

Approved: 2/20/96
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES.

The meeting was called to order by Chairman Ben Vidricksen at 9:05 a.m. on February 15, 1996 in Room 254-E of the Capitol.

All members were present except:

Senator Brady
Senator Rock

Committee staff present:

Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:

Lee Eisenhower - Propane Marketers Association of Kansas
Helen Stephens - Kansas Police Officers' Association
Pat Hubbell - Kansas Railroad Association
Jack Tierce - Deputy Director of the Transportation Division,
State Corporation Commission
James Keele - Brotherhood of Locomotive Engineers
Terry Maple - Kansas Highway Patrol

Others attending: See attached list

SB 560 - RELATING TO TAXATION; CONCERNING ALTERNATIVE METHOD OF COMPUTATION AND PAYMENT OF LP GAS TAX

Lee Eisenhower spoke in support of this legislation saying it would make the bill more concise and would only change the method of computation, thereby simplifying record keeping for the state.

SB 542 - REGULATING TRAFFIC; INCREASING FINES INVOLVING RAILROAD CROSSINGS

Helen Stephens spoke on behalf of Ed Pavey urging passage of this legislation to "crackdown" on motorists who disregard the laws concerning railroad crossings and jeopardize their lives as well as the lives of others. (Attachment 1)

Pat Hubbell spoke in support for this bill expressing the hope that increasing the fines for crossing violations would act as a deterrent to motorists who drive around crossing gates and through crossings with active warning devices. He also addressed additional responsibilities for highway-rail intersection warning devices and procedures to follow in the event of a malfunction of signals or crossing safety devices. (Attachment 2)

Jack Tierce also endorsed this bill in the hope that car-train crashes would be reduced with the enforcement of this legislation. (Attachment 3)

Jim Keele pointed out that the highest number of railroad crossing accidents occur during daylight hours in ideal weather conditions when people drive around crossing gates. This suggests that motorists do not take the consequences of this act seriously. He felt that passage of this legislation would provide law enforcement agencies with a useful tool in their efforts to prevent accidents and deter violators. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES, Room 254-E
Statehouse, at 9:05 a.m. on February 15, 1996.

Sergeant Terry Maple spoke to the fact that since the Highway Patrol is in the process of reviewing and adjusting speed limits that it is also appropriate to review penalties for other traffic violations. Inasmuch as the rail crossing violation fine has been in effect since 1984 they felt that the penalties addressed in this bill are appropriate and would improve voluntary compliance with traffic safety. (Attachment 5)

The Chairman called for a decision on these two bills.

Senator Lawrence made a motion to recommend SB 560 as favorable for passage. A second was made by Senator Papay. Motion carried.

A motion was then made by Senator Papay and seconded by Senator Jones to recommend SB 542 as favorable for passage. Motion carried.

A motion to approve the minutes of the February 14th meeting was made by Senator Papay. A second was made by Senator Harrington and the motion carried.

The meeting was adjourned at 10:00 a.m.

The next meeting is scheduled for February 16, 1996.

SCOTT MAYFIELD, President
Highway Patrol
Yale Center, Kansas 66783

DOUGLAS PECK, President-Elect
Kansas Highway Patrol
Emporia, Kansas 66801

FRANK DENNING, Vice-President
Johnson County Sheriff's Office
Olathe, Kansas 66202

ALVIN THIMMESCH,
Secretary-Treasurer
Kansas Peace Officers' Association
Wichita, Kansas 67201

O. J. MC
Sergeant at Law
Paola Police Department
Paola, Kansas 66071

BOARD OF GOVERNORS

GOVERNORS AT LARGE

JIM DAILY
Barton County Sheriff
Great Bend, Kansas 67530

NATE SPARKS
Kansas Highway Patrol
Junction City, Kansas 66441

HERB L. COCHRAN
Kansas Treasury Department
Wichita, Kansas 67212

RICHARD L. DUNBAR
Kansas Lottery Security
Wichita, Kansas 67202

GOVERNORS

DISTRICT 1

LOREN ANDERSON
Sheriff, Douglas County
Lawrence, Kansas 66044

JAMES "BUD" BURKE
AT&SFR Police
Kansas City, Kansas 66101

DAVE BURGER
Lenexa Police Department
Lenexa, Kansas 66215

DISTRICT 2

RANDY THOMAS
Lyon County Sheriff's Office
Emporia, Kansas 66801

DANA KYLE
Riley County Police Department
Manhattan, Kansas 66502

TOM WALTERS
Kansas Highway Patrol
Emporia, Kansas 66801

DISTRICT 3

DAVE SMITH
Elsworth Police Department
Elsworth, Kansas 67439

JOHN W. KERR
Washington County Sheriff's Office
Washington, Kansas 66968

ALVIE FURBECK
Kansas Highway Patrol
Salina, Kansas 67401

DISTRICT 4

LAWRENCE YOUNGER
Hays Police Department
Hays, Kansas 67601

FRANK REESE
Ellis County Sheriff
Hays, Kansas 67601

JOHN FROSS
Ft. Hays State University Police
Hays, Kansas 67601

DISTRICT 5

RAY MORGAN
Kearney County Sheriff's Office
Lakin, Kansas 67860

DENNIS SHARP
KS Dept of Wildlife and Parks
Holcomb, Kansas 67851

VERNON "SONNY" RALSTON
Liberal Police Department
Liberal, Kansas 67905

DISTRICT 6

WARREN S. PETERSON
Barton County Sheriff's Office
Great Bend, Kansas 67530

BOYCE MOSES
Kansas Law Enforcement Training Center
Hutchinson, Kansas 67504

DOUG MURPHY
Kinsley Police Department
Kinsley, Kansas 67547

DISTRICT 7

CRAIG KING
Cowley County Sheriff's Office
Winfield, Kansas 67156

TOM PRUNIER
Derby Police Department
Derby, Kansas 67037

SCOTT MAYFIELD
Kansas Highway Patrol
Wichita, Kansas 67226

DISTRICT 8

LOWELL PARKER
Greenwood County Sheriff
Eureka, Kansas 67045

CHARLES D. WARD
KS Dept. of Wildlife and Parks
Chanute, Kansas 66720

PHIL SCHLOTTELT
Coffeyville Police Department
Coffeyville, Kansas 67337

Kansas Peace Officers' Association

INCORPORATED

TELEPHONE 316-946-KPOA

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Testimony of Ed H. Pavey Chairman, Operation Lifesaver Committee Kansas Peace Officers' Association

February 15, 1996

Senate Committee on Transportation

Senate Bill No. 542

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to submit written testimony in support of SB 542. KPOA's Operation Lifesaver Committee has been actively involved in a continuing public education program designed to bring attention to the number of collisions, deaths, and injuries that occur at highway-rail crossings in Kansas.

If we are to be successful in reducing the number of collisions, deaths, and injuries at highway-rail crossings there must be three areas of concentration: **1) EDUCATION** - educating people of all ages just how potentially hazardous highway-rail crossings can be; **2) ENGINEERING** - programs that plan, install, and maintain crossing surfaces and signals to make highway-rail crossings as safe as possible; **3) ENFORCEMENT** - "cracking down" on those motorists who disregard the law(s) and jeopardize their lives as well as the lives of others.

WHAT MOST KANSANS DO NOT KNOW IS:

Nationally, over 50% of collisions at public crossings occur where active warning devices (gates and flashing lights) exist.

In 1994, 14 people were killed and 33 seriously injured in 90 highway-rail crossing collisions in Kansas. In 1995, with data from 2 railroads still not available, 14 people were killed and 42 seriously injured in 87 collisions.

There are 7,181 miles of railroad track in Kansas and 7,912 points at which public roads, streets, or highways cross these tracks. Additionally, there are 4,256 private crossings.

KPOA urges passage of SB 542. Doubling the traffic fine(s) for crossing violations will bring attention to motorist responsibilities and will hopefully help reduce the number of collisions, deaths, and injuries that occur at Kansas highway-rail crossings.

Thank you for your time.

In Unity There

SENATE TRANSPORTATION

DATE: 2/15/96

ATTACHMENT: 1

KANSAS RAILROAD ASSOCIATION

800 JACKSON

SUITE 1120

TOPEKA, KANSAS 66612-1292

PATRICK R. HUBBELL

913-435-3392

STATEMENT

to

SENATE TRANSPORTATION COMMITTEE

SB 542

Senator Ben Vidricksen, Chairman

February 15, 1996
Statehouse, Topeka, Kansas

Mr. Chairman:

My name is Pat Hubbell. I appear today on behalf of the Kansas Railroad Industry.

We support **S.B. 542** which increases the fines for railroad crossing violations. By increasing the fines for crossing violations, we hope this will act as a deterrent to motorists who drive around crossing gates and through crossings with active warning devices.

The Railroads have been one of the participants in Operation Lifesaver since its inception in Kansas and part of the trooper on the train program. By allowing peace officers to ride on engines, they become aware of the large number of motorists going through railroad crossings trying to beat the train.

SENATE TRANSPORTATION

DATE: 2/15/96

ATTACHMENT: 2

Under the rules of the Federal Railroad Administration, the railroads are responsible for the maintenance, inspection and testing of highway-rail crossing safety devices. The purpose of the FRA rules is to further enhance and ensure safety at railroad crossings nationwide with active warning devices. The rule also contains provisions concerning timely response and repair of reported system malfunctions. According to the Federal Railroad Administration Office of Safety, railroads will now have the following additional responsibilities for highway-rail intersection active warning devices:

- * Issue rules requiring employees to report malfunctions.
- * Promptly investigate credible reports of malfunctions.
- * In the event of an activation failure (system fails to warn motorist to oncoming train) they must:
 - Notify train crews, other railroads operating over crossing, and appropriate law enforcement officials.
 - A flagger or police must be present to control traffic before a train may enter a crossing.
 - If there is a flagger for each direction of highway traffic, trains can proceed through crossing at normal speed.
 - If there is a flagger for only one direction of highway traffic, trains may not exceed 15 m.p.h. while operating over crossing.
 - If traffic is flagged by police, trains may proceed through the crossing at normal speed.
 - Trains are required to sound horns at crossing.

* In the event of a false activation (lights flashing, gates activated, but no approaching train) they must:

- Notify train crews, other railroads operating over the crossing, and appropriate law enforcement officials.
- If there is a flagger for each direction of highway traffic, trains may proceed through crossing at normal speed.
- If there is a flagger for only one direction of highway traffic, or no flagger, trains may not exceed 15 m.p.h. while operating over crossing.
- If highway traffic is flagged by police, trains may proceed through the crossing at normal speed.
- Trains are required to sound horns at crossing.

* Maintain records of compliance with the rule.

I appreciate the opportunity to appear before you today and will attempt to answer any questions.

STATEMENT OF THE
STATE CORPORATION COMMISSION

Presented to the Senate Transportation Committee
February 15, 1996

Senate Bill No. 542

Mr. Chairman and Members of the Committee:

My name is Jack Tierce and I am the Deputy Director of the Transportation Division, State Corporation Commission and I am also Chairman of the Kansas Operation Lifesaver Committee.

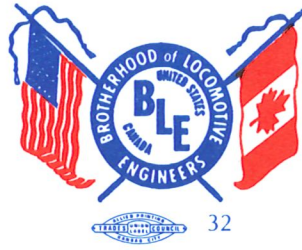
The Corporation Commission and Kansas Operation Lifesaver Committee supports S.B. 542. In Kansas \$5-6 million dollars are expended annually to install and upgrade highway-railroad grade crossings with active devices. Kansas has approximately 8,000 highway-rail grade crossings. In 1994 there were 90 car-train crashes resulting in 14 fatalities and 33 injuries. Twenty-nine, (32%) occurred at crossings with active devices. Historically, from 1969 thru 1994 the percentage of drivers failing to observe the warning devices is 33%.

Hopefully, this legislation will reduce the 90 car-train crashes through enforcement. We would encourage this committee to support S.B. 542.

SENATE TRANSPORTATION
DATE: 2/15/96
ATTACHMENT: 3

Brotherhood of Locomotive Engineers

Kansas State Legislative Board



TESTIMONY OF JAMES A. KEELE

TO

THE SENATE TRANSPORTATION AND UTILITIES COMMITTEE

THE HONORABLE BEN VIDRICKSEN, CHAIRMAN

CONCERNING SENATE BILL NO. 542

THURSDAY, FEBRUARY 15, 1996

SENATE TRANSPORTATION

DATE: 2/15/96

ATTACHMENT: 4

Mr. Chairman and members of the Committee, my name is Jim Keele and I am Chairman of the Brotherhood of Locomotive Engineers Kansas Legislative Board. I appear here today in support of Senate Bill 542. This bill doubles the current fines for railroad grade crossing violations.

From the information included with my testimony you will note that the highest number of grade crossing accidents occur during daylight hours in ideal weather conditions. This suggests to me that motorists do not take seriously the consequences that can and do occur at railroad crossings.

Kansas Operation Lifesaver, an organization comprised of the Railroad Operating Unions, Railroad Companies, the Kansas Corporation Commission, the Kansas Department of Transportation, and Kansas Law Enforcement Agencies, has three guiding principles in its continuing effort to eliminate railroad grade crossing accidents; they are education, engineering, and enforcement.

It is my belief that Senate Bill 542 would provide Kansas Law Enforcement Agencies with a useful tool in their efforts to prevent car train collisions and deter violators.

In closing, I would like to relate to you my experience of February 11 & 12, 1996 while working as an engineer on a 400 mile round trip between Kansas City and Coffeyville. On these two spring-like days I witnessed 12 grade crossing violations, where motorists drove around down crossing gates in front of the train I was operating. Any one of these incidents could have ended in disaster.

For myself and the over 800 Locomotive Engineers who reside in Kansas, I urge you to consider Senate Bill 542 favorable for passage. Thank you.

SUMMARY OF RAILROAD DERAILMENTS & COLLISIONS AND HIGHWAY - RAILROAD GRADE CROSSING ACCIDENTS IN KANSAS FOR THE YEAR INDICATED.

	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Total derailments & collisions & grade crossing accidents	325	293	307	295	281	194	206	215	188	200	187	146	165	173
Railroad derailments & collisions	132	121	153	122	124	90	81	105	74	92	86	71	75	83
Highway - Railroad grade crossing accidents	193	172	154	173	157	104	125	110	114	108	101	75	90	90

Fatalities resulting from grade crossing accidents	13	13	15	22	15	18	26	16	20	17	8	18	4	14
Injured persons resulting from grade crossing accidents	62	75	50	75	62	36	39	39	56	55	30	20	27	33

Number of crossing accidents occurring during daylight hours	99	99	83	99	95	57	73	63	58	63	59	42	53	54
Number of crossing accidents during other than daylight hours	94	73	71	74	62	47	52	47	56	45	42	33	37	36

Number of accidents occurring during clear weather	129	109	79	120	98	77	90	80	83	81	63	48	60	66
Number of accidents occurring during other than clear weather	64	63	75	53	59	27	35	30	31	27	38	27	30	24

Number of crossing accidents involving freight trains	158	141	118	141	125	85	109	86	98	92	88	63	81	79
Number of crossing accidents involving passenger trains	4	3	8	6	0	0	1	2	0	0	0	1	0	1
Number of crossing accidents involving other than freight	31	28	28	26	32	19	15	22	16	16	13	11	9	10

SOURCE: Monthly accident reports filed with this Commission by Kansas Railroads.

SENATE TRANSPORTATION
DATE: 2/15/94
ATTACHMENT: 4-3

SUMMARY OF RAILROAD DERAILMENTS & COLLISIONS AND HIGHWAY - RAILROAD GRADE CROSSING ACCIDENTS IN KANSAS FOR THE YEAR INDICATED.

	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
Total derailments & collisions & grade crossing accidents	188	267	220	292	312	267	308	313	459	445	486	429	488	544	529	421
Railroad derailments & collisions	96	143	128	182	200	175	217	219	365	327	207	196	223	281	265	216
Highway - Railroad grade crossing accidents	92	124	92	110	112	92	91	94	94	118	279	233	265	263	264	205

Fatalities resulting from grade crossing accidents	45	64	36	42	56	54	43	37	28	33	23	36	23	23	15	13
Injured persons resulting from grade crossing accidents	78	100	88	124	98	64	92	79	82	110	109	111	124	114	103	100

Number of crossing accidents occurring during daylight hours	66	80	67	77	74	61	52	60	66	78	177	146	161	156	157	109
Number of accidents occurring during other than daylight hours	26	44	25	33	38	31	39	34	28	40	102	87	104	107	107	96

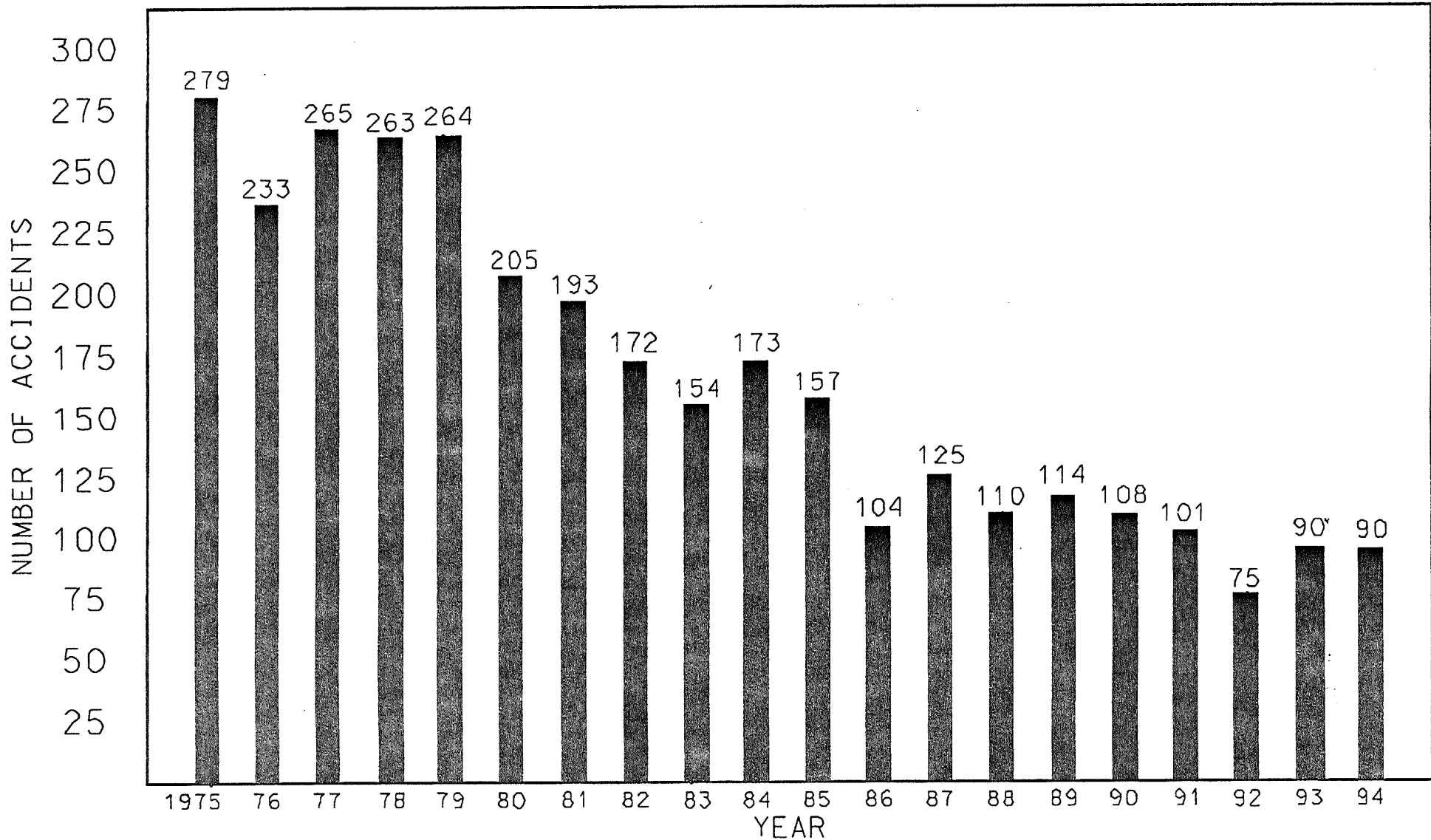
Number of accidents occurring during clear weather	64	83	63	76	62	67	64	58	65	74	203	174	168	165	183	144
Number of accidents occurring during other than clear weather	28	41	29	34	50	25	27	36	29	44	76	59	97	98	81	61

Number of crossing accidents involving freight trains	58	84	74	80	90	81	76	82	82	98	199	173	192	211	207	153
Number of crossing accidents involving passenger trains	22	24	14	16	14	7	4	1	1	2	2	3	1	4	6	1
Number of crossing accidents involving other than freight or passenger trains	12	16	4	14	8	4	11	11	11	18	78	57	72	48	51	51

SOURCE: Monthly accident reports filed with this Commission by Kansas Railroads.

SENATE TRANSPORTATION
DATE: 2/15/96
ATTACHMENT: 4-4

HIGHWAY - RAILROAD GRADE CROSSING ACCIDENTS IN KANSAS



SENATE TRANSPORTATION
DATE: 2/15/96
ATTACHMENT: 4-5

Kansas Highway Patrol
Summary of Testimony
1996 Senate Bill 542
before the
House Transportation Committee
February 15, 1996

Good morning Mr. Chairman and members of the Committee. My name is Sergeant Terry Maple and I appear before you on behalf of Colonel Lonnie McCollum, Superintendent of the Kansas Highway Patrol, in support SB 542 which amends penalties for railroad crossing violations.

Because Kansas is in the process of reviewing and adjusting speed limits the Patrol feels it appropriate to review penalties for other traffic violations as well. Appropriate fines are important from a traffic safety standpoint.

The current fine schedule for rail crossing violations has been in effect since 1984 without adjustment. We feel the penalties established in SB 542 are appropriate and will send the message that compliance with this law is important. The adjusted penalties will improve voluntary compliance and ultimately improve traffic safety in Kansas.

Therefore, we respectfully request your favorable consideration of SB 542.

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