

Approved 3-24-92  
Date

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./~~p.m.~~ on March 17, 1992 in room 254-E of the Capitol.

~~All members were present except~~ Members present:  
Senators Morris, Doyen, Brady, Hayden, Kanan, F. Kerr, Martin, Rock, Sallee and Thiessen.

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

Conferees appearing before the committee:

Rep. Carol Sader  
Raymond Olson, Kansas Coalition on Aging  
Lindon Drew, Kansas Department on Aging  
Deb Miller, Kansas Department of Transportation  
Rep. Sheila Hochhauser  
Vickie Tyler, Manhattan  
Sharon Hoffman, Committee on Disability Concerns  
Robert Jordon, Coalition for Outdoor Access, Clay Center  
Rep. Sandy Praeger  
Michael Brown, Children's Advocate, Lawrence  
Nancy Bauder, Kansans for Highway Safety  
Jan Stegelman, Injury Prevention Co-ordinator, Department of Health and  
Environment  
Carol Middendorf, Kansas State Nurses Association  
Capt. Terry Scott, Kansas Highway Patrol  
Rosemary O'Neil, Kansas Head Injury Survivors Council  
Donovan Lee, Kansas Rehabilitation Hospital  
Jack Petty, Salina  
Chip Wheelen, Kansas Medical Society

Hearing on H.B. 2971 - Establishing the coordinated transit districts act.

This bill would authorize the State Department of Transportation to establish local transit districts that would be eligible to receive state and federal funds for rural transportation systems and for specialized transportation system for the elderly and disabled.

Ray Olson said establishment of this bill would provide for an available, accessible and well coordinated system of public transportation and would serve the elderly and the handicapped. The Kansas Coalition on Aging supports this bill. (Attachment 1).

Lindon Drew said the Department on Aging supports this bill. Coordination would improve services because there was inefficiency in the use of vehicles. Some of them are only used for part of a day. A copy of his statement is attached. (Attachment 2).

Rep. Carol Sader told the committee that local transit coordinating councils already are developing across that state to try to coordinate the various and sometimes overlapping transportation programs and services that exist. This bill would give the Department of Transportation the authority it needs to develop a state plan to coordinate and encourage these councils. (Attachment 3).

Deb Miller, Department of Transportation, said they support the bill and it would greatly enhance coordination of transportation services. Many states already have this type of program in place. They will soon be starting a year-long study to develop a detailed implementation plan. They will be holding meetings across the state to seek input from the public. (Attachment 4).

(over)

Hearing on H.B. 3015 - Wheelchairs excluded from definition of motor vehicles and persons operating defined as pedestrians.

Rep. Sheila Hochhauser told the committee that under current law motorized wheelchairs are defined as motor vehicles. She said that a strict interpretation would result in these vehicles being registered, licensed, and insured. Also the definition of a pedestrian would not include a person in a wheelchair. (Attachment 5).

Vickie Tyler said her husband was a former police officer who had been shot and disabled while on duty. They have become involved with people with disabilities and the issue of the definitions of motor vehicles and pedestrians are a concern for all persons with disabilities. She urged passage of this bill. (Attachment 6).

Sharon Huffman, Commission on Disability Concerns, said her office had received numerous calls from persons concerned about a motorized wheelchair being considered as a motor vehicle. They support passage of this bill. (Attachment 7).

Bob Jordon, Coalition for Outdoor Access, said his organization is composed of people who are dedicated to increasing the availability of outdoor recreational opportunities for people with disabilities. This bill would correct a deficiency in the state law by better definitions of "motor vehicle" and a "pedestrian". They support this bill. (Attachment 8).

Hearing on H.B. 2766 - Child passenger safety act, passenger car.

Rep. Sandy Praeger was in favor of the bill but she spoke specifically to New Sec. 2 of the bill and said it only applies to pickup trucks and she felt the new section does not go as far as it should. It should prohibit anyone from riding in the back of a pickup. A copy of her statement is attached. (Attachment 9).

Michael Brown, Children's Advocate, said the Child Passenger Safety Act applies only to children who ride cars. This bill would protect children in more-dangerous pickups and vans. Seat belts are used less in rural areas and as drivers go faster the resulting injuries are more severe. (Attachment 10).

Nancy Bauder, Kansans for Highway Safety, said five times the number of fatalities occur when passengers are unbelted compared to belted passengers. To allow children to ride in the back of a pickup is inconsistent with the educational efforts to encourage children to buckle up. Child restraints do work. She urged passage of the bill. (Attachment 11).

Jan Stegelman, Department of Health and Environment, said pickups and vans are becoming increasingly popular for use as family vehicles. Their increasing number dictate consideration of expanding a proven injury prevention intervention, the use of mandatory child safety seats and safety belts for the children who are being transported in these vehicles. (Attachment 12).

Beverly Miller, Kansas Safety Belt Education Office, said this bill would correct a serious flaw in our current law. Kansas has one of the best child passenger safety laws in the country for automobiles but why should pickups not be included. Children in pickups are especially vulnerable. Trucks are very common in rural Kansas and 80% of traffic fatalities in Kansas occur on rural roads. (Attachment 13).

Carolyn Middendorf, Kansas State Nurses' Association, said they see first hand the degree of injury and permanent damage to children injured in automobile accidents and they believe prevention should receive greater attention. The use of seat belts is one public policy that would facilitate reduced injuries and death in children. (Attachment 14).

Captain Terry Scott, Kansas Highway Patrol, said this bill would make the Child Passenger Safety Act consistent with the present seat belt statute. There is now a contradiction in the language. (Attachment 15).

Rosemary O'Neil, Kansas Head Injury Survivors, said she encourages passage of this bill. (Attachment 16).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
room 254-E, Statehouse, at 9:02 a.m./~~pm~~ on March 17, 1992.

Chip Wheelen, Kansas Medical Society, said this bill would be an improvement over current law. It is needed and will result in prevention of unnecessary injuries and deaths. (Attachment 17).

Donovan Lee, Brain Injury Unit, Kansas Rehabilitation Hospital, spoke of the trauma that a family experiences when a child is brain injured in some of these accidents. He spoke of the need for prevention. (Attachment 18).

OPPONENT

Jack Petty, Salina, was opposed to the bill. He said this bill would also include pickups with toppers. He said many families used these for their outings.

A motion was made by Sen. Sallee and was seconded by Sen. Hayden to approve the Minutes of February 25 and February 26, 1992. Motion carried.

Meeting was adjourned at 10:00 a.m. Next meeting March 18, 1992.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3-17-92 Place 254-E Time 9:02

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Barbara J. Smelter KDOT / Traffic Safety

Sharon Huffman Topeka KCDC

Ann C. Peterson " KANP

R. Lipsey " AP

S. Hochhauser Manhattan State Rep

Doug Bowman Topeka Children & Youth Advisory

Russell Wilborn "

ROSEMARY O'NEIL TOPEKA HEAD INJURY SURVIVOR COMM

Nancy Bander Leavenworth Kansans for Highway Safety

Stephen Schiffelbein Topeka Rehabilitation Services (SRS)

Tom Whitaker Topeka Ks. Motor Carriers Assn

Gina McDonald Topeka Ks Assoc of Centergor I.L.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3-17-92 Place 254-E Time 9:02

GUEST LIST

NAME

ADDRESS

ORGANIZATION

NAME	ADDRESS	ORGANIZATION
Ray Olson	Topeka	Kansas Coalition On Aging
Carolyn Middendorf	Topeka	Ks State Nurses Assoc
Michael D. Brown	TOPEKA	SELF (VOLUNTEER)
Dennis Lee	TOPEKA	Ks REHAB. HOSP.
Bob McDonald	Topeka	Board of EM
Don Stegelman	Topeka	Ks Dept of Health Emer
Jack Betty	Salina	none
Deb Miller	Topeka	KDOT
Kathy Marion	Topeka	KDOT
Terry G. Scott	Topeka	KHP
Beverly Miller	Manhattan	Ks Safety Best Office
Terry Heidner	Topeka	KDOT
Robert & Tada	Clay Center, Ks	COA
Judy Markson	Clay Center, Ks.	
James L. Taylor	3503 STONEMENNER CT., KS	H.O.P.E.
Wicki Tyler	MANHATTAN, KS	H.O.P.E.

March 17, 1992

Testimony

To the Senate Committee on Transportation and Utilities

Regarding HB 2971

By the Kansas Coalition On Aging

Mr. Chairman and members of the Committee, my name is Ray Olson, Chairman of the Kansas Coalition On Aging. I appreciate the opportunity to appear today and voice KCOA's support of HB 2971.

I want to bring to the Committee's attention that KCOA's 1992 public policy priorities, adopted September 20, 1991, included a statement that we support the provision of an available, accessible and well coordinated system of public transportation in Kansas, which would serve the elderly and handicapped. We feel establishment of transit districts as provided for in this bill would certainly enhance coordination of the public transportation system.

The enhanced coordination would result in savings from better utilization of vehicles, reducing the number of drivers and dispatchers as well as savings in purchasing of such items as gasoline, diesel fuel, tires, batteries, oil, insurance etc.

The establishment of local coordinated transit districts would place more responsibility for decision making at the local level. Who better can make decisions regarding local transportation needs than those living in the community?

Thank you for the opportunity to offer our views on this important public transportation bill.

Testimony on HB 2971  
The Kansas Coordinated Transit Districts Act  
before the  
Senate Transportation and Utilities Committee  
March 17, 1992

by the  
Kansas Department on Aging

Mr. Chairman and members of the Committee, the Kansas Department on Aging supports the passage of HB 2971. The bill proposes to improve on the coordination of transportation services by establishing transit districts. The Department believes that such local coordination will benefit transportation consumers.

The U.S. General Accounting Office reported in August, 1991 that longstanding transportation problems need more attention:

We found that in many communities a number of agencies operate in isolation from one another to provide special transportation to the elderly and other populations. As a result, each agency's vehicles are used for only a part of the day. In addition, while there are no special transportation services available in some localities, one agency's vehicles pass by another agency's clients in other localities.

The GAO study included visits to four sites, including Chanute, Kansas.

Coordination can improve services. For example, last year Congress addressed a problem of inefficiency by amending the transportation act to allow mass transportation service providers "to coordinate and assist in providing meal delivery service for homebound persons on a regular basis." This amendment should allow providers to deliver meals to isolated homebound people when the vans and buses are driving by with passengers.

HB 2971 only partially addresses the problem of statewide coordination. Attached is a table describing the efforts of each state to coordinate transportation. Notice that Kansas has no legislation or executive order; HB 2971 would remedy this. Notice also that Kansas has no state interagency committee or task force. HB 2971 does not change this deficiency. The Kansas Department on Aging believes that such statewide coordination is necessary. We often find that local providers are willing to coordinate if only the state agencies will coordinate.

Our recent experience with interagency collaboration on long term care is evidence that interagency coordination is beneficial. If the Senior Care Act becomes a statewide program as proposed by the House Appropriations Committee on February 20, some transportation services may be funded pursuant to the Act. Although HB 2971 does

not include this funding source in its design, we believe that transportation services can be an important part of the continuum of long term care. Provisions for interagency coordination at the local level (K.S.A. 75-5928(b)) and at the state level (K.S.A. 75-5935(a)) are already a part of the Senior Care Act.

The Department urges your support for HB 2971.

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# State Coordination Efforts

The Federal Transit Administration and the U.S. Department of Health and Human Services encourage coordination to stretch Federal transit resource. Following the Federal lead, some states have developed coordinating mechanisms and also provide technical

assistance that helps local operators better coordinate resources. See how your state stacks up against the nation. *The following information was provided by the Region IV Transportation Consortium.*

State	Legislation or Executive Order	State Interagency Committee or Task Force	Technical Assistance State-To-Local
<i>Alabama</i>	1989 Executive Order 29 established Alabama Interagency Transportation Review Committee	Alabama Interagency Transportation Review Committee	Marketing, vehicle specs, business approaches
<i>Alaska</i>	none	none	UMTA RTAP funds used for passenger assistance techniques training
<i>Arizona</i>	1980 Arizona Older Americans Act requires coordination of services to the elderly	Social Services Transportation Coordinating Committee	Funding, operations, grant application process, program information, project development
<i>Arkansas</i>	1977 Act 192 expanded the role of Arkansas' Department of Transportation in coordination process	none	Vehicle specs, record keeping, grant application, marketing, mechanics, human service transportation issues, monitoring, evaluating.
<i>California</i>	1979 AB120 The Social Services Transportation Improvement Act requires coordination of all social services transportation and establishes a task force to monitor its implementation	Interagency Social Services Public Transportation Committee and Social Services Transportation Task Force	Management techniques
<i>Colorado</i>	1983 Legislature authorized Colorado's Department of Highways to conduct transit planning in areas under 200,000 population	Interagency Advisory Committee	Safety training, other technical assistance
<i>Connecticut</i>	1987-88 General Appropriation of \$3 million to develop elderly and handicapped coordination plans	none	Marketing, planning, safety training

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3-17-2  
(3-8)*

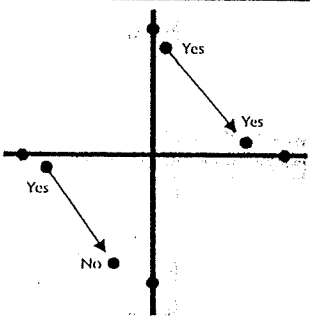
State	Legislation or Executive Order	State Interagency Committee or Task Force	Technical Assistance State-To- Local
<i>Delaware</i>	1979 Delaware Transportation Authority Act created Delaware Transit Authority with power to create a statewide specialized transit administration	Paratransit Advisory Committee and the Governor's Council on the Coordination of Services for people with disabilities.	Vehicle procurement, service planning, sensitivity training, safety training
<i>Florida</i>	1979 Florida Statute Chapter 427 established Coordinating Council for the Transportation Disadvantaged	Transportation Disadvantaged Commission	Driver safety, CPR, first aid, TDC policies and procedures, driver sensitivity, passenger assistance techniques, maintenance, drug testing, program management, Section 18 and 16(b)(2) guidelines
<i>Georgia</i>	Senate Bill 457 requires coordination of transportation services	Interagency Coordinating Council	Application process, scheduling, dispatching, Rodeos, marketing
<i>Hawaii</i>	none	Rural Public Transportation Advisory Council	Information sharing
<i>Idaho</i>	none	Informal interagency agreement with DOT, Headstart and Office of Aging	Regulations, planning, troubleshooting
<i>Illinois</i>	1984 Resolution 1299 established the Illinois Task Force on Coordination of Public Transportation Service	Illinois Task Force on Coordination of Public Transportation Service	Using RTAP funds to set up a technical assistance program
<i>Indiana</i>	none	Transportation Advisory Group Section 16(b)(2) — Interagency Cooperation Group (Section 18) — Interdepartment Coordinating Body — Interagency Council on Specialized Transportation	Funding sources, planning, passenger assistance techniques, workshops on transportation management techniques, driver training maintenance, insurance.
<i>Iowa</i>	Code IA Chapter 601J (transportation funding)	Statwide Transportation Advisory Committee	Regulation, marketing, planning, passenger assistance techniques training, grant application, scheduling
<i>Kansas</i>	none	none	Grant applications, toll-free number, anti-drug training

State	Legislation or Executive Order	State Interagency Committee or Task Force	Technical Assistance State-To- Local
<i>Kentucky</i>	none	none	Regulations, planning, annual vehicle inspections, RTAP program
<i>Louisiana</i>	none	16(b)(2) Interagency Committee	Vehicle specifications, RTAP program, procedures
<i>Maine</i>	1979 LD 1556 established administrative framework for coordinated allocation of state and federal transportation funds	Interagency Cooperative	Regulation, RTAP workshops, performance standards, priority setting, scheduling, regional planning
<i>Maryland</i>	1986 Transportation Article Section 2 authorizes funding for all counties for general purpose transportation for elderly and persons with disabilities — 1975 Article 77 permits use of school buses to transport elderly	Interagency Committee on Specialized Transportation	Training for transportation needs of the disadvantaged, driver training, planning
<i>Massachusetts</i>	none	Interagency Advisory Committee	Grant application process, UMTA regulations
<i>Michigan</i>	Law pending that would require surveys of transportation service to avoid duplication	Ad Hoc Committee for Specialized Service	Regulation, planning, safety training, seminars on lift operation and vehicle availability
<i>Minnesota</i>	1983 Minnesota Human Rights Law amended to include public transportation service criteria for disabled persons — 1979 Senate Bill 405 established a state policy on coordinating public and private transportation	Interagency Task Force on Coordination of Special Transportation Services	Driver safety training, passenger assistance techniques, program monitoring, vehicle inspections
<i>Mississippi</i>	none	Interagency Transportation Committee	Driver training, monitoring programs, development of grant applications
<i>Missouri</i>	1986 Senate Bill 676 provides for planning and coordination efforts	Coordinating Council	Defensive driving, CPR, operations

State	Legislation or Executive Order	State Interagency Committee or Task Force	Technical Assistance State-To- Local
<b>Montana</b>	1983 Senate Bill 21 established authority for local government to levy up to one mill of property tax to provide transportation for elderly and handicapped.	Coordinating Committee/Project Solution Committee	Marketing, planning, safety training, passenger assistance techniques, driver training, annual conference and quarterly newsletter
<b>Nebraska</b>	LR 136 established the Public Transportation Advisory Committee	Public Transportation Advisory Committee	Regulation, marketing, planning, safety training, passenger assistance techniques, fiscal and grant information
<b>Nevada</b>	none	none	Grant application, conferences, newsletter, insurance pooling, annual inspections, passenger assistance techniques, UMTA program rules, maintenance
<b>N. Hampshire</b>	none	Coordinating Working Group	Marketing workshops, driver safety training
<b>New Jersey</b>	1983 Senior Citizen and Disabled Resident Act dedicates 7.5% of Casino Tax revenues for senior and handicapped transportation	Council on Special Transportation — Task Force on the Elderly — Governor's Task Force on Services to the Disabled	Management information systems, scheduling, reporting, routing, funding, driver training, information sharing and newsletters
<b>New Mexico</b>	none	Governor's Committee on Services	Regulation, planning, driver safety training, first aid, CPR, passenger assistance techniques, defensive driving
<b>New York</b>	1990 Chapter 61 requires N.Y. City to provide coordinated, accessible TD service by requiring additional urbanized areas to do the same.	New York Interagency Coordinating Committee on Rural Public Transportation	Application procedure workshops, passenger assistance techniques, maintenance
<b>North Carolina</b>	1988 establishment of elderly and handicapped transportation assistance program	N.C. Public Transportation Advisory Council — N.C. Interagency Transportation Review Committee	Training for managers, drivers, dispatchers, mechanics, and computer operators, management performance reviews, annual regulations workshops
<b>North Dakota</b>	none	Section 18 Advisory Council	Planning, safety training
<b>Ohio</b>	none	Ad Hoc Elderly and Handicapped Transportation Committee	Funding procedures

State	Legislation or Executive Order	State Interagency Committee or Task Force	Technical Assistance State-To- Local
<i>Oklahoma</i>	none	none	Application procedures, computerized record keeping systems, national RTAP Training Modules
<i>Oregon</i>	none	none	Planning, safety training
<i>Pennsylvania</i>	1976 Rural and Intercity Common Carrier Act funds public transportation in rural areas	Interdepartmental 16(b)(2) Review Task Force — Transportation Coordination Task Force	Regulation, marketing, other technical assistance
<i>Rhode Island</i>	1989 legislation approved funding for a test Paratransit Brokerage System	16(b)(2) and Section 18 Review Committee	Passenger assistance techniques, safety training
<i>South Carolina</i>	1981 Amendment to Interagency Council Legislation of 1977	S.C. Interagency Council on Public Transportation	Regulation, planning, safety training, defensive driver training, first aid, quarterly driver training, mobile vehicle simulation
<i>South Dakota</i>	none	Transportation Planning and Coordinating Task Force	Marketing, safety training
<i>Tennessee</i>	none	Interagency Working Group on Public Transportation	Regulation, safety training, driver and financial skills, provider agency management training, drug abuse, radio communication, user subsidies, volunteers, planning
<i>Texas</i>	none	Informal working group	Regulation, marketing workshops, safety training, planning
<i>Utah</i>	none	Utah Rural Development Committee — Utah Council for Handicapped and Developmentally Disabled Persons — E&H Evaluation and Selection Committee	Preventive maintenance training, defensive driving, safety training
<i>Vermont</i>	1987-88 General Appropriations mandated a state coordination study	16(b)(2) Advisory Committee	Lift use, sensitivity training, accounting, marketing, information sharing, grant application process, cost estimates

State	Legislation or Executive Order	State Interagency Committee or Task Force	Technical Assistance State-To-Local
<i>Virginia</i>	1986 Senate Bill 29 mandates the development of a plan to provide coordinated transportation services	Plan of Cooperation Committee	Regulation, safety training, management and mechanics training, passenger assistance techniques
<i>Washington</i>	none	16(b)(2) Advisory Review Panels — Section 18 Committee — Technical Advisory Committee	Safety training, management training, computer training, passenger assistance techniques, maintenance training, and grants
<i>West Virginia</i>	none	Informal groups	Regulation, marketing, safety training, passenger assistance techniques
<i>Wisconsin</i>	1977 State Law Section 85.23 authorizes DOT to make state capital grants for specialized transit to supplement Section 16(b)(2)	Interdepartment Transportation Coordination Committee	Regulation, marketing, planning, safety training, volunteers, record keeping
<i>Wyoming</i>	none	Coordinating Committee	Conference, workshops, rbadeos, passenger assistance techniques, driver sensitivity training, grants, maintenance, schedules



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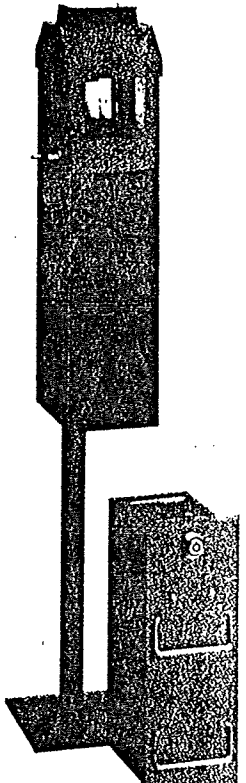
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Att. 2  
 3-17-2  
 (8-8)



TOPEKA

HOUSE OF  
REPRESENTATIVES

TESTIMONY ON HB2971 - THE KANSAS COORDINATED TRANSIT DISTRICTS ACT

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

March 17, 1992

**CAROL H. SADER**

REPRESENTATIVE, TWENTY-SECOND DISTRICT  
JOHNSON COUNTY  
8612 LINDEN DR.  
SHAWNEE MISSION, KANSAS 66207  
HOME: (913) 341-9440  
CAPITOL OFFICE: (913) 296-7675

COMMITTEE ASSIGNMENTS

CHAIRPERSON: PUBLIC HEALTH AND WELFARE  
CHAIRPERSON: JOINT COMMITTEE ON HEALTH  
CARE DECISIONS FOR THE  
1990'S  
VICE-CHAIRPERSON: ECONOMIC DEVELOPMENT  
MEMBER: PENSIONS, INVESTMENTS AND BENEFITS  
JOINT COMMITTEE ON ECONOMIC  
DEVELOPMENT

Mr. Chairman and Members of the Committee:

I come before you as a sponsor and strong proponent of House Bill 2971 which authorizes the Department of Transportation to establish coordinated transit districts throughout the state to enhance the coordination and management of passenger transportation funds and rural public or specialized passenger transportation services.

Coordinated transit districts are defined in this bill as public or private not-for-profit agencies which would be established to distribute funds and monitor the implementation of passenger transportation in designated areas of the state. The responsibility of these districts would include: contracting with the Department of Transportation for the receipt of funds to enhance transportation services or subcontracting with eligible agencies to provide these services; and monitoring the provision of transportation services in the district to ensure compliance with applicable federal and state laws and regulations. Each agency, determined by the Secretary of the Department of Transportation as eligible to serve as a coordinated transit district administrator (an agency selected to receive funds from the Department of Transportation for the provision of transportation services in a designated area), must serve the transportation needs of the elderly (persons 60 or over), the disabled (persons disadvantaged in terms of transportation services available to them due to physical or mental disability) and the general public in their service area.

HB2971 provides that on or after July 1, 1995, any recipient of federal or state grants to provide rural or specialized transportation services to the elderly and disabled must become a part of a coordinated transit district to continue to be eligible to receive federal or state grants.

As former Chair of the Eldernet Coalition in Johnson County and Chair of the County's newly formed Para-Transit Council, I have been involved for a number of years in efforts to establish a viable para-transit system to bring affordable, accessible transportation to the elderly and disabled. In early 1991, the Johnson County Para-Transit Council was established. It was incorporated as a not-for-profit organization last October and we are presently applying for a 501(c)(3) designation from the IRS so that we can fundraise

Att. 3

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effectively in the private sector as well as be eligible for public grant monies. The Johnson County Para-Transit Council was established to supplement existing transportation services and serve as a coordination and referral system for community transportation services for older adults and persons with disabilities in Johnson County.

Coordinating Councils, such as this one in Johnson County, which are springing up in other parts of the state as well, require the Department of Transportation to develop a coordinated transit district plan for the state of which such Councils can be a part. HB2971 does just that! It is long overdue and addresses a compelling transportation need for coordination in Kansas. I urge its passage and will defer to the transportation specialists to describe the concept in greater detail.

Thank you.

*Carol Sader*

Representative Carol H. Sader



Michael L. Johnston  
Secretary of Transportation

KANSAS DEPARTMENT OF TRANSPORTATION

Docking State Office Building  
Topeka 66612-1568  
(913) 296-3566  
FAX - (913) 296-1095

Joan Finney  
Governor of Kansas

March 17, 1992

Testimony

Senate Transportation and Utilities Committee

on House Bill 2971

Mr. Chairman and members of the committee, I am here today to testify on behalf of Secretary Michael Johnston and the Kansas Department of Transportation (KDOT). My name is Deb Miller and I am the Director of Planning and Development for KDOT. The Office of Public Transportation, which administers the federal and state public transportation programs, is under my direction.

I am here to speak in favor of House Bill 2971. We believe the formulation of transit districts would greatly enhance coordination of transportation services. Many states already have this type of program in place, whereas Kansas currently contracts with nearly 200 individual providers of transportation services statewide. A transit district approach to management of transportation services in a region will improve coordination, eliminate service duplication, allow more efficient use of underutilized resources, better match service supply to service demand and reduce the number of drivers and dispatchers required in a region with many separate transportation services.

The Office of Inspector General, US DOT and the Kansas Legislative Post Audit have both cited the Kansas program in the past for failing to coordinate transportation services in an efficient manner to a broad-based clientele. We believe the approach outlined in House Bill 2971 would go a long way toward improving coordination of transportation services.

At this time, there are many unanswered questions as to the details of implementing such a program. We will soon be starting a year-long study in conjunction with the K.U. Transportation Center and the Kansas Public Transit Association to develop a detailed implementation plan. During this study, meetings will be held across the state to seek input from the public on the best approach for implementing such a program.

We also plan to begin contracting with two regional transit districts this year. These two districts have been formed voluntarily and will serve as demonstration districts for others to observe and model. All in all, I believe the benefits of this approach will far outweigh the costs or uncertainties associated with a change in the program.

att. 4  
3-17-2

(2-2)

SHEILA HOCHHAUSER  
 REPRESENTATIVE, 66TH DISTRICT  
 1636 LEAVENWORTH  
 MANHATTAN, KANSAS 66502  
 (913) 539-6177 HOME  
 (913) 296-7657 TOPEKA OFFICE



TOPEKA

HOUSE OF  
 REPRESENTATIVES

TESTIMONY ON HB 3015  
 SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES  
 MARCH 17, 1992

COMMITTEE ASSIGNMENTS  
 MEMBER: APPROPRIATIONS  
 JUDICIARY  
 LEGISLATIVE EDUCATIONAL  
 PLANNING COMMITTEE  
 RULES AND JOURNAL

Mr. Chairman, Members of the Committee:

I was asked to seek the changes in the law set forth in House Bill 3015 by my constituents, Lewis and Vicki Tyler. Before agreeing to seek changes in the law defining motor vehicles and pedestrians, I asked the Attorney General for his opinion as to whether a motorized wheelchair is defined by Kansas law as a motor vehicle. I also asked whether a person in a wheelchair is a pedestrian under Kansas law.

Under current Kansas law, motorized wheelchairs are arguably motor vehicles. Carried to its illogical conclusion, this means that motorized wheelchairs would need to be registered, licensed, tagged, and insured. Moreover, a strict reading of the definition of pedestrian in Kansas law would not include a person in a wheelchair.

The Attorney General strongly encouraged me and other legislators to amend and clarify Kansas statutes to close the door to any potential illogical interpretations of current law. Such an illogical interpretation has occurred; hunters confined to motorized wheelchairs are required by the Department of Wildlife and Parks to purchase special licenses to hunt from their "motorized vehicles". HB 3015 would do away with this burden upon the disabled and preclude others from being imposed.

Wheelchairs provide individuals the freedom to move, participate, and function. A wheelchair allows a physically disabled person an opportunity to live a life of independence and self sufficiency, similiar to that of a physically able person. HB 3015 will help this State accomplish the goal of treating disabled citizens equitably and enhancing the quality of their lives. I urge you to pass it favorably.

Att. 5  
 T&U  
 3-17-92

RE: HOUSE BILL No. 3015  
CONCERNING WHEELCHAIRS AND PERSONS WHO USE WHEELCHAIRS  
IN THE DEFINITIONS OF MOTOR VEHICLES AND PEDESTRIANS

BY: LEWIS AND VICKI TYLER

My husband was a sergeant for the Police Department for twenty years before he was shot and disabled during a high speed chase involving drugs. He was Traffic Specialist for the Department, Expert Witness for the courts in traffic concerns and holds a Masters degree in Traffic Safety.

Since his retirement from the department we have moved to Manhattan, Kansas and started H.O.P.E. a group for persons with disabilities. We have also become involved with issues that concern persons with disabilities and the issue of the definitions of motor vehicles and pedestrians are a root concern for all persons with disabilities.

Under the existing definition a pedestrian is 'any person afoot'. This excludes anyone who uses a wheelchair or other type of equipment for mobility from the definition. The motor vehicle definition then states that a motor vehicle is 'every vehicle with a motor'. This then puts all persons with electric wheelchairs under the category of motor vehicles. Both definitions exclude anyone who uses a manual wheelchair. The new definitions correct these problems.

There are many reasons why the definitions need to be changed. Besides the insurance and litigation difficulties that could develop the Americans with Disabilities Act of 1990 requires that public entities change any practices or policies that discriminate against persons with disabilities, as is evident in this lapse in the definitions.

The ADA also prohibits separation of persons with disabilities from the general population. This right to be included with the general public is inherent with the inclusion of persons who use wheelchairs in the same paragraph as all other persons when defining pedestrians, rather than just adding another, special paragraph which would have tended towards segregation.

We have discussed the proposed wordings with various people.

All have found it to be easily read and, from the viewpoint of police officers, easily enforcable.

Though the new definition of motor vehicles restricts the exclusion to wheelchairs, and is exclusive of other types of equipment used for mobility, the intent is clear.

We believe that both definitions need to be read together. The definition of pedestrian includes the various types of equipment presently used by persons with disabilities and also has the flexibility to take into account future equipment that may be used.

This legislature is desperately needed. It is inclusive of persons with disabilities without being restrictive or overbearing. It puts people with disabilities back on an equal and legal status with everyone else in a very fundamental way.

3503 Stonehenge Court  
Manhattan, Ks 66502

att. 6  
3-17-2  
(2-2)



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# Kansas Department of Human Resources

Joan Finney, Governor  
Joe Dick, Secretary

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## Commission on Disability Concerns

1430 S.W. Topeka Boulevard, Topeka, Kansas 66612-1877  
913-296-1722 (Voice) -- 913-296-5044 (TDD)  
913-296-4065 (Fax)

March 17, 1992

Testimony on HB 3015  
by the  
Kansas Commission on Disability Concerns

before the  
Senate Transportation and Utilities Committee

Mr. Chairman and members of the committee, the Kansas Commission on Disability Concerns testifies today in favor of HB 3015. The bill would amend the current statutes which define "motor vehicles" and "pedestrians". It would exempt motorized wheelchairs from the definition of "motor vehicle" and add a person operating a manually or mechanically propelled wheelchair to the definition of "pedestrian".

Our office has received numerous phone calls from persons concerned about a motorized wheelchair being considered as a motor vehicle. Some of the concerns were from persons who were required to obtain a special permit to hunt from a motor vehicle in addition to their regular hunting license. Another concern is that if motorized wheelchairs are considered as motor vehicles, and motor vehicles are not allowed in places of business, then how would a person in a motorized wheelchair legally enter a place of business?

Questions such as these will be cleared up by the amendments proposed in HB 3015. KCDC recommends this Committee take favorable action on HB 3015 and that it be passed by the Committee of the Whole.

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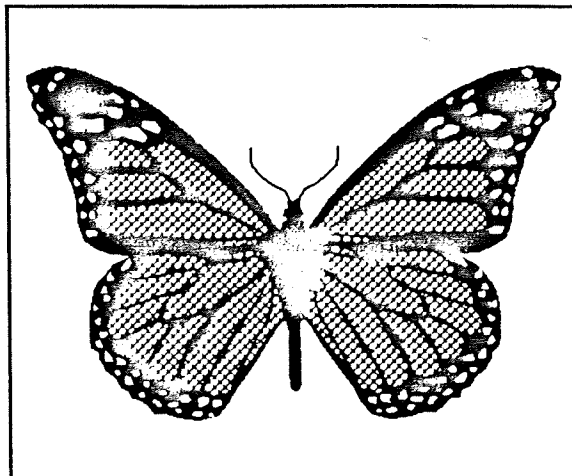
Att. 7  
T&U  
3-17-92

**C**oalition for  
**O**utdoor  
**A**ccess

6617 West 73rd Street, Overland Park,  
KS 66204 (913)831-0638

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March 17, 1992

**Coalition for Outdoor Access Testimony on HB 3015  
before the  
Senate Transportation and Utilities Committee  
by  
Bob Jordan**

The Coalition on Outdoor Access (COA) appreciates this opportunity to testify on HB 3015. COA is an organization of people who are dedicated to increasing the availability of outdoor recreational opportunities for people with disabilities.

HB 3015 will correct a deficiency in the state law which defines a "motor vehicle" and a "pedestrian". Currently these definitions can be interpreted to mean that a person using a motorized wheelchair should be considered to be operating a motor vehicle. It has been brought to the attention of COA that the Department of Parks and Wildlife requires an individual hunting from an electric wheelchair to obtain a special permit to hunt from a motor vehicle in addition to their regular hunting license. There have also been reports of incidents where local constabularies have issued tickets to people who use motorized wheelchairs for various infractions of the law which normally would apply only to other types of vehicles such as a car or truck.

Clearly a motorized wheelchair should not be considered a motor vehicle. Like motorized bicycles, which are exempted from the definition of a motor vehicle, no registration or driver's license is required to operate them. In addition, motorized wheelchairs are used on sidewalks, in people's homes and to enter places of business and

other public buildings. In other words, a motorized wheelchair is used to go anywhere a pedestrian would go.

The amendments proposed in HB 3015 will eliminate any ambiguity in the law as to whether a motorized wheelchair is or is not a motor vehicle. COA urges this Committee to take favorable action on HB 3015 and recommend that it be passed by the Committee of the Whole.



SANDY PRAEGER  
REPRESENTATIVE, 44TH DISTRICT  
3601 QUAIL CREEK COURT  
LAWRENCE, KANSAS 66047  
(913) 841-3554



TOPEKA

HOUSE OF  
REPRESENTATIVES

March 17, 1992

TESTIMONY ON HB 2766  
Senate Transportation Committee

COMMITTEE ASSIGNMENTS  
MEMBER: EDUCATION  
ELECTIONS  
PUBLIC HEALTH & WELFARE

Thank you, Mr. Chairman, for this opportunity to appear before the committee in support of HB 2766. I would like to address specifically New Section 2.

New Sec. 2 (a) states that "it shall be unlawful for any person under the age of 16 years to ride on any vehicle or upon any portion thereof not designed or intended for use of passengers when the vehicle is in motion."

This section applies specifically to pickup trucks. Seventeen states currently have some type of restriction for passengers riding in the back of pickup trucks. California prohibits the transportation of any person in the back of a motor truck with a gross weight of 6,000 pounds or less, commonly known as a pickup truck. Texas makes it unlawful for children 12 years and under to ride in the bed of a pickup truck. Hawaii makes it unlawful for persons of all ages to ride in the bed of a pickup truck. Rhode Island requires children to be restrained while riding in open trucks.

The American Academy of Pediatrics Committee on Injury and Poison Prevention published recommendations relating to children riding in the back of pickup trucks in the *Journal of Pediatrics*, Vol. 88 No. 2, August 1991. The report states:

"The Academy believes that the best way to reduce the incidence of injuries to children riding in pickup trucks is to prohibit all passengers from riding in truck beds, or in any area of a vehicle which does not have a seat and a seat belt. Such laws should not be directed only at preteenaged children, as they are in some states, because studies have shown that the highest risk is to teenagers and young adults....

Pediatricians should educate families about the dangers of riding in open truck beds and strongly recommend that parents never allow their children to do so."

New Sec.2 does not go as far as it should. It is designed to protect

Att. 9

T&U

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younger children. I would be happy to support changes to the bill that would prohibit **anyone** from riding in the back of pickup trucks as Hawaii does. Just a few weeks ago a young man from Representative Robert Miller's district fell out of the back of a pickup and was killed. It is a dangerous act for anyone, not just children under the age of 16. But in proposing the amendment during debate in the House, I tried to take into consideration objections that people might have. It does allow for persons who are working to ride in the back of a pickup truck if their job makes it necessary to do so. It allows for vehicles being operated in parades, caravans or exhibitions to be exempt. And it applies only to the corporate limits of a city or on the state highway system.

I support HB 2766 which requires the use of safety restraining systems and seat belts in trucks and vans. I also support the provision of the bill which prohibits children from riding in the back of pickup trucks. The bill does not go far enough in that regard but it is a positive step in the right direction. I encourage you to support the bill as well.

Thank you, Mr. Chairman, and committee members. I would be happy to answer questions.

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(2-2)



HOUSE BILL 2766 TESTIMONY; SENATE TRANSPORTATION & UTILITIES COMMITTEE; 3-17-92;  
MICHAEL D. BROWN, RN, MS; CHILDREN'S ADVOCATE; 2424 SUNSET COURT; TOPEKA 66604

Members of the Senate Committee on Transportation and Utilities, my name is Michael D. Brown. I am appearing here as a registered nurse and a volunteer.

271 deaths occurred among Kansas children 5-14 years in 1988-90. Accidents led to as many of those deaths as did all other causes of death combined.<sup>1</sup> Most of those preventable injury deaths were from motor vehicle-related accidents.

In 1990, 233 children were killed or seriously injured in traffic-related accidents in Kansas.<sup>2</sup> More Kansas and other data and research results indicate how at-risk children in our state are for casualties caused by drivers, including drivers of vans and more-dangerous small trucks.<sup>3-10</sup> Children are at high risk when they ride in non-passenger locations, like pickup truck beds.<sup>3-6</sup>

Drivers do not harm only Kansas child passengers by not taking reasonable precautions. Drivers hurt such children's families emotionally and financially plus Kansans who pay motor vehicle and health insurance premiums and taxes.<sup>6</sup>

Kansas legislators did, to a degree, recognize and attempt to cope with the problem just described. Lawmakers passed the current Child Passenger Safety Act.<sup>11</sup> Many studies show that the risk of serious injury or death is reduced by almost 50% by safety belts and at least 50% by safety seats.<sup>2,12</sup>

However, the Child Passenger Safety Act applies only to children who ride cars.<sup>11</sup> HB 2766 would also protect children who ride in more-dangerous vans and pickups. The bill requires drivers to give child passengers in pickups and vans the same protection from harm drivers now must give children who ride in cars.

Three studies examined changes occurring after laws mandating the use of child passenger safety restraints took effect. There occurred both (1) a long-



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3-17-92



(1-9)



HB 2766 TESTIMONY, SENATE TRANSPORTATION & UTILITIES, M D BROWN, 3-17-92, PG 2  
 term increase in the use of those safety systems and (2) a noteworthy decrease  
 in motor vehicle-related injuries and deaths occurring among children.<sup>13-15</sup>

A significant proportion of agricultural families of Kansas children may not perceive drivers of small trucks and vans to be a possibly serious threat to them and Kansas children.<sup>6,16</sup> Many rural Kansans who pay motor vehicle and health insurance premiums and taxes could also have that same perception.

In May, 1991 two Montgomery County young adolescents sustained disabling injuries when they were thrown out of the pickup bed they were riding in. Their pickup rolled over once after it was hit by another vehicle.<sup>17</sup> For 1979-1981, the death rates for Kansas occupants of pickup trucks and vans per 100,000 population was higher in more rural counties than in more urban counties.<sup>8</sup>

In the United States, seat belts are used less in more rural areas than in more urban areas.<sup>8</sup> As drivers go faster, resulting injuries are more severe. Such drivers have less time to react defensively and avoid crashes. In June, 1991, two Dickinson County young adolescents suffered disabling injuries when they were thrown from the pickup bed they were riding in.<sup>17</sup> After their truck's driver lost control of the pickup on Interstate-70, it rolled over 2½ times.

Ohio, Texas, Georgia, and other states have statutes that restrict riding in the beds of pickup trucks.<sup>5</sup> Farm Bureau offices in Ohio, Texas, and Georgia recently stated that they have heard little or no complaint about those laws.<sup>18</sup>

I fully support House Bill No. 2766. I ask each of you to help better protect the safety and health of all Kansas children by voting for that bill. With much concern for Kansas children,

*Michael D. Brown*

Michael D. Brown, RN, MS



att. 10  
 3-17-2  
 (2-9)

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18. Personal telephone conversations by conferee Michael D. Brown on March 10, 1992 and March 11, 1992.

add. 10  
3-17-2  
(3-9)

It was a warm morning that July 8, 1967. I had just graduated from high school, ready for college, and my brother was anticipating his senior year at Winfield High School in Winfield, Kansas. Our family was moving to another home that Saturday morning and preparing for a family reunion on Sunday.

When I overheard the sound of the ambulance, I had a gut feeling <sup>that</sup> something had happened to someone I loved. I was right, we received a phone call that Lenny had fallen off the back of the pickup truck, which was only going 15-20 mph. They said he was able to do a flip in the air and land in a gymnastic stance, yet he still hit his head on the pavement and received brain damage.

My mother and I rushed to the hospital. We lived at the hospital for days, weeks, and ~~then months~~. Our entire life revolved around my brother. Lenny remained in the coma for 17 months; he would not be able to be the captain of the gymnastic team, he would not graduate from high school, go to college, get married, or have a family. Why had my brother been allowed to ride in that truck, why didn't we hire a moving van? Why?

The accident drained my mother's strength as well as her finances. Because my mother was divorced, however, and received no financial help from my father, we were able to receive Medicaid when our insurance ran out. The average family with an average income would not receive that help; this type of an accident could ruin a families' finances and their emotional well-being.

My brother died on December 26, 1968. Whenever I see someone riding in the back of a pickup truck today, especially children, I feel like screaming, "Please don't do that, please don't do that; it's just too dangerous."

Deborah Miller Rhoad (pronounced Rod)  
Topeka, Ks.

att. 10  
3-17-2

(4-9)



February 14, 1992

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LYNN MENAGH  
Region V  
Norton

JOHN SLACK  
Region VI  
Larned

Mr. Michael Brown  
P.O. Box 864  
Lawrence, Kansas 66044

Dear Mr. Brown,

Pursuant to our telephone conversation, this is written to confirm that the Kansas Association of Chiefs of Police has taken an official position to support the passage of House Bill No. 2766.

The Association agrees that it is in the best interest of all children that proper safety restraints be provided and used in all passenger cars, to include vans and pickups. If passed, this bill would close an existing loop hole which allows vans and pickups to avoid installation of safety restraint devices.

If I can be of further assistance in your endeavors, please don't hesitate to call or write.

Sincerely,

A handwritten signature in cursive script that reads "Jack C. Pearson".

Jack C. Pearson  
Legislative Coordinator  
3901 Rainbow Blvd., Suite B711  
Kansas City, Kansas 66160-7145  
(913)588-5133

cc: Carlos Wells, President

Att. 10  
3-17-2

(5-9)

# The University of Kansas Medical Center

Department of the History  
and Philosophy of Medicine

13 March 1992

Kansas Senate  
Senate Transportation  
and Utilities Committee  
C/O Michael Brown, RN  
Haskell Health Center

RE: Child Passenger Safety Act [HB2766]

Am writing in support of testimony to be provided by Michael Brown in support of the Child Passenger Safety Act. As a pediatrician, a member of the American Academy of Pediatrics and a member of the SAFE KIDS Steering Committee of the Kansas **SAFE KIDS Coalition**, I am convinced that Kansas law relating to child passenger safety must be expanded as is proposed in this important bill. As you know, the bill would expand existing law to cover children who are passengers in trucks and vans in addition to automobiles.

In my twenty plus years of pediatric practice, I have been involved in four fatal cases and more than a dozen cases in which children have experienced tragic impairment related to riding in the back of pick-up trucks. As clarified in the proposed law, children should not ride in any place in a motor vehicle that was not designed for passengers. This is a totally preventable cause of death or injury to children.

I apologize for not being able to provide testimony in person, but ask that this letter of support be accepted as part of the testimony provided by my fellow member SAFE KIDS committee member.

Thank you,



William G. Bartholome, MD, MTS  
Associate Professor



# Affiliated Surgeons

March 12, 1992

Senator Bill Morris  
Kansas Senate Transportation & Utility Committee  
State Capitol Building

C/O Mr. Mike Brown, R.N.  
Haskell Center  
FAX 913-843-8815

RE: House Bill 2766

Outpatient Surgery

Dear Senator Morris:

Breast Surgery

I do appreciate your providing information to me regarding the proposed legislation. This legislation involves the riding of occupants in a pick-up truck bed unrestrained. This is, always has been, and will continue to be a very dangerous situation especially with regard to the pediatric population who seem to be most at risk for injury under such circumstances in the event of motor vehicle accident.

General and Vascular Surgery

Surgical Endoscopy

It has been a glaring inconsistency that mandatory occupant restraint laws have been enacted and to some degree enforced in the state of Kansas for both adults and children. There has been specific provisions entered with regards to the use of child seats and their appropriate restraint devices. That there is been a lack of responsibility on the part of our legislature with regard to legislation which would prohibit the riding of occupants, especially children, in the rear cargo space of a pick-up truck or van, I find unacceptable.

I do appreciate the invitation to appear before your Senate Committee to testify on behalf of this proposed bill. Unfortunately, prior commitments prevent me from doing so. I am, however, strongly supportive of this measure or any measure which has its intent in the prevention of traumatic disability and death.

Kenneth W. Hollis, M.D.  
Medical Director

7015 East Central  
Wichita, Kansas 67206

316-652-9221  
FAX: 316-652-7619

I am, as you know, trained as a trauma surgeon and a critical care specialist, having received my subspecialty training at the Maryland Institute for Medical Services Systems. As a general surgeon receiving training in the center, I was very impressed to the degree at which the pre-hospital system must interface with the hospital system and subsequent rehabilitation system in order to evoke an optimal outcome in the care of management of traumatic illness. However, what really astounded me in Maryland, which is the location of the National Study Center for Trauma, was how much emphasis was placed on the political process in the achievement of legislation and community education projects designed to address the prevention of accidents, rather than try to clean up the mess after they have occurred.

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3-17-2  
(7-9)

Senator Bill Morris  
March 12, 1992  
Page two

Those of us who practice medicine and surgery in the state of Kansas, particularly those of us who have a strong interest in trauma care and prevention, realize that we are many years behind the sophisticated systems developed in the states like Maryland. However, we must persist in a progressive mode and develop a responsible attitude towards citizens of our state, especially our children who represent our greatest natural resource. It is with these attitudes in mind that I strongly encourage members of your legislative committee to strongly support this legislation and see to it that it is enacted at your next legislative session.

Thank you very much for allowing me to express these views.

Sincerely,

A handwritten signature in cursive script that reads "KHollis".

Ken Hollis, M.D.

KWH:tmf

Att. 10  
3-17-2

(8-9)

THE PROBLEM OF CHILDREN'S MOTOR VEHICLE-RELATED INJURIES AND DEATHS--3/17/92

- a. Of 229 Americans whose deaths in 1987 were due to casualties received while riding in the back of a pickup truck, 68 (30%) of them were 15 years old or younger (Woodward & Bolte, 1990). TWO OF THOSE CHILDREN'S DEATHS OCCURRED IN KANSAS. Each year, approximately 1,400 American children 15 years of age or under and ABOUT 40 KANSAS CHILDREN IN THAT AGE GROUP are injured while riding in the bed of a pickup truck.
- b. Agran, Dunkle, and Winn (1985) studied 165 non-crash cases of motor vehicle occupant injuries for children from under 1 year old to 14 years of age in a California county. For example, children riding in truck beds or on hoods or trunks fell off/were thrown from their vehicles when they turned, swerved, or made sudden accelerations/stops. Of the non-crash children who fell off/were thrown from their vehicles, 30 percent of them were riding in or on non-passenger locations. More than half of the non-crash children who fell off/were thrown from their vehicles had moderate or severe injuries. The only 2 of the 165 non-crash case children who died fell off/were thrown from their vehicles.
- c. In the United States during 1978, 201 people sustained fatal non-crash injuries while riding on the exterior of motor vehicles (Williams & Goins, 1981). Of those 201 Americans, 57 (25%) of them were 14 years old or under.
- d. An investigation was conducted by Agran, Winn, and Castillo (1990) on 290 children injured while riding in a pickup truck in Orange County, California. The children who rode in the back (bed) more often sustained non-crash casualties, were more often thrown from their truck, had more injuries, and had more serious injuries (including death) than did children who rode in the front (cab).
- e. In 1976-80, 608 American children under 6 years old died in wrecks involving pickup trucks or vans (Teret, Jones, Williams, & Wells, 1986).
- f. In 1988, the percentage of American fatal crashes in which cars rolled over was just 24%, compared to the much higher corresponding figures of 39% for standard vans and 47% for small pickup trucks (U.S. Department of Transportation National Highway Traffic Safety Administration, 1990).
- g. In 2,162 small truck crashes, unrestrained occupants who had wrecks in which their small trucks or vans rolled over or were caved in had much higher rates of major injury and death than did similar restrained occupants (Cunningham & Wilson, 1989).
- h. The financial burden of "high-tech" and labor-intensive emergency treatment and either a funeral or rehabilitative care for each child with traffic-related casualties is heavy for such child's parents and other family members as well as society (Woodward & Bolte, 1990). The emotional impact on the child's family is too great to quantify. American pickup truck sales are growing. The annual number of fatal wrecks involving pickup trucks continues to rise.

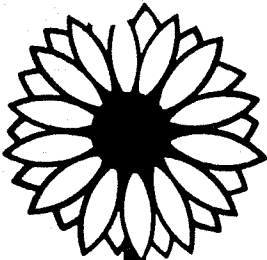
With much concern for the safety and health of all Kansas children,

*Michael D. Brown*

Michael D. Brown, RN, MS; children's advocate; 2424 Sunset Court; Topeka 66604

att. 10  
3-17-2

(9-9)



## Kansans for Highway Safety

HB 2766

TESTIMONY DELIVERED TO THE SENATE TRANSPORTATION COMMITTEE

NANCY BAUDER, EXECUTIVE DIRECTOR

KANSANS FOR HIGHWAY SAFETY, INC

LEAVENWORTH, KANSAS

I am here to testify in support of HB 2766 which would amend the Child Passenger Safety Act to prohibit riders under age 16 in the rear of pick-up trucks or anywhere in any vehicle not designed or intended to carry passengers.

According to the National Highway Traffic Safety Administration, five times the number of fatalities occur when passengers are unbelted compared to belted passengers. Safety belt usage is at 50 percent for children in Kansas, and to allow them to ride in the rear of a pick up truck is inconsistent with the training and educational efforts of Kansans for Highway Safety to encourage children to buckle up.

As a medical technologist myself, and as all medical personnel have seen the horrendous results of car and truck crashes involving children. Some cannot be prevented. But the ones that break our hearts are the relatively low speed crashes or turnovers, where children are thrown like rag dolls and run over in the road. Young children fly a lot farther and faster than an adult.

The first motor vehicle fatality I remember as a child involved a pickup. A father and his four children, two in the rear of a pickup hauling a go-cart, were broadsided when a motorist ran a stop sign at 20 miles per hour. One child was killed and the other severely injured as a result of head injuries received when they struck the pavement. None of the occupants of the cab were injured even though there were no seat belts at that time.

In a 30 mph crash a 10 lb. child takes on the force of 300 lbs. A 100 pound child takes on a force of 3000 pounds. Last year, Kansas Department of Transportation statistics showed 92% of all children (or nearly 3000) involved in car crashes buckled into restraints suffered NO HARM WHATSOEVER. Child restraints do work and obviously, more people are using them now than in the past.

If we don't protect ourselves, at least let us protect our children. Thank you for your support.

Att. 11

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3-17-92



Department of Health and Environment  
Azzie Young, Ph.D., Secretary

Reply to:

Testimony presented to  
Senate Committee on Transportation and Utilities  
by  
The Kansas Department of Health and Environment  
House Bill 2766

I am pleased to present testimony today in support of House Bill 2766 which proposes to strengthen the child passenger safety act by including pickup trucks and vans and prohibiting children under age 16 from riding on any portion of a vehicle not intended for use of passengers, such as truck beds.

Pickup trucks and vans are becoming increasingly popular for use as family vehicles in Kansas. Their increasing number and changing patterns of use dictate consideration of expanding a proven injury prevention intervention, that being mandatory use of child safety seats and safety belts, to the children who are transported in these vehicles.

Despite the fact that safety seats in passenger vehicles are 71% effective in preventing fatalities and 67% effective in reducing the need for hospitalization, results of an observational survey conducted in September, 1991 by the Kansas Safety Belt Education Office at Kansas State University found that 51% of children age 0 to 4 were in safety seats and 53% of children age 5 to 14 wore a safety belt. The remaining 47 to 49% were unprotected.

The Kansas Department of Transportation reports that in 1990, seven children riding in light trucks and vans died in Kansas highway crashes while an additional 502 children were seriously injured. Sixty-eight percent of those children were known to be unprotected by a safety belt or seat. In 1989, 255 children age 15 and younger were involved in a traffic crash while riding in a pickup truck bed. Fifty-seven of these children were injured and one died.

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(1-3)

Testimony - HB 2766  
Page Two

The Kansas Department of Health and Environment supports efforts to decrease the incidence of preventable injuries - the number one killer of Kansas children. In response to the problem of childhood injury, the Department has designated a steering committee to develop a Kansas SAFE KIDS Campaign. Child safety seats and safety belts save lives, prevent unnecessary disability and improve the lives of Kansas children. Injury and death that result from allowing children to ride unrestrained or in areas of vehicles not intended for passengers can be prevented and should not be allowed.

Testimony presented by: Jan Stegelman  
Injury Prevention Coordinator  
Bureau of Chronic Disease and Health Promotion  
March 17, 1992

*att. 12*  
*3-17-2*  
*(2-3)*

HB 2766  
KC DOT

## TRUCK BED SUMMARY

The following States have enacted laws preventing people from riding in the back of trucks.

- Arizona Provides that no person shall ride in, and a driver shall not allow a person to ride in, the open cargo space of a motor vehicle which is not designed, or intended or retrofitted, for the conveyance of passengers. If the vehicle is so retrofitted, it shall be equipped with lap belts which are designed for use by each passenger.
- California Prohibits the transportation of any person in the back of a motor truck with a gross weight of 6,000 pounds or less, commonly known as a pickup truck.
- Georgia Makes it unlawful for any person under the age of 18 to ride in the bed of a uncovered pickup truck.
- Hawaii Makes it unlawful for persons to ride in the bed of a pickup truck.
- Louisiana Makes it unlawful for children under six to ride in the bed of a uncovered pickup truck.
- Maryland Expanding the applicability of mandatory seat belt use to pickup trucks.
- Rhode Island Required children to be restrained while riding in open trucks.
- Texas Makes it unlawful for children 12 years and under to ride in the bed of a pickup truck.

Although only Arizona, California, Georgia, Hawaii, Louisiana, Maryland, Rhode Island, and Texas have enacted laws to prevent people from riding in the bed of a pickup truck, many other states have recently considered bills which would address this problem.

In 1989, New Hampshire and Vermont had bills introduced. In 1990, Indiana, Massachusetts, New York, South Carolina, and Virginia also considered laws. In 1991, Colorado, Kansas, Maine, Missouri, Nevada, Oregon, Tennessee, Utah, Virginia, and West Virginia had bills introduced.

However, Colorado, Indiana, Kansas, Maine, Massachusetts, New York, Missouri, New Hampshire, Nevada, Oregon, Utah, and Virginia bills failed to pass. South Carolina, Tennessee, Vermont, and West Virginia will carry over bills to the 1992 session.

att. 12  
3-17-2  
(3-3)

Testimony Presented to  
Senate Committee on Transportation and Utilities  
concerning  
HOUSE BILL 2677

Thank you for the time to speak to House Bill #2677.

This proposed bill is significant for three reasons: the original bill was introduced - and is supported - by the law enforcement community in Kansas; it would correct a seriously dangerous flaw in the current law; and the bill has already won support here in the Statehouse.

Kansas may have one of the best child passenger safety laws in the country. However, if automobiles are deemed dangerous enough to require children to ride in safety seats and safety belts, why would pickups be considered less dangerous? Regardless of the type of vehicle, loose children become missiles, dangerous to themselves and others, and their still-developing bodies do not hold up well in a crash.

Children in pickup trucks are especially vulnerable. Trucks are common in rural Kansas. Eighty percent of traffic fatalities in Kansas occur on rural roads. And based on observational survey results, truck occupants are far less likely to routinely use safety restraints. Therefore, children in pickups are more likely to be unprotected.

Law enforcement officers in Kansas are well aware of these conditions, and I'm frequently asked why, if our legislators are serious about getting children in safety seats and safety belts, would they allow children to ride loose in trucks. And why is the fine so small? They believe both the exemption and the fine send the wrong message to the public.

This bill also would restrict riding in the bed of pickups. In Kansas nearly two years ago, a toddler fell out the back of a truck and was killed like a animal on the road. In another fairly minor crash, children riding in the bed of a truck were thrown out and killed, while at least one child buckled up inside the cab was unharmed.

In my home I've locked away the poisons, plugged up the electrical outlets, put dangerous objects out of reach, made my kids nearly scared to death to cross the street, used face paints not masks at Halloween, taught them about strangers, and made sure they got all their shots...and, yes, they always rode - and still ride - buckled up...always! How could any parent do less?

Just over 50 percent of all children passengers ride buckled up in Kansas. The other half does not. What can bring the number up? Laws do cause some people to change their behavior. Potent laws cause more people to change their behavior. Maybe it's time to make the child passenger safety law more potent.

Presenter: Beverly Miller,  
Project Manager  
Kansas Safety Belt Education Office

March 17, 1992

Att. 13  
T&U  
3-17-92



# KSNA

the voice of Nursing in Kansas

**KSNA**  
the voice of Nursing in Kansas

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MARCH 17, 1992

## H.B. 2766 CHILD PASSENGER SAFETY ACT

Senator Morris and members of the Senate Transportation Committee, my name is **Carolyn Middendorf**, and I am a registered professional nurse licensed to practice in the state of Kansas. Presently I am an Assistant Professor of Nursing at Washburn University and I serve as the Legislative Chairperson for the **Kansas State Nurses' Association (KSNA)**. Thank you for the opportunity to support H.B. 2766.

Nurses' oftentimes are the caregivers to children injured in automobile accidents and see first hand the degree of injury and permanent damage that children suffer. We believe strongly that prevention should receive greater attention in all healthcare issues and we when health can be affected by a stronger prevention policy we promote it. The reduction of injuries to children through an improved and strengthened child passenger safety act is one public policy that would facilitate reduced injuries and death in children.

The Kansas State Nurses' Association believes that strengthening the Child Passenger Safety Act to require children to be restrained while riding in pick-up trucks will prevent unnecessary injury and death in young Kansans. This bill provides for specific exemptions to this requirement, which should provide the flexibility needed for farming operations, businesses and recreational sponsored events (parades, caravans and exhibitions).

The fine for violating the child passenger safety act is also being raised from \$10.00 to \$20.00 and we support the increased fine provision.

Thank you again for the opportunity to support H.B. 2766 and we hope that you will consider it favorable for passage.

Att. 14  
T&U  
(3-17-92)

Kansas State Nurses' Association Constituent of The American Nurses Association

700 S.W. Jackson, Suite 601 • Topeka, Kansas 66603-3731 • (913) 233-8638 • FAX (913) 233-5222  
Michele Hinds, M.N., R.N.—*President* • Terri Roberts, J.D., R.N.—*Executive Director*

**SUMMARY OF TESTIMONY**

Before the Senate Transportation & Utilities Committee

March 17, 1992

Presented by the Kansas Highway Patrol

(Captain Terry Scott for Colonel Bert Cantwell)

The Patrol supports adoption of proposed legislation which would amend the language in the existing statute regarding child passenger safety restraints. The proposed amendment would make K.S.A. 8-1344 consistent with the present seat belt statute, K.S.A. 8-2502 in which a "passenger car" is defined.

Present wording of the child passenger safety restraint uses the definition of a passenger vehicle by K.S.A. 8-1445, and does not require a child seat in a pickup truck. The seat belt statute (K.S.A. 8-2503) does, however, require that occupants of these vehicles have, "a safety belt properly fastened about such person's body at all times when the vehicle is in motion".

This contradiction in language puts young children at extreme risk when riding in a pickup truck. Seat belts are not designed for infants. The Patrol recommends favorable consideration of this amendment to resolve those difficulties. We appreciate your consideration in this matter.

Att. 15  
T&U  
3-17-92

Senate Transportation and Utilities

9:00 a.m.

March 17, 1992

RE: HB 2766

Chairman Morris;

Members of the Committee:

I am Rosemary O'Neil, I represent the Head Injury Survivors Council. I would like to encourage passage of House Bill 2766. This bill requires seat belts be used in vans and pick up trucks. It does however, not apply to a vehicle being operated in parades, caravans or exhibitions.

I checked with my sons to be sure that they are in compliance with this law and was assured by them that they were. My oldest son will not operate his vehicle if all passengers are not belted properly.

Please pass HB 2766. It is one of those bills we need desperately.

Thank you for your consideration.

I will be glad to answer any questions.

Att. 16  
T&U  
3-17-92



**KANSAS MEDICAL SOCIETY**

623 W. 10th Ave. • Topeka, Kansas 66612 • (913) 235-2383  
WATS 800-332-0156 FAX 913-235-5114

March 17, 1992

TO: Senate Transportation and Utilities Committee  
FROM: Kansas Medical Society *Chip W. Steelen*  
SUBJECT: House Bill 2766; Child Passenger Safety

The Kansas Medical Society maintains a longstanding position in support of child passenger safety restraint. The provisions of HB 2766, particularly the House Committee of the Whole amendments, constitute much needed improvements in the current law. We believe that these changes will result in prevention of unnecessary injuries and deaths.

Thank you for considering our position. We urge you to recommend HB 2766 for passage.

CW/cb

Att. 17  
T&U  
3-17-92

# The Kansas Rehabilitation Hospital

I am before you to testify in favor of HOUSE BILL No. 2766. I am a clinical social worker with sixteen years of experience as a family counselor. During the past six years of my career I have been involved with survivors of brain injury and their families in my work at a rehabilitation hospital.

As a supporter of this bill, I would like to make your committee aware of issues faced by families who have a child that is brain injured from a motor vehicle accident. In the cases of more serious injuries, families must deal with the uncertainty of whether or not their child will live. In the first hours, days, and sometimes weeks after the brain injury family members are in a state of shock. This period is characterized by disorientation, memory loss, and an overall feeling of numbness. Some people stay in this protective state because it is too difficult to deal with the reality of the event.

When a family experiences trauma, there is usually a sense of loss and an increase in tension and stress. With regard to brain injury, families have a loss reaction, but there is no final closure. Families must adjust to the loss while at the same time learning to cope with a child who has suffered significant impairment in physical abilities, cognitive communication skills, and emotional and social behavior. These families experience episodic grief reactions. For example, a mother may feel great sadness and even depression when her daughters friends are

Att. 18  
T&U  
3-17-92

1504 S.W. 8th Street, Topeka, Kansas 66606  
(913) 235-6600

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(1-2)  
A Continental Medical Systems facility



graduating from elementary school while her daughter is in a coma.

Denial is a double edged sword for the family learning to cope with brain injury. On one hand it provides families with the hope that gets them through the most difficult days. At some point however, it is essential that families face the fact that their loved one may never be 100% like they were prior to the injury. This will make it possible for the family to help their child make realistic goals for school and the challenges posed as the child moves through their developmental stages.

After some of the denial has diminished, there may be a flood of anger feelings. Facing the reality that your child may not fully recover gives rise to feelings of unfairness. these families must learn to channel their anger toward constructive action. There is also a greater risk of divorce with these families.

There is no cure for traumatic brain injury, but there is prevention. This proposed bill would have an important impact on decreasing the number of Kansas children who receive brain injuries. It would save these children and their families from the devastation and despair created by these injuries. This law has its place in a constellation of other preventive measures that include educational programs in the schools and our communities. HOUSE BILL No. 2766 is worthy of your most serious consideration.

March 17, 1992  
Date

Donovan Lee  
Donovan Lee, LSCSW  
Director, Brain Injury Unit  
Kansas Rehabilitation Hospital

att 18  
3-17-2