

Approved January 24, 1990  
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at  
Chairperson

1:30 ~~am~~/p.m. on January 22, 1990 in room 519-S of the Capitol.

All members were present except:

Representatives Campbell, Everhart, Gregory, all excused.

Committee staff present:

Bruce Kinzie, Revisor of Statutes  
Tom Severn, Legislative Research  
Hank Avila, Legislative Research  
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Rep. Ginger Barr  
Mr. Larry Ross, League of American Wheelmen, Wichita, Kansas  
Ms. Pam Sommerville, Kansas Department of Transportation

The meeting was called to order by Chairman Crowell, and the first order of business was a hearing on HB-2288 concerning the requirement that operators of bicycles wear reflectorized material.

Representative Ginger Barr briefed the Committee on the contents of the bill. (See Attachment 1)

Representative Barr explained recommended changes to HB-2288 as outlined in a balloon which was passed among Committee members. (See Attachment 2)

Mr. Larry Ross, League of American Wheelmen, Wichita, Kansas, testified in support of HB-2288. (See Attachment 3)

Ms. Pam Sommerville, Kansas Department of Transportation, spoke in support of HB-2288. (See Attachment 4)

The hearing on HB-2288 ended.

The minutes of the House Transportation Committee held on January 18, 1990, were approved as written.

The meeting was adjourned at 2:25 p.m.

  
Rex Crowell, Chairman



STATE OF KANSAS

GINGER BARR  
REPRESENTATIVE, FIFTY-FIRST DISTRICT  
SHAWNEE COUNTY  
P.O. BOX 58  
AUBURN, KANSAS 66402-0058



TOPEKA

HOUSE OF  
REPRESENTATIVES

January 22, 1990

COMMITTEE ASSIGNMENTS  
CHAIRMAN: FEDERAL AND STATE AFFAIRS  
MEMBER: ENERGY AND NATURAL RESOURCES

Chairman Crowell and Members of the Transportation Committee:

Thank you for again allowing me the opportunity of being heard on HB 2288. Last year I spoke to you of my concern about bicyclists on the road after dusk. You will recall that orthopedic surgeon, Dr. Sergio Delgado, also testified about serious concerns in southwest Shawnee County. Since that hearing, we have had an adult bicyclist killed on 29th Street west of Wanamaker Road in Shawnee County.

I have spoken with the Kansas Department of Transportation on several ideas in regard to this matter. One thing on which the department and I agree is having bicyclists wear reflectorized vests at dusk and dawn. My reason for asking for an amendment to this bill comes from several experiences. In driving unlighted roads during the early morning and evening hours, I am constantly surprised at the number of bicycles that have no reflective material. One evening as I drove west on 29th Street, it was "pitch black" and I saw a runner wearing a reflectorized vest. The vest had large horizontal bands of reflectorized material making him easily seen when my headlights struck the material.

As I stated earlier, I recognize that bicycles are a mode of transportation. Bicycling is an excellent sport and form of exercise and should be promoted. It is also frustrating to know that in most cases the motorist is the one held responsible if a bicyclist is hit. Therefore, I think that it is very important that the state make a policy to help the motorist by making the bicyclist visible when he or she is unwilling to assume that responsibility.

Introducing this type of legislation, as well as proposing this amendment, goes against my basic philosophy of keeping government out of people's lives. I was one of the House members not voting for the seatbelt law as I thought it should be self-initiated. My years of service in the Legislature have changed my opinion because people don't seem to want to take responsibility for their actions and usually pass blame to the other person or the government when something tragic happens to them. Conversations with the Topeka Police Department indicated, "as a rule, this area (bicyclists) is only enforced following an accident."

Mr. Chairman and Members of the Committee, I respectfully submit the attached amendment be placed in HB 2288. If there are questions, I would be more than happy to respond.

Attach 1

# HOUSE BILL No. 2288

By Representative Barr

(By request)

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AN ACT requiring the wearing of reflectorized ~~material~~ by operators of bicycles; amending K.S.A. ~~1988~~ Supp. 8-2118 and repealing the existing section.

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

New Section 1.  Every person operating a bicycle upon a highway, at any time from 1/2 hour after sunset to 1/2 hour before sunrise, shall wear ~~on such person's body,~~ a reflectorized ~~material of a type~~ approved by the secretary of transportation which is visible from a distance of 200 feet.

(a)  
vest

Sec. 2. K.S.A. ~~1988~~ Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) The secretary of transportation shall adopt rules and regulations establishing criteria for the material, size and proper wearing of the reflectorized vest required in subsection (a).

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to

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131	Clinging to other vehicle	8-1589	\$10
132	Improper riding of bicycle on roadway	8-1590	\$10
133	Carrying articles on bicycle; one hand on handlebars	8-1591	\$10
134	Improper bicycle lamps, brakes or reflectors	8-1592	\$10
135	<del>Lack of reflectorized material</del>	section 1	\$10
136	Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$10
137	Improper operation of motorcycle on laned roadway	8-1595	\$20
138	Motorcycle clinging to other vehicle	8-1596	\$10
139	Improper motorcycle handlebars or passenger equipment	8-1597	\$20
140	Motorcycle helmet and eye-protection requirements	8-1598	\$10
141	Equipment offenses that are not misdemeanors	8-1701	\$20
142	Driving without lights when needed	8-1703	\$20
143	Defective headlamps	8-1705	\$10
144	Defective tail lamp	8-1706	\$10
145	Defective reflector	8-1707	\$10
146	Improper stop lamp or turn signal	8-1708	\$10
147	Improper lighting equipment on certain vehicles	8-1710	\$10
148	Improper lamp color on certain vehicles	8-1711	\$10
149	Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$10
150	Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$10
151	No lamp or flag on projecting load	8-1715	\$20
152	Improper lamps on parked vehicle	8-1716	\$10
153	Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$10
154	Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$10
155	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$10
156	Improper lamps or lights on emergency vehicle	8-1720	\$10
157	Improper stop or turn signal	8-1721	\$10

vest



League of American Wheelmen  
National Organization of  
Bicyclists

POSITION STATEMENT ON  
BICYCLE CONSPICUITY & NIGHTTIME PROTECTIVE EQUIPMENT

The League of American Wheelmen recognizes that proper lighting and reflective equipment are necessary for safe bicycle operation at night.

A white headlamp lights the bicyclist's way and also alerts others to the bicyclist's approach; and so a headlamp is essential when riding at night, even under overhead lighting.

A bright, rear-facing taillamp or retroreflector is a minimum requirement to alert motorists approaching from behind. The lamp and reflector together are a good combination, since they make up for each others' weaknesses; the taillamp may burn out without the bicyclist's knowledge; the reflector is more reliable, but it returns light only in the direction of the source and can, for example, perform poorly when an approaching motorist's left headlamp has burned out.

Under many conditions, additional equipment beyond the headlamp and taillamp or rear reflector can aid in the early recognition of bicyclists by motorists. Reflectors or reflective material mounted on the pedals, shoes or ankles attract attention because of their characteristic motion. Clothing and bicycle baggage carriers can offer room for large areas of rear-facing reflective material.

However, front- and side-facing reflectors are the subject of much confusion. As noted above, a front reflector does not substitute for a headlamp. Wheel-mounted side reflectors seldom fall within the headlamp beams of a vehicle in sufficient time to prevent a collision. Wheel-mounted reflectors can also be hidden by bicycle luggage or the rider's leg when the bicycle is at a stop, and lose their wide-angle reflective properties when the wheel stops at certain angles.

Recommendations

The League recommends that all states adopt the bicycle lighting and reflectorization provisions of the Uniform Vehicle Code, which conform fairly well to the statements above. The Uniform Vehicle Code sets minimum requirements but allows flexibility in carrying them out: for example, allowing reflective ankle bands as a substitute for pedal and wheel reflectors. The Uniform Vehicle Code is also flexible in allowing additional equipment beyond the minimum requirement.

However, the League recommends addition to the Uniform Vehicle Code of minimum brightness requirements for lights sold for use on bicycles and revision of the Code to allow a much brighter

amber rear reflector to replace the currently-required red reflector.

The League recommends a major revision of the United States Consumer Product Safety Commission regulations for new bicycles and bicycle equipment as follows:

1. The Consumer Product Safety Commission should end its silence on lighting systems by adopting ISO-ANSI standards as minimum requirements for lighting systems sold for use on bicycles.
2. Regulations should require strong wording in bicycle owners manuals about the legal and practical requirements for a headlight and the advisability of --and in some states, legal requirement for -- a taillight.
3. Regulations should allow more flexibility in the allowable design and location of side-facing reflectors to overcome the problems with wheel reflectors described above.
4. Regulations should specify a brighter rear reflector. The current reflector sacrifices brightness directly behind the bicyclist to attain wide-angle coverage. Some possible solutions: a larger reflector; amber color instead of red; larger percentage of the reflector area devoted to angles directly behind the bicyclist; or a combination of these measures.
5. Regulations should establish a standardized lamp bracket installable on all new bicycles (such as, for example, the British standard spade bracket), and should require equipment such as luggage racks which cover the usual location of the lamp to be designed to accept a lamp bracket where the lamp will not be hidden.

The League encourages manufacturers to market and to develop and promote the use of improved conspicuity equipment, particularly: 1) lamps with improved efficiency to allow a greater brightness, lighter weight and longer battery life/lower generator drag; 2) field-current voltage-regulated generators to prevent bulb burnout and to increase efficiency, which is woefully low with the present generators; 3) systems in which the generator charges a battery to keep the lamps burning when the bicycle stops; 4) moderate-priced, integrated charger/lamp systems; 5) bright-colored and retroreflective bicycle equipment and clothing. The League points out that retroreflective materials for bicycle use must retain their reflective properties when wet.

The League urges all bicyclists who operate their bicycles during the hours of darkness to use, as a minimum, lighting and reflector systems which meet legal requirements and the ISO standards. The League encourages the use of additional equipment including a taillamp, retroreflective material, light-colored

clothing, and the additional lamps such as, for example, the flashing beacon.

The League urges improved enforcement of nighttime equipment laws against bicyclists and motorists alike. Laws requiring that bicyclists use a headlamp and rear reflector -- and usually additional equipment -- are in effect in all states, but are very spottily enforced.

The League recognizes that motorists under the influence of alcohol are involved in a high percentage of nighttime car-bicycle accidents, and urges stronger measures to combat drunk driving.

### Background

Currently, the proportion of bicycle accidents occurring at night is inordinately high, largely due to the failure to enforce existing laws requiring bicycle headlamp use; to Federal regulations which consider only reflectors, not lamps; to the insufficiently bright Federally-required rear reflector, and to drunk driving.

The United States lags seriously in confronting these problems. Throughout Europe, for example, bicyclists are regularly ticketed for failure to use proper nighttime equipment, and as a result, such equipment is the rule rather than the exception.

Recent research by the National Highway Traffic Safety Administration (NHTSA) and England's Transport and Road Research Laboratory has shown that equipment beyond the minimum can increase the conspicuity of bicyclists. Improved equipment does advance the state of the art, and the safety of bicyclists who use it; but the primary problem in the United States is not one of refinement, but one of establishing and enforcing minimum standards. This statement has attempted to address that problem.

(Approved by the Board of Directors, December 11, 1988.)



**Larry Ross**

Bicycle Advocate  
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*President, Bicycle Kansas Inc.*

Non Profit Organizations



STATE OF KANSAS



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Horace B. Edwards  
*Secretary of Transportation*

Mike Hayden  
*Governor of Kansas*

MEMORANDUM TO: House Transportation Committee

FROM: Kansas Department of Transportation

REGARDING: HB 2288 - Amending KSA 1988 Supp.  
8-2118

DATE: January 22, 1990

Mr. Chairman and members of the committee. House Bill 2288 amends KSA 1988 Supp. 8-2118 by requiring that every person operating a bicycle upon a highway between 1/2 hour after sunset and 1/2 hour before sunrise must wear a reflectorized material of a type approved by the Secretary of Transportation which is visible from a distance of 200 feet.

The Department would need to develop an approved list of materials including a certification process. The cost of such development would be absorbed within the existing operating expenses of the Department.

While the Department does not encourage increased bicycle usage on highways, the Department is supportive of this proposal.

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