

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at _____
Chairperson

9:02 a.m./~~pm~~ on January 18, 1989 in room 254-E of the Capitol.

Members present were:

Senators Morris, Doyen, Francisco, Hayden, Kanan, F. Kerr, Martin, Rock, Sallee and Vidricksen.

Committee staff present:

Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Louise Cunningham, Committee Secretary

Conferees appearing before the committee:

Jack Tierce, Compliance Administrator of Transportation Division, KCC
Robert G. Cutter, Chief of the Office of Engineering Support, KDOT
Tom Whitaker, Governmental Relations Director, Kansas Motor Carriers Assn.
Patrick Hubbell, Director-Public Relations, Kansas Railroad Assn.
Richard Dame, Brotherhood of Locomotive Engineers, Hoisington, Ks.
Sgt. Terry Maple, Kansas Highway Patrol
Donald F. Lindsey, Jr., United Transportation Union

Hearings on S.B. 19 - Requiring certain vehicles to stop at railroad crossings.

S.B. 20 - Providing grants for railway-highway crossings.

Jack Tierce, KCC, said there was confusion regarding enforcement and compliance of railroad grade crossing laws because of the difference between state and federal laws. They support the bill. A copy of his statement is attached. (Attachment 1).

Robert G. Cutter, KDOT, said they concur with KCC and it is important to clarify the differences between federal and state laws pertaining to school busses and vehicles carrying hazardous materials. They also support S.B. 20 and said the highway crossing grant fund is very necessary. A copy of his statement is attached. (Attachment 2).

Mr. Cutter was requested to supply a list of the 157 crossings listed in his statement where ten percent funding had been refused.

Tom Whitaker, Kansas Motor Carriers Association, said they support S.B. 19 so long as such legislation is consistent with federal regulations. He had a suggested amendment which would make S.B. consistent with federal regulations. A copy of his statement and proposed amendment is attached. (Attachment 3).

Pat Hubbell, Kansas Railroad Association, said they support S.B. 19 and also the proposed amendment. They also support S.B. 20 and suggested that either KCC or KDOT should be given the authority to close unsafe crossings in the vicinity of new installations of active warning devices. A copy of his statement is attached. (Attachment 4).

Richard Dame, Brotherhood of Locomotive Engineers, said he is a fulltime locomotive engineer and spoke of his feeling whenever there was a fatality. It is a nightmare for the engineers. They are in support of S.B. 19. A copy of his statement is attached. (Attachment 5.)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E Statehouse, at 9:02 a.m./~~p.m.~~ on January 18, 1989

Sgt. Terry Maple, Kansas Highway Patrol, said there was now confusion of drivers of certain vehicles about stopping at crossings and S.B. 19 would clarify which vehicles had to stop. He also suggested the bill be amended to include other busses (school, daycare, church, and commercial) be required to also stop. A copy of his statement is attached. (Attachment 6).

Donald F. Lindsey, Jr., United Transportation Union, said he speaks for 6,000 active and retired members and their families and they support S.B. 19. A copy of his statement is attached. (Attachment 7).

A motion was made by Sen. Francisco and was seconded by Sen. Kanan to adopt the proposed amendment from the Kansas Motor Carriers Association. Motion carried.

A motion was made by Sen. Hayden and was seconded by Sen. Doyen to recommend S.B. 19 as amended, favorable for passage. Motion carried.

There was discussion on S.B. 20 regarding funding. The committee decided to hold the bill and find out what procedure would be followed to get the money and see how much would be needed to fund all the crossings which had been refused funding.

Meeting was adjourned at 10:00 a.m.

GUEST LIST

COMMITTEE: SENATE TRANSPORTATION & UTILITIES COMM.

DATE: 1-18-89

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Noble Morrell		KDOT
Al Cathcart	9 th Floor Docking S.O.B.	KDOT
ROBERT CUTTER	7 th FLOOR DOCKING S.O.B.	KDOT
Milo V. Kratochvil	9 th Floor Docking, SOB	KDOT
A. Enzo A Maxwell	DSOB	KCC
Tom Whitaker	Topeka	K's Motor Carriers Assn
Samuel G Grant	TOPEKA	KHP
Terry Maple	" "	KHP
JACK TIERCE	Topeka	KCC
Rich DAME	Hoisington	BLE
Mary E. Turkington	Topeka	Kansas Motor Carriers Assn
J. L. Civeri	Topeka	Mid State Port Authority
DAVE CORLISS	TOPEKA	Lg of Municipalities
Dennis Murphy	Topeka	KDHE
JOHN C. BOTTENBERG	TOPEKA	Ks RAILROAD Assoc
Pet Halbell	Topeka	Ks. Railroad Assoc.
Rebecca Rice	Topeka	Amaco
DON LINDSEY	OSAWATOMIE	UTU
JOHN KOEPKE	TOPEKA	Kansas Assoc of School Boards
Roger W BARRA	TOPEKA	T.C.U.
Mike Gray-	TOPEKA	KDOT

STATEMENT OF THE
STATE CORPORATION COMMISSION

Presented to the Senate Transportation Committee
January 18, 1989

Senate Bill No. 19

Mr. Chairman and Members of the Committee:

My name is Jack Tierce. I am the Compliance Administrator of the Transportation Division, State Corporation Commission and the State Chairman for the Kansas Operation Lifesaver Program. The Corporation Commission would encourage the Senate Transportation Committee to respond favorably to the proposed change in K.S.A. 8-1553.

REGULATORY AUTHORITY CONCERNING
PUBLIC SAFETY

The State Corporation Commission exercises regulatory authority over railroads in Kansas. (Reference K.S.A. 66-1,216) Kansas Statute Annotated 66-1,223 states, "From time to time, the commission shall carefully examine and inspect the condition of each common carrier, its equipment, the manner of its conduct and its management with reference to the public safety and convenience." Kansas has 6,937 miles of track and 8,761 public grade crossings, which ranks Kansas third in the nation for total miles of track with Illinois and Texas ranked 2 and 1, respectively.

The Commission also regulates common, contract and private motor carriers operating in Kansas pursuant to K.S.A. 66-1,111, except those exempted by K.S.A. 66-1,109. Kansas Statute Annotated

ATT. 1
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1/18/89

66-1,129(a)(6) requires the Commission to adopt rules and regulations that are consistent with continuation of the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous materials.

KANSAS LAW AND FEDERAL REGULATION INCONSISTENCY

The Corporation Commission has adopted 49 Code of Federal Regulation 392.10 (attached) which requires every bus transporting passengers and certain other vehicles transporting hazardous materials to stop at railroad grade crossings with active safety devices even when they are not activated.

K.S.A. 8-1553 presently does not require vehicles to stop at grade crossings with active safety devices when they are not activated.

ENFORCEMENT PROBLEM

The Kansas Highway Patrol, sheriffs and other peace officers of any county are required to enforce the regulations of the Corporation Commission. Since there is the difference between state and federal laws, this leaves confusion in enforcement and compliance of railroad grade crossing laws. This confusion is further enhanced by K.S.A. 66-1,109 which exempts certain common, contract and private carrier from regulation by the Commission.

In the past three years, there has been two accidents resulting in fatalities when a train and a vehicle transporting hazardous material collided.

CONCLUSION

Hopefully, by enacting this legislation accidents involving trains and vehicles transporting hazardous materials will be eliminated. Kansas has been fortunate that past accidents have not included the most important cargo, buses transporting passengers (specifically our children).

Subpart B—Driving of Vehicles

§ 392.10 Railroad grade crossings; stopping required.

(a) Except as provided in paragraph (b) of this section, the driver of a motor vehicle specified in paragraphs (a) (1) through (6) of this section shall not cross a railroad track or tracks at grade unless he first: Stops the vehicle within 50 feet of, and not closer than 15 feet to, the tracks; thereafter listens and looks in each direction along the tracks for an approaching train; and ascertains that no train is approaching. When it is safe to do so, the driver may drive the vehicle across

the tracks in a gear that permits the vehicle to complete the crossing without a change of gears. The driver must not shift gears while crossing the tracks.

(1) Every bus transporting passengers.

(2) Every motor vehicle transporting any quantity of chlorine.

(3) Every motor vehicle which, in accordance with the regulations of the Department of Transportation, is required to be marked or placarded with one of the following markings:

(i) Explosives A

(ii) Explosives B

(iii) Poison gas

(iv) Flammable solid W

(v) Radioactive

(vi) Flammable

(vii) Blasting agent

(viii) Nonflammable gas

(ix) Chlorine

(x) Poison

(xi) Oxygen

(xii) Flammable gas

(xiii) Combustible

(xiv) Flammable solid

(xv) Oxidizer

(xvi) Organic peroxide

(xvii) Corrosive

(xviii) Dangerous

(4) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material as defined in the Hazardous Materials Regulations of the Department of Transportation, Parts 170 through 189 of this title.

(5) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flash point as determined by § 173.115 of this title.

(6) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under exemption in accordance with the provisions of Subpart B of Part 107 of this title.

(b) A stop need not be made at:

(1) A streetcar crossing, or railroad tracks used exclusively for industrial switching purposes, within a business district as defined in § 390.12 of this chapter.

(2) A railroad grade crossing when a police officer or crossing flagman directs traffic to proceed.

(3) A railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits the vehicle to proceed across the railroad tracks without slowing or stopping.

(4) An abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned.

(5) An industrial or spur line railroad grade crossing marked with a sign reading "Exempt." Such "Exempt" signs shall be erected only by or with the consent of the appropriate State or local authority.

(Sec. 12, 80 Stat. 931; 49 U.S.C. 1651 note; 49 U.S.C. 304, 1655; 49 CFR 1.48(b) and 301.60) [33 FR 19732, Dec. 25, 1968, as amended at 35 FR 7801, May 21, 1970; 38 FR 1589, Jan. 16, 1973; 40 FR 44555, Sept. 29, 1975; 45 FR 46424, July 10, 1980; 47 FR 47837, Oct. 28, 1982]

36-26-1

STATEMENT OF THE KANSAS DEPARTMENT OF TRANSPORTATION

PRESENTED TO THE SENATE TRANSPORTATION COMMITTEE
JANUARY 18, 1989

SENATE BILL NOS. 19 & 20

Mr. Chairman and Members of the Committee:

My name is Robert G. Cutter, Chief of the Office of Engineering Support, Kansas Department of Transportation. The Kansas Department of Transportation would encourage the Senate Transportation Committee to respond with favor to proposed Senate Bill Nos. 19 and 20.

I concur with the comments made by Mr. Jack Tierce of the Kansas Corporation Commission and might add that it is important to clarify the differences between the Federal and State laws pertaining to school busses and vehicles carrying hazardous materials. In my previous position as the Coordinating Engineer, Bureau of Design, I had numerous opportunities to view railroad crossings and observe confusion on the part of school bus drivers as to whether they were required to stop at all railroad crossings. Whatever actions can be taken to alleviate confusion should definitely be taken. This same thought applies to vehicles transporting hazardous materials. In the past three years there has been two accidents resulting in fatalities when a vehicle transporting hazardous material and a train collided. Flashing lights were present at one of these crossings.

Senate Bill No. 20, which would create a railway - highway crossing grant fund is very necessary. KDOT's concern for railroad crossing safety involves not only the State Highway System but all crossings in the State. The limitations which we have, concern those crossings which are not on the State Highway System. This concern is focussed on two points; 1) the ability or the willingness of the local governments to pay the ten percent matching funds and 2) the ability to consolidate rail crossings. The first of these points is emphasized by the 200 crossings for which the ten percent matching funds have not been provided by the local governments. The Federal Law which provides the rail crossing safety program specifies that the railroads cannot be mandated to pay the ten percent matching funds and KDOT does not have the statutory authority to do so. KDOT feels that safety projects are a partnership and that the local governments should be committed to sharing in the payment of the ten percent matching funds.

The establishment of a rail - highway crossing grant fund would provide the means to assist the cities, counties, and townships in developing a partnership with the state and railroads in making Kansas a safer place to travel in.

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This past September Senator Morris requested information concerning those rail crossings where ten percent funding had been refused. As of October there were 207 crossings which had no ten percent matching funds committed. Of those 207 crossings 157 crossings had received a definite no from the local government. This number will continue to grow each year as more crossings become qualified for federal funds.

Number of Crossings	157
Number of Accidents	20
Number of Crossings w\accidents	18
Number of Injuries	16
Number of Fatalities	3

We can adopt the necessary regulations as specified in Senate Bill No. 20 to further insure that the priority railroad crossings are provided with flashing lights and gates.

Senate Bill Nos. 19 and 20 benefit the people of the State of Kansas.

Thank-you!

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

In support of S.B. 19 governing
vehicles required to stop at
certain railroad grade crossings.

Presented to the Senate Transportation
& Utilities Committee, Sen. Bill Morris,
Chairman; Statehouse, Topeka, January 18,
1989.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director for the Kansas Motor Carriers Association with offices in Topeka. I appear here this morning along with Mary Turkington, the Association's Executive Director, representing our member firms and the highway transportation industry.

The Kansas Motor Carriers Association supports legislation at the state level governing the safe operation of motor truck vehicles so long as such legislation is consistent with the Federal Motor Carrier Safety Regulations found in Section 49 of the Code of Federal Regulations Part 383-399. We believe the intent of S.B. 19 is to establish such uniformity. Attached to my testimony is a copy of 49 CFR 392.10 governing required stops by vehicles at certain railroad grade crossings.

I have visited with Chairman Morris and the revisor to suggest additional language outlined in the balloon copy of S.B. 19 also attached to this statement. We ask that the

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Committee adopt this amendment to Senate Bill No. 19. The proposed amendment would make regulations adopted by the Kansas Department of Transportation and the State Corporation Commission consistent with the federal regulation governing vehicles required to stop at certain railroad grade crossings.

We strongly support S.B. 19 with adoption of the proposed amendment. We thank you for the opportunity to appear before you today and would be pleased to respond to any questions you may have.

###

§392.10 Railroad grade crossings; stopping required.

(a) Except as provided in paragraph (b) of this section, the driver of a motor vehicle specified in paragraphs (1) through (6) of this section shall not cross a railroad track or tracks at grade unless he first: Stops the vehicle within 50 feet of, and not closer than 15 feet to, the tracks; thereafter listens and looks in each direction along the tracks for an approaching train; and ascertains that no train is approaching. When it is safe to do so, the driver may drive the vehicle across the tracks in a gear that permits the vehicle to complete the crossing without a change of gears. The driver must not shift gears while crossing the tracks.

(1) Every bus transporting passengers,

(2) Every motor vehicle transporting any quantity of chlorine,

(3) Every motor vehicle which, in accordance with the regulations of the Department of Transportation, is required to be marked or placarded with one of the following markings:

- | | |
|-------------------------|------------------------|
| (i) Explosives A | (x) Poison |
| (ii) Explosives B | (xi) Oxygen |
| (iii) Poison Gas | (xii) Flammable Gas |
| (iv) Flammable Solid W | (xiii) Combustible |
| (v) Radioactive | (xiv) Flammable Solid |
| (vi) Flammable | (xv) Oxidizer |
| (vii) Blasting Agent | (xvi) Organic Peroxide |
| (viii) Nonflammable Gas | (xvii) Corrosive |
| (ix) Chlorine | (xviii) Dangerous |

(4) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material as defined in the Hazardous Materials Regulations of the Department of Transportation, Parts 170-189 of this title.

(5) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flashpoint as determined by §173.115 of this title.

(6) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under an exemption issued in accordance with the provisions of Part 107, Subpart B, of this title.

(b) A stop need not be made at:

(1) A streetcar crossing, or railroad tracks used exclusively for industrial switching purposes, within a business district as defined in §390.12 of this chapter.

(2) A railroad grade crossing when a police officer or crossing flagman directs traffic to proceed.

(3) A railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits the vehicle to proceed across the railroad tracks without slowing or stopping.

(4) An abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned,

(5) An industrial or spur line railroad grade crossing marked with a sign reading "Exempt." Such "Exempt" signs shall be erected only by or with the consent of the appropriate State or local authority.

63

SENATE BILL No. 19

By Special Committee on Transportation

Re Proposal No. 52

12-21

16 AN ACT concerning motor vehicles; requiring certain vehicles to
17 stop at railroad grade crossings; amending K.S.A. 8-1553 and re-
18 pealing the existing section.

19 *Be it enacted by the Legislature of the State of Kansas:*

20 Section 1. K.S.A. 8-1553 is hereby amended to read as follows:
21 8-1553. (a) Except as provided in subsection (b), the driver of any
22 vehicle described in *rules and* regulations issued pursuant to sub-
23 section (c), before crossing at grade any track or tracks of a railroad,
24 shall stop such vehicle within ~~fifty (50)~~ 50 feet but not less than
25 ~~fifteen (15)~~ 15 feet from the nearest rail of such railroad and while
26 so stopped shall listen and look in both directions along such track
27 for any approaching train, and for signals indicating the approach of
28 a train, and shall not proceed until ~~he~~ such driver can do so safely.
29 After stopping as required herein and upon proceeding when it is
30 safe to do so, the driver of any said vehicle shall cross only in such
31 gear of the vehicle that there will be no necessity for manually
32 changing gears while traversing such crossings and the driver shall
33 not manually shift gears while crossing the track or tracks.

34 (b) This section shall not apply at:

35 (1) Any railroad grade crossing at which traffic is controlled by
36 a police officer or human flagman;

37 (2) Any railroad grade crossing at which traffic is regulated by a
38 traffic-control signal, ~~except that school buses and marked or plac-~~
39 ~~arded vehicles transporting hazardous materials shall stop as re-~~
40 ~~quired by subsection (a);~~

[as defined by K.S.A. 8-1478 and amendments thereto.]

41 (3) ~~Any railroad grade crossing protected by crossing gates or an~~
42 ~~alternately flashing light signal intended to give warning of the ap-~~
43 ~~proach of a railroad train, except that school buses and marked or~~

(3) Any abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned.

3-5

44 ~~placarded vehicles transporting hazardous materials shall stop as~~
45 ~~required by subsection (a);~~

46 ~~(#) Any railroad grade crossing at which an official traffic control~~
47 ~~device gives notice that the stopping requirement imposed by this~~
48 ~~section does not apply--~~

49 (c) The secretary of transportation shall adopt such rules or reg-
50 ulations as may be necessary describing the vehicles which must
51 comply with the stopping requirements of this section. ~~In formulating~~
52 ~~such rules and regulations, the secretary shall give consideration to~~
53 ~~the number of passengers carried by the vehicle and the hazardous~~
54 ~~nature of any substance carried by the vehicle in determining~~
55 ~~whether such vehicle shall be required to stop. Such regulations~~
56 ~~shall correlate with and so far as possible conform to regulations of~~
57 ~~the United States department of transportation.~~

58 Sec. 2. K.S.A. 8-1553 is hereby repealed.

59 Sec. 3. This act shall take effect and be in force from and after
60 its publication in the statute book.
61

(4) Any industrial or spur line railroad grade crossing marked with a sign reading "Exempt". Such "Exempt" signs shall be erected only by or with the consent of the appropriate state or local authority.

(5) A railroad grade crossing used exclusively for industrial switching purposes, within a business district defined in K.S.A. 8-1407.

[in conjunction with the State Corporation Commission]

[the Federal Motor Carrier Safety Regulations]

KANSAS RAILROAD ASSOCIATION

PATRICK R. HUBBELL
DIRECTOR-PUBLIC AFFAIRS

920 S.E. QUINCY
P.O. BOX 1738
TOPEKA, KANSAS 66628

913-357-3392

Statement of the Kansas Railroad Association

Presented to the Senate Committee
on Transportation and Utilities
The Honorable Bill Morris, Chairman

Statehouse
Topeka, Kansas
January 18, 1989

* * * * *

Mr. Chairman and Members of the Committee:

My name is Pat Hubbell. I am Director-Public Affairs for the Kansas Railroad Association. I would like to thank the Chairman and the Committee for giving me the opportunity to express the support of the Kansas Railroad Association for Senate Bills 19 and 20.

K.S.A. 8-1553 was enacted in 1973 as part of the Uniform Act Regulating Traffic and Highways. Senate Bill 19 would amend this statute to require school buses and marked or placarded vehicles transporting hazardous materials to stop at all highway-rail grade crossings, except for those crossings controlled by police officers or flagmen or which official traffic control devices provide notice that a stop is not required.

It is our understanding that many Kansas school districts have adopted local policies for school bus operators generally in line with the suggested amendment to K.S.A. 8-1553. We further

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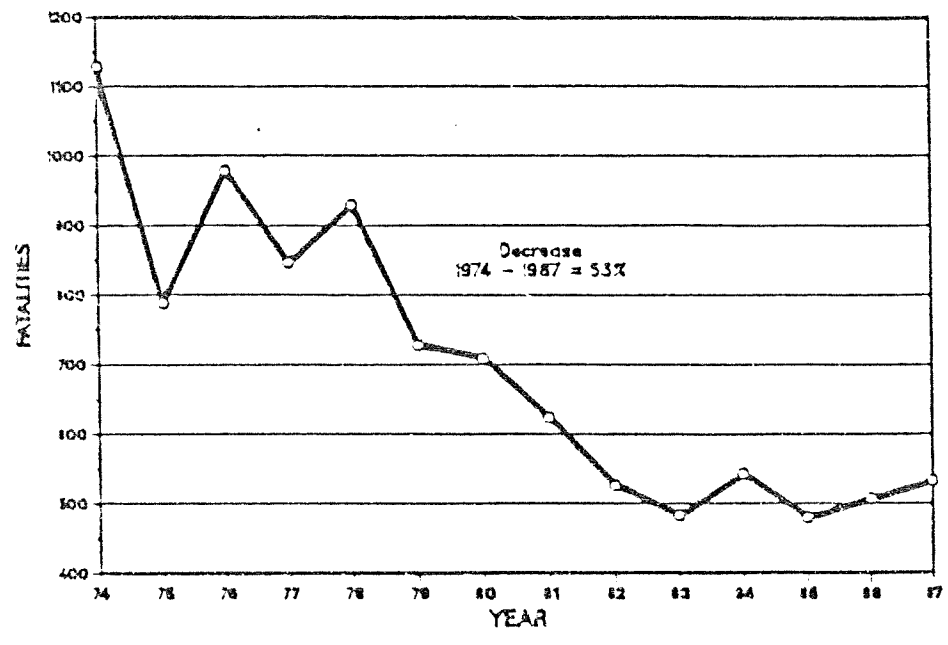
understand that many companies with vehicles transporting hazardous materials also require their operators to stop at all railroad crossings.

We believe the suggested amendment represents good public policy, particularly as an educational tool. Requiring school bus operators to stop at highway-rail grade crossings, even those crossings protected with active warning devices, will help to reinforce in the minds of school children that alertness and caution is demanded of all vehicle drivers approaching highway-rail crossings.

The Kansas Railroad Association also supports Senate Bill 20 which would designate \$225,000 per year from the state general fund to the railway-highway crossing grant fund. This money would be used as a match of federal funds for the installation of active warning devices at rail-highway crossings. I suggest the Committee consider allowing either the Department of Transportation or the Kansas Corporation Commission the authority to close unsafe crossings in the vicinity of new installations of active warning devices. I have attached five tables regarding railroad-highway accidents which were provided the interim committee last summer.

Thank you for the opportunity to present the Railroad Industry's position on Senate Bills 19 and 20. We encourage your consideration of these bills. I will try to respond to any questions that you may have.

HIGHWAY-RAILROAD MOTOR VEHICLE
FATALITIES AT PUBLIC CROSSINGS

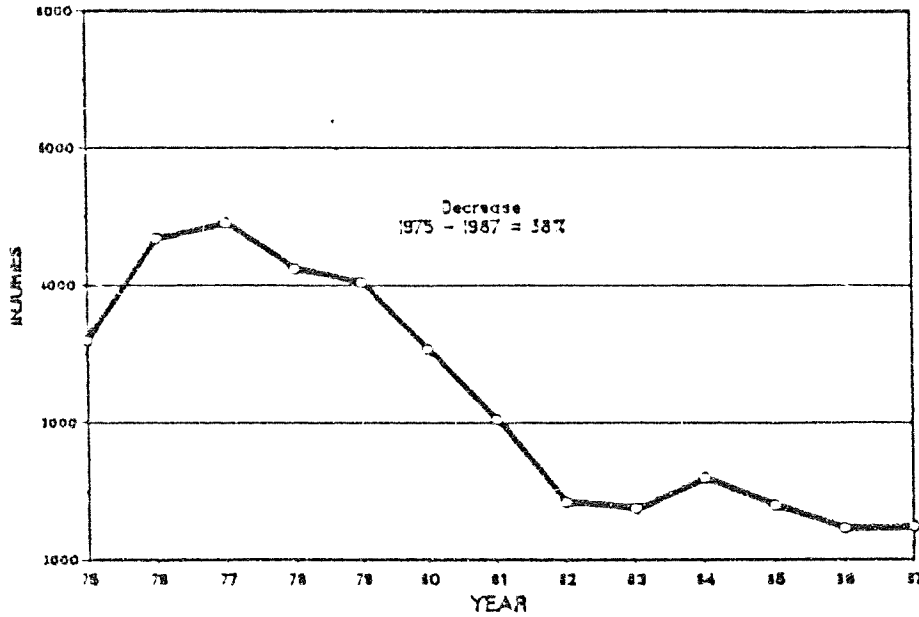


HIGHWAY-RAILROAD MOTOR VEHICLE
FATALITIES
AT PUBLIC CROSSINGS

<u>YEAR</u>		<u>FATALITIES</u>
1974	↓ 53% Decrease ↓	1,128
1975		788
1976		978
1977		846
1978		929
1979		727
1980		708
1981		623
1982		526
1983		483
1984		543
1985		480
1986		507
1987		533 (preliminary)

SOURCE: FRA Rail-Highway Crossing Accident/
Incident and Inventory Bulletin.

HIGHWAY-RAILROAD MOTOR VEHICLE
INJURIES AT PUBLIC CROSSINGS



Note: 1974 Not Shown Due To Change in FRA Reporting Criteria.

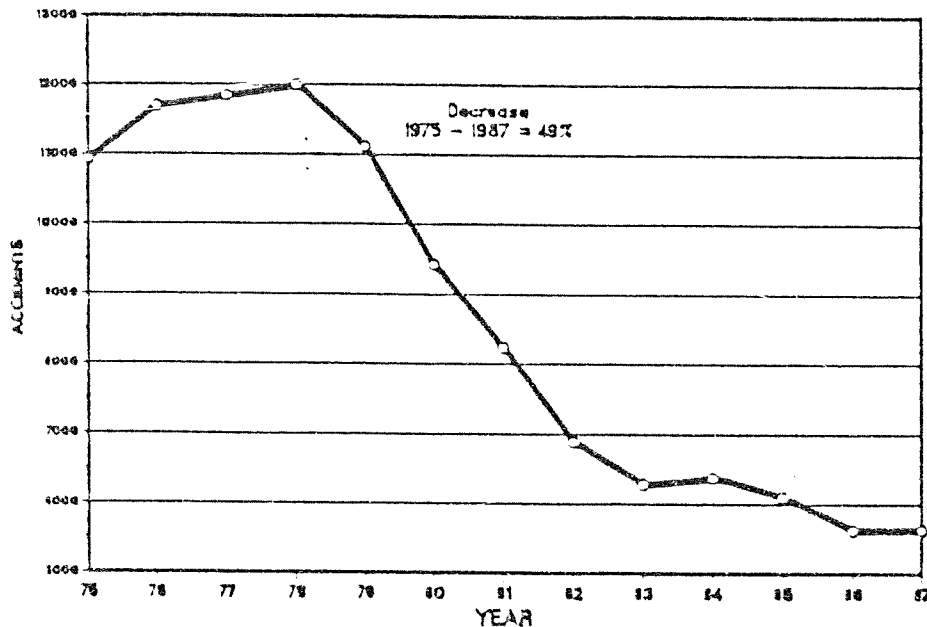
HIGHWAY-RAILROAD MOTOR VEHICLE
INJURIES
AT PUBLIC CROSSINGS

YEAR	INJURIES
1975	3,600
1976	4,343
1977	4,455
1978	4,120
1979	4,019
1980	3,534
1981	3,020
1982	2,417
1983	2,372
1984	2,597
1985	2,395
1986	2,227
1987	2,239 (preliminary)

↓
38%
Decrease
↓

SOURCE: FRA Rail-Highway Crossing Accident/
Incident and Inventory Bulletin.

HIGHWAY-RAILROAD MOTOR VEHICLE
ACCIDENTS AT PUBLIC CROSSINGS



Note: 1974 Not Shown Due To Change in FRA Reporting Criteria.

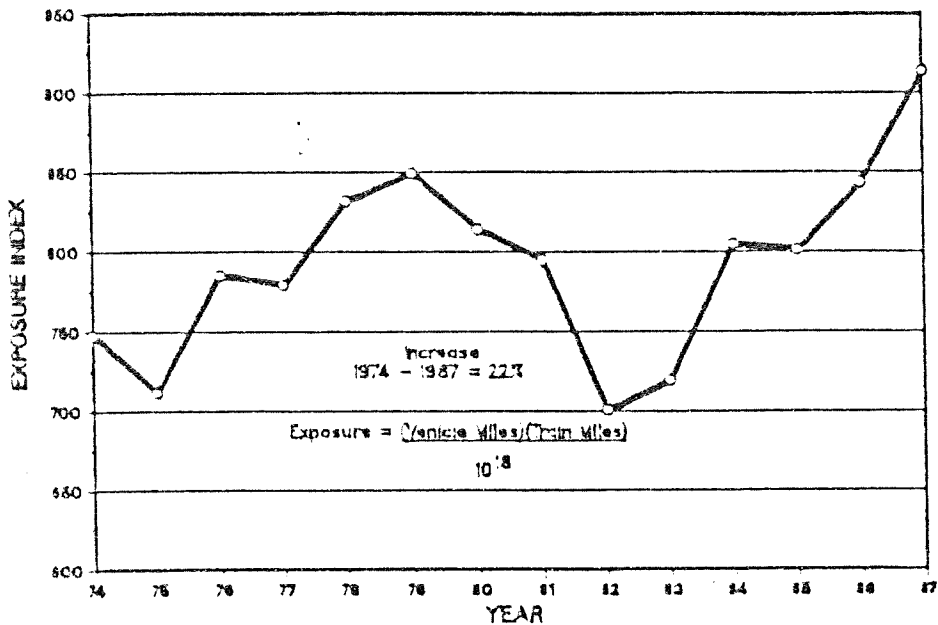
HIGHWAY-RAILROAD MOTOR VEHICLE
ACCIDENTS
AT PUBLIC CROSSINGS

YEAR	ACCIDENTS
1975	10,925
1976	11,700
1977	11,849
1978	11,999
1979	11,108
1980	9,422
1981	8,232
1982	6,882
1983	6,272
1984	6,370
1985	6,093
1986	5,620
1987	5,628 (preliminary)

↓
49%
Decrease
↓

SOURCE: FRA Rail-Highway Crossing Accident/
Incident and Inventory Bulletin.

POTENTIAL EXPOSURE AT
HIGHWAY-RAILROAD CROSSINGS



POTENTIAL EXPOSURE AT
HIGHWAY-RAILROAD CROSSINGS

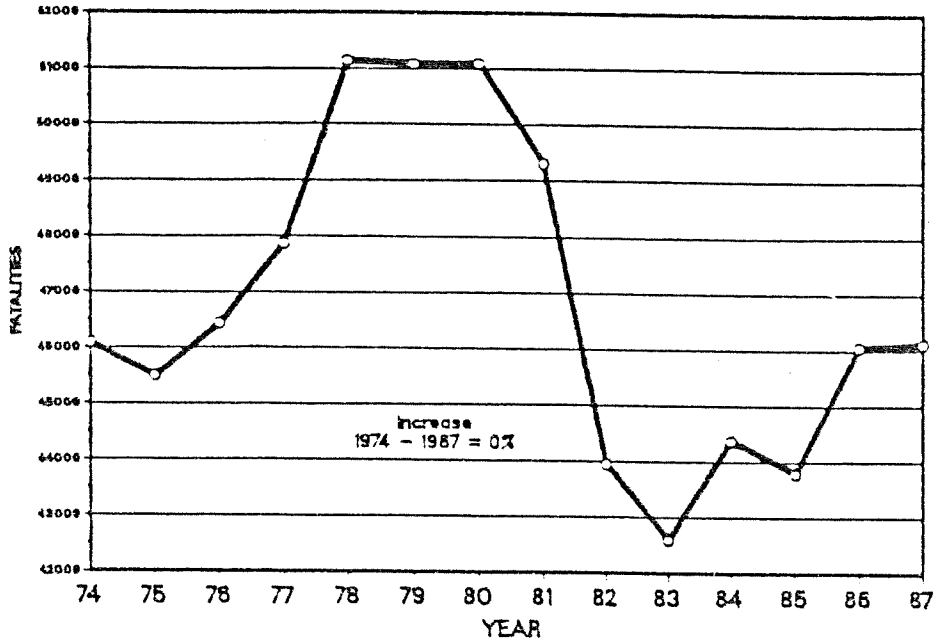
YEAR	#EXPOSURE INDEX
1974	747.66
1975	711.40
1976	785.47
1977	779.18
1978	832.12
1979	849.56
1980	814.15
1981	794.80
1982	700.39
1983	719.33
1984	804.87
1985	801.13
1986	843.46
1987	913.58

↑
22%
Increase
↓

EXPOSURE INDEX = $\frac{(\text{VEHICLE MILES})}{(\text{TRAIN MILES})} \cdot 10^{18}$

#Table revised for 1974-1986.

ALL HIGHWAY MOTOR VEHICLE FATALITIES



ALL HIGHWAY MOTOR VEHICLE FATALITIES

YEAR	FATALITIES
1974	46,078
1975	45,500
1976	46,434
1977	47,868
1978	51,153
1979	51,083
1980	51,091
1981	49,301
1982	43,947
1983	42,596
1984	44,372
1985	43,795
1986	46,056
1987	46,121 (preliminary)

0%
Change

SOURCE: FHWA "Fatal and Injury Accident Rates", Accident Analysis Division, Office of Highway Safety.

Brotherhood of Locomotive Engineers

Kansas State Legislative Board

RICHARD DAME
Chairman
466 W. 7th Street
Hoisington, Kansas 67544
(316) 653-7524



DONALD E. DETWILER
1st Vice Chairman
1001 E. 6th Street
Pratt, Kansas 67124
(316) 672-2551

LEO M. SRUBAS
Secretary-Treasurer
5005 Georgia
Kansas City, Kansas 66104
(913) 287-8280

Statement of the Brotherhood of Locomotive Engineers

Presented to the Senate Committee
on Transportation and Utilities

The Honorable Bill Morris, Chairman

Statehouse
Topeka, Kansas
January 18, 1989

Mr. Chairman and Members of the Committee my name is Richard Dame. I am Chairman of the Kansas Legislative Board for the Brotherhood of Locomotive Engineers. I would like to thank you for giving me the opportunity to testify in favor of Senate Bill 19.

When I am not attending the Legislature I work full time as a locomotive engineer. For many engineers working throughout the state, such as myself, there is very little that causes more anxiety or fear than the possibility of a accident at a grade crossing. Many times the engineer, in the movement of a train through the state of Kansas, has done every thing in his or her power to prevent a grade crossing accident to have ^{IT END} in a failure, sometimes even a fatality.

I have been working as a engineer since 1974 and in that time I have had 7 grade crossing accidents. I know what it feels like after having stopped the train, to go back to the crossing where the accident happened and find a young man 15 or 16 years of age

ATT. 5
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who has become a fatality of a railroad grade crossing accident. That kind of accident is a nightmare in itself, but can you imagine if a school bus or bus carrying 30 or 40 people were involved in a grade crossing accident. Heaven forbid that should ever happen.

The Brotherhood of Locomotive Engineers feel that by the passage of Senate Bill 19, as amended, you will greatly enhance railroad grade crossing safety in the state of Kansas. We also feel or hope that it would help install the proper respect for railroad grade crossings in the young people of our state so that they would not end up as a fatality at a grade crossing.

I thank you Mr. Chairman for allowing me the opportunity to express these views on Senate Bill 19. I will try to respond to any questions which you may have.

SUMMARY OF TESTIMONY

Before the Senate Transportation and Utilities Committee

Senate Bill 19

Presented by the Kansas Highway Patrol

(Sergeant Terry L. Maple)

January 18, 1989

Appeared in Support of Senate Bill 19

The Kansas Highway Patrol supports Senate Bill 19. Senate Bill 19 amends K.S.A. 8-1553 to require school buses and marked or placarded vehicles transporting hazardous materials to stop at all railroad crossings. The amendment is designed to enhance the safety of motorists, railroad employees and the public at large.

We would request that the Bill be amended to require all buses and all vehicles transporting hazardous materials which are required to be marked or placarded to stop at all railroad crossings.

The Bill as presently written only requires school buses and those vehicles which are marked or placarded to stop. We feel that it would be in the best interest of safety to all people who utilize the mass transportation system of buses (school, daycare, church and commercial), to require those vehicles to stop at all railroad crossings. The proposed bill, as written, has a "loophole" for vehicles transporting hazardous materials because it reads "marked or placarded vehicles" shall stop. If a vehicle is transporting such material, and is not marked or placarded, it would not be in violation of this statute even though it would be violating other statutes requiring such marking or placards. Our proposed amendment would include all those vehicles which are required to be marked or placarded.

At present it is confusing to drivers of these vehicles because the Kansas Corporation Commission has rules and regulations requiring certain vehicles regulated by them to stop at these crossings, but those not regulated by the KCC are not required to do so. Senate Bill 19 would require all these vehicles, regulated by KCC or not, to stop at all railroad crossings. This would definitely be an enhancement to traffic safety in Kansas.

Your favorable consideration of this request will be greatly appreciated.

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JANUARY 1989

STATEMENT OF DONALD F. LINDSEY JR., DIRECTOR,
KANSAS STATE LEGISLATIVE BOARD
UNITED TRANSPORTATION UNION
IN SUPPORT OF S.B. 19

Mr. Chairman and members of the Committee, I am Don Lindsey, Director of the Kansas State Legislative Board - UNITED TRANSPORTATION UNION. I am a duly elected officer, authorized to speak for our some 6,000 active and retired members and their families who reside in the state of Kansas. I appear in support of S.B. 19.

Senate Bill 19 addresses the two greatest fears a railroad employee in the operating crafts has during his tour of duty. Those two fears are a grade-crossing accident involving either a school bus or a vehicle which is transporting hazardous materials.

The United Transportation Union supports any piece of legislation which helps emphasize the dangers associated with railroad crossings.

Several years ago the head-end crew on a Missouri Pacific freight train was killed when the driver of a gasoline truck failed to notice the lights flashing at a road crossing in Martin City, MO. The driver testified that because of the sun in his face he did not see that the lights were operating. Because he failed to stop and make sure, the engineer and the head brakeman were killed instantly upon impact and the subsequent explosion of the gasoline. However, it is unimaginable the terror which had to of went through those two individuals minds seeing the gasoline truck pulling across in front

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of them and no way to stop. Had a bill similar to Senate Bill 19 been in place in the state of Missouri, possibly this accident might have been avoided. Assuming the driver adhered to the law, he would have stopped regardless of rather he could see the lights flashing.

Probably more important to the UNITED TRANSPORTATION UNION than even the safety of our own members, is the safety of our children. The UNITED TRANSPORTATION UNION believes that our children are our most precious commodity. They represent the future, not only for Kansas, but our country. Anything which is done in the interest of protecting the lives of our children, the UNITED TRANSPORTATION UNION strongly supports.

Mr. Chairman, I would once again thank you for allowing me the opportunity to appear before your committee in support of Senate Bill 19. Should you or any member of the committee have any questions, I would attempt to answer them at this time. Thank you.