF THE SIGNS. STUDIES CONDUCTED BY THE ARKANSAS DEPARTMENT OF TRANSPORTATION INDICATED:

1. THE SAFETY OF THE TRAVELING PUBLIC IS A DEFINITE AREA OF CONCERN THAT MUST BE CAREFULLY ANALYZED. INTERSTATE DESIGN CONTRIBUTES TO DRIVER EXPECTANCY OF USING THE RIGHT LANE FOR A RUNNING LANE AND THE LEFT LANE FOR A PASSING LANE. MOST EXITS ARE RIGHT HAND EXITS. THE RIGHT SHOULDER IS USUALLY FULL WIDTH PROVIDING AN EMERGENCY DRIVING LANE AND A STORAGE AREA FOR DISABLED VEHICLES. THE LEFT SHOULDER IS USUALLY PARTIAL WIDTH (LESS THAN THE WIDTH OF A VEHICLE). EMERGENCY STOPPING ON THIS INSIDE SHOULDER COULD RESULT IN SERIOUS COMPLICATIONS TO DRIVERS AND DISABLED VEHICLES. SECONDLY, THE USE OF THE LEFT LANE WOULD INDUCE THE PROBABILITY OF MORE MEDIAN CROSSINGS, BY OUT OF CONTROL VEHICLES AND POSSIBLE HEAD ON COLLISIONS.

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2. DETOURING TRAFFIC TO THE LEFT LANES COULD CREATE TRAFFIC CONFUSION AT EITHER LEFT OR RIGHT EXITS AND ENTRANCES AND CAUSE SERIOUS COMPLICATIONS AT INTERSECTIONS AND RAMP LOCATIONS. THE TRAVELING PUBLIC IS PROGRAMMED TO "KEEP RIGHT" EXCEPT TO PASS. THE SUDDEN CHANGE COULD CAUSE CONFLICT AND DEVASTATING TRAFFIC MISHAPS. TRAFFIC ENGINEERS MUST WEIGH THE POTENTIAL ECONOMIC GAIN OF SUCH SAVINGS OVER THE COST TO THE SOCIETY AND ENVIRONMENT WHEN HUMAN LIVES ARE AT STAKE.
3. PASSING ON THE RIGHT IS A VEHICLE MOVEMENT NOT FAMILIAR TO DRIVERS, EXPECIALLY IN THE NON-URBANIZED AREAS. TRUCKERS ARE MOST VULNERABLE IN THIS TYPE OF SITUATION WITH THEIR INABILITY TO VISUALLY SEE AS WELL AS WHEN DRIVING IN THE RIGHT LANE. AUTO'S IN GENERAL COULD ALSO EXPERIENCE DIFFICULTY, ESPECIALLY WITH KNOWN "BLIND SPOTS" ON THE VEHICLE.
4. FINALLY, A NUMBER OF THE MEMBERS OF THE ARKANSAS BUS AND TRUCK ASSOCIATION FAILED TO COMPLY WITH THE STATE'S REQUEST TO CHANGE LANES FOR SAFETY REASONS. THESE REASONS INLCUDED:
  - A. THE DRIVER'S VISION FROM THE INSIDE LANE IS NOT AS GOOD AS WHEN DRIVING IN THE OUTSIDE LANE.
  - B. ENCOURAGE TRUCK DRIVERS TO SPEED.
  - C. THE GENERAL INDICATION OF IT BEING IMPROPER AND UN<sup>S</sup>SAFE TO PASS A VEHICLE ON THE RIGHT, PARTICULARLY A TRUCK.

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D. A TRUCK (OR VEHICLE) MOVING SLOWER THAN THE SPEED LIMIT ON THE INSIDE LANE WOULD OFTEN CAUSE GROUPING OF VEHICLES AND TAILGATING.

RETURNING TO THE KANSAS SITUATION AND REVIEWING THE PROBLEMS I MENTIONED AS I STARTED THIS PRESENTATION:

+ IT IS UNCERTAIN AT THIS TIME WHAT TYPE OF MEANINGFUL TESTS SHOULD BE CONDUCTED IN KANSAS. OUR PAVEMENT MANAGEMENT SYSTEM SURVEY (CONDITIONAL SURVEY) TAKES INTO ACCOUNT ACTUAL ROADWAY SURFACE CONDITION, WHILE THE MAYS METER (ROUGHNESS) PROCEDURE IS CONDUCTED IN THE PRINCIPAL DRIVING LANE. THE INDIVIDUAL(S) RESPONSIBLE FOR COMPLETING THE PMS INVENTORY WOULD BE THE SAME INDIVIDUALS WE WOULD USE IN A LANE SWITCH STUDY. ANY ALTERATION TO THEIR CURRENT SCHEDULE COULD ADVERSELY AFFECT THE LONG-RANGE PMS SCHEDULE AND DELAY THAT SYSTEM'S FINDINGS.

THE KDOT ENGINEERS' HAVE ALSO INDICATED THAT FOR MEANINGFUL RESULTS OF SIGNIFICANT MERIT TO OCCUR, A LONGER STUDY PERIOD THAN REPORTING TO THE 1985 SESSION OF THE LEGISLATURE WOULD BE NECESSARY. TESTS OF THIS TYPE NEED A PROLONGED STUDY PERIOD, POSSIBLY 3 TO 5 YEARS TO ADEQUATELY MEASURE THE EFFECT IT WOULD HAVE ON THE PAVEMENT.

MONITORING OF THE LANE SHIFTING WOULD ALSO REQUIRE TAILORED PROCEDURES FOR LANE TRAFFIC DISTRIBUTION. THE GEOMETRICS OF THE ROADWAY ACCESS, INTERSECTIONS AND MULTIPLE LANES AND WHERE THE DRIVER WANTS TO GO, WILL DICTATE WHICH LANE WILL BE USED. TO FEASIBLY PROVIDE ADEQUATE TESTING PROCEDURES, FOUR LANE DIVIDED HIGHWAYS WITH FULL ACCESS CONTROL WOULD CAUSE THE LEAST AMOUNT OF TRAFFIC CONFUSION.

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THE LOCATIONS WHERE THIS TYPE OF TEST COULD BE UNDERTAKEN WOULD BE STRICTLY RURAL SINCE URBAN LOCATIONS ARE LIKELY TO HAVE MORE RAMP (EXIT/ENTRANCES) LOCATIONS. MULTI-LANES (MORE THAN FOUR) WOULD CREATE EVEN MORE OF A HAZARD WITH MAJOR DECISION POINTS MORE FREQUENT.

- + A SECOND AREA TO BE CONSIDERED IS ENFORCEMENT. AS SEEN IN ARKANSAS, TRAFFIC CONTROL DEVICES WERE NOT OBEYED WITHOUT SOME TYPE OF ENFORCEMENT. VEHICLE DRIVERS USUALLY MOVE TO THE INSIDE LANE ONLY WHEN DISTRESS IS PRESENT IN THE OUTSIDE LANE OR WHEN CONTINUOUS MOVEMENT REQUIRES ALTERATION. IT IS DOUBTFUL AN ENFORCEMENT WOULD OCCUR WITHOUT SOME SORT OF ENABLING LEGISLATION.
- + THE COSTS ASSOCIATED WITH THIS TYPE OF RESEARCH ARE DIFFICULT TO FORECAST UNTIL THE SCOPE AND NUMBER AND LOCATIONS OF THE SITES ARE DETERMINED. THESE PARAMETERS WILL DEPEND ON THE METHOD DEEMED MOST APPROPRIATE TO EVALUATE TRAFFIC LANE SHIFTS. BASED ON COSTS DERIVED FROM THE 1982 AND 1983 PMS SURVEYS, COST PER MILE/DIRECTION WOULD ESTIMATE AT APPROXIMATELY \$11 OR \$12 PER LANE MILE. IF EXTRA TRIPS FOR EACH SURVEY SITE WERE REQUIRED, THE COST PER MILE WOULD INCREASE. THE ACTUAL COST WOULD BE SIGNIFICANTLY HIGHER BECAUSE EACH LANE OF THE FOUR LANE DIVIDED ROADWAY WOULD NEED TO BE TESTED FOR ROUGHNESS AND CONDITIONAL OBSERVATIONS.

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SECONDLY, APPROPRIATE TRAFFIC-CONTROL DEVICES WOULD NEED TO BE INSTALLED TO MOVE DIRECT TRAFFIC INTO THE INSIDE LANE. ADDITIONAL COST AND EXPENSE WOULD BE INCURRED FOR EXTRA TRAFFIC AND CLASSIFICATION COUNTS. AGAIN, THESE FACTORS REMAIN UNKNOWN UNTIL FURTHER DIRECTION IS GIVEN ON THE LEGISLATURE'S INTENT AND INFORMATION DESIRED. THESE QUESTIONS WILL NEED TO BE DEFINED BY THIS BODY, PRIOR TO ANY FURTHER COST ANALYSIS CAN BE COMPLETED.

- + LAST BUT FAR FROM LEAST, SAFETY IS A PRIORITY ON OUR HIGHWAY SYSTEM AND MUST BE ADDRESSED IN ALL HIGHWAY IMPROVEMENTS OR STUDIES. THESE CONCERNS WERE MENTIONED EARLIER IN MY REMARKS.
- + THE SAFETY CONCERNS ADDRESSED ABOVE ARE MAGNIFIED DUE TO THE DEPARTMENT'S POTENTIAL LIABILITY UNDER THE KANSAS TORT CLAIMS ACT (KTCA). THE KTCA PROVIDES THAT ALL GOVERNMENTAL ENTITIES MAY BE HELD LIABLE FOR ACTIONS WHICH ARE FOUND TO BE NEGLIGENT, JUST LIKE ANY OTHER PERSON. IN VIEW OF THE PASSAGE OF THE KTCA, THE DEPARTMENT IS CONCERNED ABOUT LITIGATION AND LIABILITY WHICH COULD RESULT FROM ANY DECISION WHICH ARGUABLY CAUSES OR CONTRIBUTES TO VEHICULAR ACCIDENTS. ESPECIALLY IN VIEW OF THE EXPERIMENTAL NATURE OF LEFT LANE USAGE, THE POTENTIAL LIABILITY FOR ANY DAMAGES WHICH ARE CAUSED FROM SUCH AN EXPERIMENT IS A MAJOR FACTOR WHICH SHOULD BE CONSIDERED PRIOR TO PASSAGE OF HOUSE CONCURRENT RESOLUTION 5084.

UNTIL FURTHER RESEARCH OR DOCUMENTATION CAN PACIFY THE SAFETY ISSUES, I URGE THIS COMMITTEE TO RECONSIDER ANY FURTHER ACTIONS ON THIS PROPOSAL. I FEEL HOUSE CONCURRENT RESOLUTION NUMBER 5084 SHOULD NOT BE FAVORABLY ACTED UPON.



HOUSE COMMITTEE ON TRANSPORTATION  
House Bill 3107

March 26, 1984

Mr. Chairman and Members of the Committee:

I am Steven Wiechman and I represent the Kansas Automotive Wreckers Association. The Association consists of salvage and used vehicle dealers who are interested in mutually working to preserve, promote and improve the vehicle salvage and recycling industry.

Earlier in the legislative session, Senate Bill 288 was passed and signed into law by the Governor. It is no secret that our Association opposed the abolishment of vehicle safety inspections. We have tried to communicate the affect of no safety inspection to you. Vehicle safety restrictions for children and stiffer penalties for alcohol related violations are hard to understand when unsafe vehicles are allowed to meet us head-on on the highways at 55 miles per hour, especially when they are missing a headlight, have defective brakes or other defective equipment features.

House Bill 3107 is a clean-up measure. A post abortive remedy to clean up the throw out of the baby with the bath water. Page 4 of the bill, Lines 130 and 131, adds new language to our existing law. The language creates a conflict and is not parallel to new Section 2. Section (g) addresses a vehicle "which has been rebuilt, restored or otherwise placed in an operable condition." It provides for a permit to transport the vehicle to a "specified location," but for what? The one-day permit was originally developed to transport a non-highway vehicle to a safety inspection station. There is no such existing need. We would recommend deletion of subsection (g) and the corresponding language at Line 166 of subsection (h) through Line 172. Alternatively, subsection (g) language could be changed to match that in new Section 2 as "reconstructed, reconstituted or restored." The term "assembled" has far more meaning and should be used in lieu of any of the above language.

In new Section 2, Line 173, the application is not clear. It is presumed it is an application for title. Additionally, on Line 178, we would recommend that any law enforcement officer be allowed to inspect the vehicle. However, there is no direction in the bill as to what the inspection is to include. Additionally, the sentence beginning in Line 187 and ending in Line 191 should be deleted.

9  
Atch. 9



Likewise, Line 196, as to the highway patrol, should be changed to "any law enforcement officer." As to the inspection contemplated in new Section 3, it is hard to understand why a fee should be charged for performing their duty as law enforcement officers.

We would recommend these changes:

1. Delete section (g) and corresponding language in the bill;

2. Change "highway patrol" to "any law enforcement officer."

Alternatively,

1. Use the term "assembled vehicle;"

2. Clarify the purpose of the permit and what is to happen if you receive one.

3. Remove the fee provisions, since this is normal law enforcement duty to support highway safety.

Thank you for the opportunity to share our thoughts. I will be happy to address your questions.

Respectfully submitted,

STEVEN R. WIECHMAN  
KANSAS AUTOMOTIVE  
WRECKERS ASSOCIATION.

Summary of Testimony  
before the House Transportation Committee  
HB 3107

by

Major Stuart A. Elliott  
Kansas Highway Patrol

March 26, 1984

The Kansas Highway Patrol supports the principle of sections 1 and 2 of this bill and urge its passage with minor change.

We suggest that the word "or" should be substituted for the word "and" on line 0175 in order to conform with the non-highway title provisions of section 1.

We would further suggest that considerable titling abuses could be remedied by changing line 0176 to read "~~the~~ a vehicle as ~~reconstructed, reconstituted or restored~~ is in." Cooperative investigations by the Division of Vehicles and the Patrol indicate substantial numbers of titling abuses related to vehicles with out-of-state documents. This will be amplified by the lack of any vehicle identification number (VIN) inspection in Kansas from now until January 1, 1985. Such VIN inspection must be performed by persons who are specially trained in order to be effective.

*Attach. 10*

*Attach. 10*



vehicle operating under a permit issued by the interstate commerce commission, or any motor vehicle which is subject to and operating under the safety rules and regulations of the United States department of transportation, shall not be subject to any spot inspection.

(e) *Violation of this section is a class A misdemeanor.*

New Sec. 3. Official certificates of approval which are outstanding and unused on the effective date of this act may be returned to the superintendent and upon receipt thereof prior to July 1, 1984, the person returning certificates shall be refunded the amount paid therefor. Such amounts shall be paid from the state highway patrol fund.

Sec. 4. K.S.A. 8-1759a is hereby amended to read as follows: 8-1759a. (a) Uniformed members of the highway patrol, at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, may require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

(b) In the event a vehicle is found to be in unsafe condition or any required part or equipment is not present or in proper repair and adjustment, the member of the highway patrol shall give a written notice to the driver and send a copy to the superintendent of the highway patrol. ~~Said Such~~ notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment as soon as practicable, ~~specifying the particulars with reference thereto, and shall require that an official certificate of approval be obtained from an inspection station within thirty (30) days.~~

(c) In the event any such vehicle is, in the reasonable judgment of the member of the highway patrol, in such condition that further operation would be hazardous, such member of the highway patrol may require, in addition, that the vehicle not be operated under its own power or that it be driven to the nearest garage or other place of safety.

(d) ~~Every owner or driver shall comply with the notice and secure an official certificate of approval from an inspection station within thirty (30) days or the vehicle shall not be operated on the highways of this state.~~

*Violation of this section is a class A misdemeanor.*

New Sec. 5. (a) From and after January 1, 1985, any person making application for any original Kansas title for a used vehicle which is, at the time of making application, titled in another jurisdiction, shall, as a condition precedent to obtaining any Kansas title, cause such vehicle to be inspected by a law enforcement officer in this state for verification that the vehicle identification number shown on the foreign title is genuine and agrees with the number on the vehicle. The verification shall be made by such law enforcement officer upon forms prescribed by the division of vehicles which shall contain such information as the secretary of revenue shall require by rules and regulations.

(b) Notwithstanding the provisions of subsection (a), no verification shall be required for any vehicle titled in a foreign jurisdiction on a title obtained by a vehicle dealer directly from the manufacturer's statement of origin, regardless of whether that title has been assigned to the dealer assigning such title to the person making application for a Kansas title.

(c) The secretary of revenue shall adopt rules and regulations to implement the provisions of this section.

Edds  
HB 3707

A.H. 11