

Approved: 2-10-98
Date

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary K. Hayzlett at 1:30 p.m. on February 4, 1998 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department
Reed Holwegner, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
J. Patterson, Committee Secretary

Others attending: See attached list

Conferees appearing before the committee: Rep. Jene Vickery, Louisburg
Jacci Stewart, Miami Co. Economic Development Corp.
Gene Murray, Chairman Miami Co. Economic Development Corp.
Callie Pease, Osawatomie High School student
Zack Byers, Paola High School Student
Erik Berlin, City Administrator of Spring Hill
Thomas Speck, Unified School District #367, Osawatomie
Anna Lee Billam, Mayor of Osawatomie
Dean Carlson, Secretary of Transportation, KDOT
Marsha Goff, Douglas County
Dr. Tom Taul, Douglas Co. Veterinarian
Bobbie Flory, Douglas county dairy farmer
Mark Bruce, Kansas State Highway Patrol
Larry Rhodes, Kaw Valley Bicycle Club
Dale Crawford, Johnson Co. Bicycle Club
Steve Tilford, Professional bicyclist
Michael Adams, Wheatland Cycling Team
Jim Roy, Topeka Police Officer, Bicycle Division

Briefing in the Highway 169 issue.

Representative Vickery opened the briefing. Safety is the main issue involving Highway 169. The following constituents are giving testimony about the problems of the highway and why it needs to be a four-lane highway. Jacci Stewart, Miami County, was the first proponent to speak. (Attachment 1) Gene Murray, Miami County, was the next to give his testimony. He also gave a short video presentation. (Attachment 2) Callie Pease, Osawatomie High School student and Zack Byers, Paola High School student each gave testimony. Mr. Byers also presented the committee with a petition with 4000 names on it. (Attachment 3 and 4) Erik Berlin of Spring Hill was the fifth person to give his testimony. (Attachment 5) Thomas Speck, Osawatomie was the sixth proponent. (Attachment 6) Anna Lee Billam, Osawatomie voiced her concerns regarding the safety of Highway 169. (Attachment 7)

Representative Powers questioned Representative Vickery about the speed limit on Highway 169. Secretary Carlson, KDOT, gave the states view on the problems with the highway. They do agree that it needs to be enlarged to four-lane. (Attachment 8)

Representative Powers questioned Secretary Carlson about the cost of making it a four-lane. It will cost

approximately \$70 to \$100 million dollars.

The briefing was concluded.

HB 2690 - Concerning bicycles single-file; exceptions

Marsha Goff, Douglas county resident, was the first to give testimony as a proponent.(Attachment 9) The second proponent was Douglas county resident Tom Taul.(Attachment 10) Bobbie Flory testified that with Lone Star Lake being a popular bicycle route she encounters problems with bicyclists riding 2 or more abreast.(Attachment 11) The last proponent was Trooper Mark Bruce. He feels the single-file law will make it safer for the bicyclists.(Attachment 12)

Larry Rhodes, a Topeka bicyclist was the first to testify as a opponent to **HB 2690**. He feels that riding 2 or more abreast gives better visibility to the motorist.(Attachment 13) The second opponent was Dale Crawford of Johnson county.(Attachment 14) Steve Tilford who is a world renowned bicycle racer opposes the bill. As a cyclist that has ridden all over the world, he feels that riding single-file is dangerous.(Attachment 15) Jim Roy, police cyclist, feels that being educated in the three safety rules of cycling are accomplished best by riding in pairs.(Attachment 16) Michael Adams was the last to present testimony on **HB 2690**.(Attachment 17)

Representative Schwartz questioned if strobing lights on bikes are useful. Mr. Tilford said that they were.They are not effective in the daytime.

The hearing on **HB 2690** was closed.

The meeting was adjourned at 3:08 p.m.

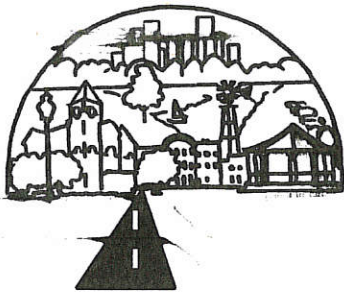
The next meeting is scheduled for February 10, 1997.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-4-98

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NAME	REPRESENTING
Bob Totten	Ks Contractors Association
TOM SPECK	USD 367
Glenn Coulter	Ks. Good Roads
Tom Taul	Douglas County
Stepha Goff	Dg Co.
Bobbie Flom	Douglas County
Aaron Sinclair	Osawatomie High School
Inna Lee Billam	City of Osawatomie
Zed L. Hayden	City of Osawatomie
Gene Murray	Miami Co. Eng. Div. Calif.
Mary Anderson	
Wendy M. Harris	Ks ^{economic pipelines} Aggregate Producers Assn
MARK BRUCE	KANSAS HIGHWAY PATROL
Justin Elliott	Paola Ks
Nathan Freeman	Paola High School
John Biers #411	Paola High School
Mr. Freeman	Paola High School
Jeany Carver	Paola High School
Shannon Fowle	Paola High School



**Miami County
U.S.169 Highway
Senate Transportation and Tourism Committee
House Transportation Committee
February 3, 1998**

Dear Senators and Representatives;

For the past five years Miami Countians have expressed their concerns regarding the safety of U.S. 169 Highway. Within a twenty-mile stretch - from Spring Hill to Osawatomie - there have been **ten fatalities** within the past ten months. The latest double fatality occurred just days ago.

Although the Kansas Department of Transportation may discount the need for expansion of U.S. 169 to a four-lane highway (and the lack of funds to do so) we are requesting your assistance to expedite engineering for this project. According to KDOT's own traffic counts, ***this highway carries more traffic than any other two-lane highway in the State!***

We feel that the increase in traffic on this highway in just the past two years should warrant some type of immediate and long-term action from the Department of Transportation and our State Legislators. There has been continuous discussion and dialogue regarding the lack of funding for this type of project, but we believe that the following action can be taken immediately without the implications of massive financial costs:

- ⇒ ***Installing warning and caution lights where the highway reduces from four-lanes to two-lanes south of Spring Hill.***
- ⇒ ***Increase the number of units and frequency of law enforcement patrols during.***
- ⇒ ***Initiate priority designation for highway maintenance during snowy or icy weather.***
- ⇒ ***An Immediate re-evaluation of U.S. 169 Highway traffic volume and patterns.***
- ⇒ ***Initiation of engineering for expansion to a four-lane highway.***

With Miami County's population growth trending at 12-27% per year, if the engineering was completed now, by the time a new highway program is implemented we could move forward with construction. In addition, the auxiliary highway that runs parallel to Highway 169 will be closed during the fiscal year 1998-1999 for bridge replacements, adding 30%-60% more vehicles to the overburdened U. S. 169.

Senators and Representatives, I am urging you not to put this issue aside. We are looking to you for your leadership and guidance in resolving this critical issue. Thank you for this opportunity to share our concerns. I look forward to your reply.

Respectfully,



Jacqui Stewart

President

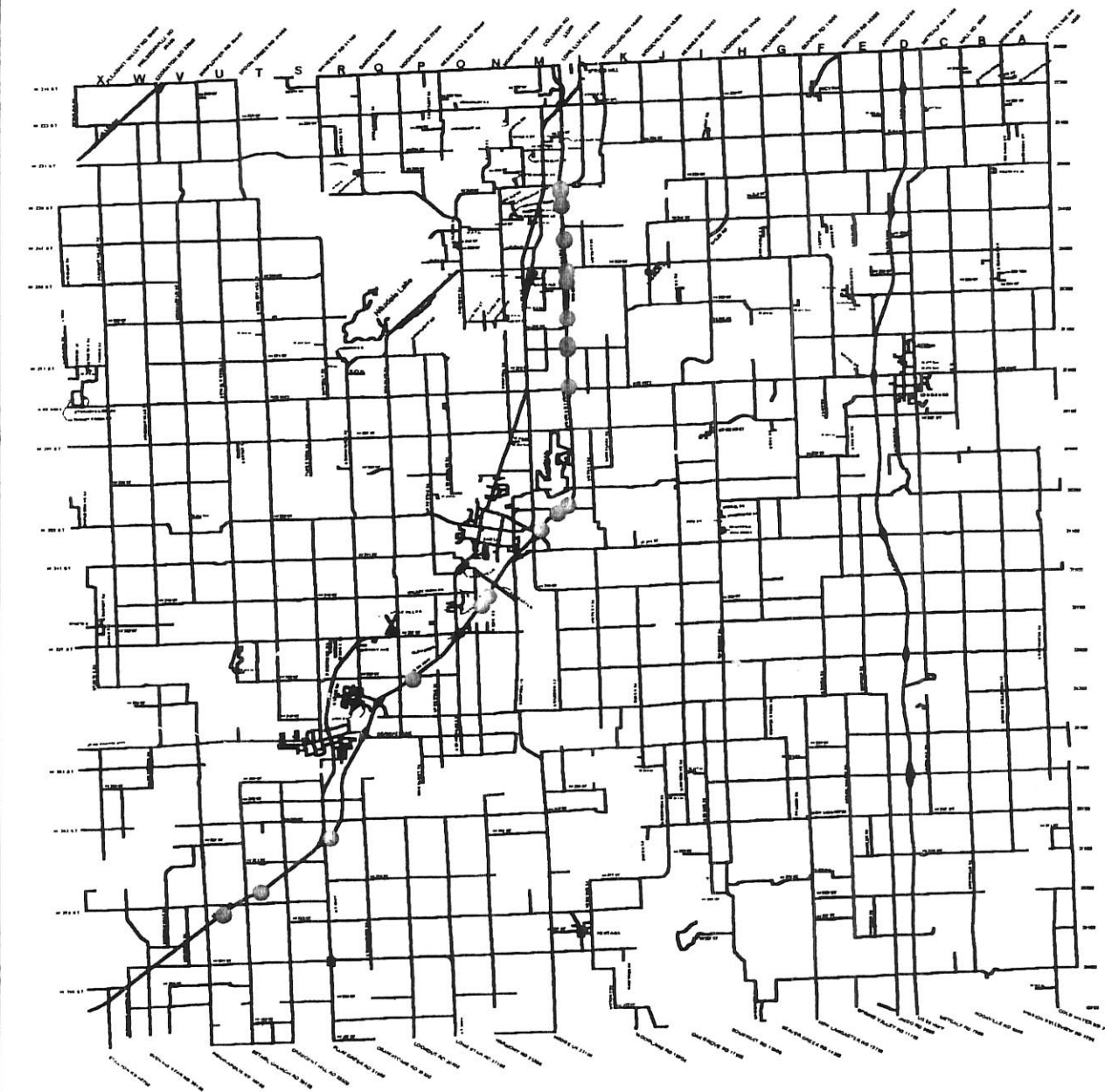
Chief Executive Officer

MIAMI COUNTY CONCERNED CITIZENS FOR U. S. 169 HIGHWAY'S SAFETY

- **10 Fatalities in the last 10 months**
- **84 more deaths** in the next 7 years if this project is ignored
- **33 Fatalities** since 1992
- Longest stretch of **TWO LANE HIGHWAY** with the highest traffic count in the State of Kansas
- Two Lane Highway carrying Four Lane traffic at 65 mph. Average daily count 8,055 in 1996
- Top story in Miami County Republic's Top Ten Stories for 1997; Number one story - "NUMBER OF DEATHS ON 169 HIGHWAY"
- Editorial in the Olathe Daily News headlines -"WHAT'S THE DELAY?"
The longer the State and Miami County wait more lives will be lost.
- 169 Highway is the shortest route to the "Great Mall of the Great Plains" from east, central, and southeast Kansas
- 169 Highway is the shortest route to southeast Kansas, Oklahoma, and Texas
- Right away for construction of **FOUR LANES** is owned by the State of Kansas
- 17+ School buses loaded with 650 children traveling this Highway everyday
- Miami County citizens are very concerned with the SAFETY of this Highway. 33.2% of Miami County Citizens are commuting to the Johnson County and K C Area for employment

WE REQUEST IMMEDIATE ENGINEERING. IF 33 MILLION CAN BE SPENT FOR A RACEWAY, SURELY WE CAN SPEND MONEY TO SAVE OUR CITIZENS LIVES!

Fatality Accidents U.S. 169 HWY



LEGEND

● Fatality Acc

Text Road Names

∩ Roads

WHAT WE NEED!

- ✓ *Funding for widening US-169 to 4-Lane from Spring Hill to K-7 Highway!*
- ✓ *Immediately begin design engineering for entire 20 miles project!*
- ✓ *Increased Highway Patrol of US-169!*
- ✓ *Evaluation and Improvement of Traffic Control on US-169!*
- ✓ *Enacting Concurrent Resolution supporting US-169 Demonstration Project!*

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U S 169 Highway In Miami County, Kansas

We are representing Miami County with a delegation of County Commissioners, Sheriff, Mayors, and City Council of Paola and Osawatomie, Economic Development, Chamber of Commerce, and Student Council Representatives from Paola and Osawatomie. We are requesting legislation to provide funding for engineering design for the upgrade of 169 Highway in Miami County, from a two lane to a four lane highway. This will be on right away already owned by the State of Kansas.

Headlines in Miami County Republic, detailing the top ten stories of the year, NAMED DEATHS ON 169 HIGHWAY as the NUMBER ONE story for 1997.

During the past year, (1997), the traffic fatalities and accidents with serious injures on 169 Highway in Miami County has reached alarming proportions. The citizens of Miami County, with a large number of people commuting to the Kansas City area for employment and medical care, deserve and are determined to have a safer highway to travel. Ten people were killed, in the last ten months, on a twenty mile section of this highway, plus many more accidents that caused serious injuries that required numerous hospitalizations. At this rate **84 PRECIOUS LIVES WILL BE LOST** while we wait 7 years for the next Highway Bill. **THIS IS UNACCEPTABLE!**

I remember very vividly the Paola Osawatomie football game last Fall when a moment of silent prayer was offered for two families involved in a fatal accident on 169 highway. One fatality was a Paola High School football player. The other fatality was a 48 year old mother of a Paola football player. The High School student was headed home from work in Olathe and the mother was going to work in Olathe.

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On December 11th, another tragedy occurred. Dr. Appenfeller, a devoted physician from Osawatomie was killed on 169 Highway just after completing his morning rounds at Miami County Medical Center. This was a very caring man that after 43 years of service, was still helping the sick without appointments, taking phone calls at home, and the office, and still provided care to those who could not afford to pay. I am sure there are similar stories about the other five fatalities.

WE ALL HAVE LOVED ONES COMMUTING THIS HIGHWAY EVERYDAY.

IT SCARES THE HELL OUT OF US!

We ask ourselves: "What can be done to stop this carnage?" Secretary Carlson has requested Kansas Dept. of Transportation's Bureau of Traffic Engineering to review the speed limits on this section of Highway. KDOT has been making additional efforts to clear snow and ice during recent storms. We hope that KDOT will implement additional safety procedures NOW. Miami County Sheriff's Department has added the Highway to their priority patrol list. **HOWEVER, THE SAD FACT IS, IF THIS SECTION OF HIGHWAY WAS A FOUR LANE THESE FATALITIES PROBABLY COULD HAVE BEEN PREVENTED!**

The problem is with the congestion on this twenty mile section of two lane highway. This section has the highest traffic count for a two lane highway in the State of Kansas. Traffic counts on this twenty mile section varies from 8,200 to over 10,000 cars and trucks in one day in Miami County. These are KDOT traffic counts as of June, 1996, and I am sure it is higher today. From 1992 to 1996 at the Hillsdale exit there has been a 22 % increase in traffic. If this increase is projected to the year 2000, there will be 11,382 cars a day at this point. This does not include the six to seven thousand cars a day that will be re-routed to 169 Highway when a railroad overpass is

scheduled to be replaced on old 169 south of Hillsdale, plus the increased traffic to the Mall of the Great Plains in Olathe.

We are aware that you will probably be discussing this with KDOT. We also have been in contact with KDOT for the last five years, pointing out the problems of congestion and safety on this twenty mile section of highway. We were told that 169 Highway in Miami County has good geometric and pavement conditions which give it a low priority rating for improvements. After TEN DEATHS and numerous other injury accidents in a ten month period, you will definitely have trouble convincing Miami, Linn and Anderson County residents, who travel 169 Highway, that it is low priority and does not need improvements to make it safe.

Ladies and gentleman of this committee, you are in a position to do something about this highway. We are organized and are prepared in any way to help pass a new highway bill. We urge you to impress on Kansas Department of Transportation the need to make 169 Highway in Miami County, a high priority for advanced engineering and design and include this project in a New Highway Bill. WE NEED TO START THE PROCESS NOW TO STOP THE NEEDLESS LOSS OF LIFE, WHICH IS SO TROUBLING TO MIAMI COUNTY.

Mr. Gene W. Murray, Chairman
Miami County Economic Development Corp.
Highway Committee
P. O. Box 101
Paola, KS. 66071

Statement by Callie Peace, Osawatomie High School Student Before
the House Transportation Committee, February 4, 1998

Thank you for this opportunity to appear before you and to provide you with our concerns about US Highway 169 in Miami County.

As students and young adults, we are concerned about US Highway 169 and the high rate of fatalities on the two lane stretch of highway from Spring Hill to Osawatomie.

There are approximately 30 school buses per week from our school district that travel on that highway each week. These buses transport children from pre-school age through high school to and from school each day as well as the activity buses that transport us to and from athletic events, on field trips and for other functions.

In addition, we and our peers travel on that stretch of road hundreds of times each week and we are fearful of the heavy traffic on only two lanes of highway. We are reminded of the danger on this highway by the many crosses and flowers placed on the shoulder at the locations of fatal traffic accidents.

The students of Paola High School and Osawatomie High School have obtained thousands of signatures on a petitions supporting the widening of the highway to four lanes. This petition has been presented to the governor, the Senate Transportation Committee and to this committee. As citizens, future taxpayers and future voters, it is our fervent hope that this committee and the

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In conclusion, I respectfully submit to you that we, as citizens, taxpayers and voters, are not here to ask for your consideration, but we are here to inform you, our elected officials, about what we want from our state government and that we understand the costs and are willing to pay those costs.

Thank you for your time, do you have any questions?

Mr. Chairman and Members of the House of Transportation Committee:

Before I begin my presentation I would like to thank you all for the opportunity to speak and for your concern about the need to widen 169 south of Spring Hill. This issue is extremely important to me and all the students of Paola High School, as well as the citizens of Miami County and it is a relief that we aren't alone.

I think it is fair to presume most of you on this committee have little or no experience driving on highway 169 south of Spring Hill. So you've probably never had to consider Old KC Road as an alternative to this deathtrap, never sat at home in the middle of the night waiting for your child to walk through the door because you've heard there was yet another fatal accident on 169. You almost certainly have not known any of the 33 people who have died on this highway in the past five years. Unfortunately, this is not the case for the citizens of Miami County, including the student body at Paola High School.

This fall, one of these tragedies hit PHS especially hard. A student, Freddie Keaton, and a mother of three, Jan Fowle, were both killed in a head-on collision on highway 169. None went untouched by this accident. Half of the school could be seen at the funerals, the football team donned patches in memorial for the second year in a row, many of the junior class went to both of their houses and sang "Amazing Grace" in an effort to express their woe and ease that of the two families. It was a blow against the general moral and well-being of our school, and the scar still shows today.

Only a few weeks ago, while we were organizing this petition and preparing to address this committee, there was yet another head-on collision killing two on highway 169. When I heard the news all I could do is ask, "Who was it this time?" There was no shock, there was no disbelief, there was only a silent prayer that it might not be someone I knew and cared about. It wasn't this time, but in less than a few hours I encountered someone for whom it was. Death on this highway is something we are growing accustomed to, and if that in itself is not a tragedy, I don't know what is.

I am going to be honest with you and tell you that most of the people I know are afraid to drive on highway 169. We go out of our way, wasting time and money, to avoid it. The only alternative beyond a maze of gravel roads is Old Kansas City Road, a road that, by KDOT standards is in dire need of repair. This road has little to no shoulder, is incredibly rough to drive, has bridges that are falling apart, and many other hazards, but miraculously, it doesn't have the death 169 has. This alternative will be closed this summer due to work on one of those bridges, so I will be forced to commute to work every day on 169.

I don't pretend to know the cause of each of the deaths that have occurred on highway 169, but I know for a fact a way they could have been prevented. You will hear a lot of statistics today and many more in the upcoming months, but the most impressive statistic I think we have to offer is Zero. Absolutely none. That is the number of deaths that have occurred on highway 169 north of Spring Hill, and it splits into four lanes. A

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recommendation to KDOT to extend the four lanes south from Spring Hill could eliminate these unnecessary deaths.

What you do is up to you, I can only hope you choose to support us in our efforts. I must say that I am ill prepared to listen to the excuse that there is no money left in the current bill for expansion. Even if that is so it is a long-term option whose effects we wouldn't see for at least five years. What you can do now is fight for us to make our highway ready for that expansion. It has been called to my attention that the pre-engineering task alone takes up to two years. That is a delay that two years from now could prove to be grievous mistake when we could begin it tomorrow. Many other things could be done to help prevent further death: road signs, heavier patrolling, measures even as extreme as a concrete median between the two lanes could be taken.

As representatives of Paola High School and Osawatomie High School we would now like to present to you the signatures of 4,573 citizens collected in a span of only five days, including myself, who ask for your protection. Thank you.



**Testimony to the House Transportation Committee - February 4, 1998
by Eric Berlin, City Administrator, Spring Hill**

The City of Spring Hill strongly supports the immediate improvement of U.S. 169 from two lanes to four. This highway changes from four-lane separated to two lane at the Miami County/Johnson County line, where Spring Hill is located. From our vantage point, we can see the danger increase exponentially as motorists move from four lanes to two. This danger is borne out by the alarming number of accidents, many of them involving fatalities, which are occurring on the highway from Spring Hill to Osawatomie.

As greater Kansas City has expanded southward, U.S. 169 has lost its status as a rural highway. It is an urban roadway carrying urban amounts of traffic. Spring Hill has several large plants, and many of those plant workers reside in Miami County and travel this roadway every day. In addition, many Spring Hill residents commute to Miami County. We have been fortunate not to suffer the fatalities that our neighboring cities to the south have faced, but we fear that it is only a matter of time. We beg the legislature to act before more lives are lost, by immediately authorizing engineering to move forward, approving the necessary funding to widen the highway, and taking intermediate steps to improve the safety of the highway until these improvements are made.

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Statement by Thomas Speck, Business Manager,
Osawatomie Unified School District 367 Before
The House Transportation Committee, February 4, 1998

Thank you very much for the opportunity to speak to you today.

My purpose is to bring to your attention the need to expand US Highway 169 to four lanes from the Miami County line to the intersection of US 169 and Kansas Highway 7 on the South edge of Osawatomie.

I travel this highway daily and have concluded that this highway is no longer safe. The State Secretary of Transportation would take exception with my statement and tell you that there is nothing wrong with the design of the highway. I do not dispute this, the highway design is fine. Next the State Secretary of Transportation will tell you that the accidents on this highway are the result of driver error. I do not dispute this either, but, this statement does not pass the "so what" test since practically all traffic accidents are the result of driver error.

The problem that we face with US 169 in Miami County is that the traffic load on this highway is rapidly reaching, if it has not already reached, a level that the road cannot accommodate the flow safely. When I drive this highway during the morning and evening drive times, the traffic is constant and bumper to bumper for the twenty miles of two lane highway that I travel. You have vehicles opposing each other within four to six feet while passing. Often you encounter an inattentive driver, one who is sleepy or perhaps been drinking, and you are run off the road or collide. If you speak to anyone who

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travels this road with any regularity, they will all tell you horror stories of being run off this highway.

Once you enter the highway, it is unlikely that you will be able to pass safely on the whole twenty miles. If you happen to get in a line of slow moving traffic, you often have impatient drivers that will attempt to pass when it is not safe or attempt to pass in marked no passing zones.

In my opinion, the heavy traffic load on this highway is the major contributing factor for the high number of fatalities in accidents.

If you analyze the fatal accidents on this highway in the last year, some similarities exist. All but one of the accidents occurred during daylight hours. All involved driver error. All involved oncoming vehicles colliding with each other. Expanding the highway to a four lane may not eliminate some of these accidents but it would certainly reduce the collisions with oncoming traffic and would have resulted in fewer fatalities.

I am also the business manager for the Osawatomie Unified School District. You have already heard from one of our students about the number of buses that our school district runs up and down this highway. When you factor in the other school districts such as Garnett, Prairie View, Central Heights, Paola, Spring Hill, Gardner, Olathe and so on, you can easily have upward to one hundred busses on this stretch of highway in a given week. This high number of busses and children on this highway is an invitation to a serious accident. Unfortunately, we have no other highway to access the

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majority of the schools in our league and the locations for most of our field trips.

I used to say "if" we ever have a school bus involved in an accident on this highway and now I say "when". I pray that it never happens, but I am convinced that until we expand this highway we are exposing our children to a high risk of occurrence.

Additionally, we have employees in our school district that live in Northern Miami County or in Johnson County that drive to Wellsville and then on to Osawatomie via country roads because they feel that it is safer than driving on US Highway 169.

The citizens in our area that drive this highway regularly are angry, frustrated and afraid. They are angry that friends and neighbors are being subjected to the dangers of this highway, often in accidents and occasionally killed. They are frustrated with the answers they receive from the elected and appointed state officials. We keep hearing that we can't afford this road, or that we haven't included it in the state highway plan or that it costs too much. I contend that this road has no costs, it is an investment. An investment in our young people like you've heard from today as well as the citizens who travel this highway each day. Just once, we'd like to hear a state official tell us that we have a legitimate concern and that they will make every effort to comply with our desires.

And the citizens are afraid. They are afraid to drive this highway, especially when the roads are wet or slick.

In conclusion, I respectfully submit to you that we, as citizens, taxpayers and voters, are not here to ask for your consideration, but we are here to inform you, our elected officials, about what we want from our state government and that we understand the costs and are willing to pay those costs.

Thank you for your time, do you have any questions?

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For the House Transportation Committee
January 28, 1998

As Mayor of the City of Osawatomie I have access to many statistics. Statistics tell ONE story which is not always the WHOLE story.

Last fall a presentation was made in Osawatomie concerning the 'trade pull factor' rating of various cities in Kansas. At that time the First-class cities which earned the highest ratings were Lenexa with 2.48 and Overland Park with 2.09. Two of the Second-class cities were Merriam with 2.30 and Mission with 2.29. 'Trade pull factor' is described as attracting the highest proportion of business from outside their community. These cities to which I refer are all north of Miami County and Anderson County. How do the people get to those shopping areas? They travel on US 169!!!

In December we had the misfortune to lose two of the Family Practice doctors who had been taking care of area residents for over forty years. One was killed in an accident on US 169. This means that the thousands of patients who had been depending on these men have had to go elsewhere. The waiting rooms of the doctors remaining in the county are full with both existing patients and the influx of the new patients. Many residents are going elsewhere to Garnett or Olathe for medical care.....how do they get there? They travel on US 169!!!

The School districts which make up the Frontier League have school busses on the highways every day taking students from the first grade through high school to various locations for field trips, scholar bowls, and athletic events. This is in addition to the transporting of students from their homes to the schools in Garnett, Osawatomie, Paola, Gardner, Wellsville, Eudora, Louisburg, etc. Much of this traffic includes travel on US 169! School officials in Osawatomie have told me they have an average of between three and four busses on US 169 every day for the activities! I am sure neither you nor I want our children exposed to the needless carnage which we are seeing on this two-lane stretch of highway in Miami County!

PLEASE, do something NOW to help us!

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For the House Transportation Committee
January 28, 1998

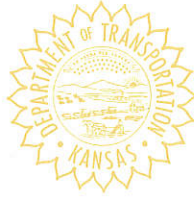
We suggest:

- Additional funds for the Highway Patrol to increase enforcement of the laws.
- Pre-engineering for readiness when funds are available.
- Consider the inclusion of an expanded US 169 as HIGH PRIORITY in the next comprehensive highway plan.

You have the facts and the statistics to make the decisions, but emotions cannot be ignored. They exist. SAVE our citizens and our guests as they travel through Miami County on US 169.

THANK YOU for your time and consideration.

Anna Lee Billam, Mayor of the City of Osawatomie
 Gene Murray, Former Highway Commissioner
 Liz Dean, President of the Osawatomie City Council
 Artie Stuteville, Member of the Paola City Council
 Liz Freeman, Paola High School Student
 Brandon Powell, Osawatomie High School Student
 Nicole Donovan, Osawatomie High School Student
 Thomas G. Speck, Business Manager USD 367



KANSAS DEPARTMENT OF TRANSPORTATION

E. Dean Carlson
Secretary of Transportation

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Topeka 66612-1568
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Bill Graves
Governor of Kansas

INFORMATION FOR THE HOUSE TRANSPORTATION COMMITTEE

February 4, 1998

US-169 FACT SHEET

WHAT: US-169 is a two-lane highway constructed in 1976 on four-lane right-of-way. The section of highway discussed today has fully controlled access, meaning that vehicles can access the highway only at interchanges. By highway standards, this portion of US-169 is considered very modern for a two-lane facility.

WHERE: This portion of US-169 begins at the K-7 interchange near Osawatomie and goes northeast to one mile south of the Johnson/Miami County line. The length of this section is approximately 20 miles.

CURRENT TRAFFIC SITUATION: This section of US-169 is experiencing rapid growth with respect to traffic volumes due to its close proximity to Johnson County's expanding job market. Miami County is experiencing suburban growth, as people who live in Paola and Osawatomie commute to Johnson County. US-169 from Osawatomie to one mile south of the Johnson/Miami County line is considered a high volume traffic route, especially during morning and evening commutes. In 1992, the average daily traffic count on this portion of US-169 was 6,360 vehicles. In 1996, the last year from which statistics are available, the average daily traffic count was 8,055 vehicles.

RECENT ACCIDENT HISTORY: In 1997, there were eight fatalities due to vehicular accidents on this section of US-169. In 1996, there were three fatalities and in 1995 three fatalities were also recorded. According to law enforcement reports, the five fatal accidents in 1997 in which the eight fatalities occurred were caused by vehicles trying to pass in no-passing zones or by vehicles that had drifted left of the center line.

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REDUCING ACCIDENTS ON US-169: KDOT is considering several actions that will provide a safety reminder to drivers:

1. Increase number of signs to improve driver awareness.
2. Possible use of innovative signage, for example, use of two-way traffic signs.
3. Temporary use of variable message boards for educational purposes.
4. Signs asking motorists to call a local law enforcement number to report erratic drivers.
5. Use additional law enforcement.

FUTURE SITUATION: KDOT is anticipating inclusion of four-lane expansion of some or all of US-169 in a new comprehensive transportation program.

Marsha Henry Goff
1877 N 1000 Road
Lawrence, Kansas 66046
(913) 843-2577

#10

To: Gary Hayzlett, Chair
and Members of the
House Transportation Committee

Date: February 4, 1998

Re: House Bill 2690 requiring bicyclists to ride single-file on Kansas roadways

Several months ago, I crested a hill on Douglas County Road 458 and encountered two bicyclists riding abreast blocking my lane and a car coming toward me in the other lane. Then, as on a couple of other occasions, I was able to slam on my brakes and slow enough to avoid hitting the bicyclists. I know that I—and especially they—cannot always be so lucky. If there had not been time to avoid an accident, I don't know whether my natural instinct for self-preservation would have chosen to take out the two bicyclists rather than suffer a head-on collision with the approaching car. Nor do I know what a driver coming toward me might do when he or she is faced with a similar situation.

County Road 458 is a narrow two-lane hard-surface road with no shoulders and deep ditches. The topography is hilly. The speed limit of 55 is appropriate to the road as long as slow moving bicycles do not block a lane. I am often asked whether motorcycles and farm implements cause the same perils as bicycles. The answer is no. Motorcycles keep up with the flow of automobile traffic. Tractors and combines, while moving slowly, display large slow moving vehicle signs and their size and height is such that one can see them far ahead. Bicycles are small and low profile and most riders lean over their bikes in a manner which makes them very difficult to see, especially on a hilly or curvy road.

It came as a great surprise to me that, with the exception of the interstates, Kansas law makes it legal for bicyclists to ride two abreast on every roadway in Kansas. One of my area legislators was equally surprised to discover that the bicyclists he thought were illegally riding two abreast on a two-lane portion of Highway 40 near Lawrence were, in fact, acting within the law.

The U.S. Department of Transportation's Fatality Analysis Reporting System recorded 757 bicyclists killed in crashes with motor vehicles in 1996, 35 percent of them in rural areas. When you consider the relatively small number of bicyclists on rural roads compared to those on urban roads, that 35 percent figure becomes a very different statistic. Adults (65 percent) are more likely than children to be killed on major roads.

From my research on the Internet—and because it makes so much sense—I believe that laws requiring bicyclists to ride single file will eventually be passed by most states. At least one


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Attachment 9

state (Maryland) prohibits bicycles on roads where the posted speed limits are greater than 50 mph. Idaho requires bicyclists to ride as close as possible to the edge of the road unless passing another bicycle. Colorado does not allow bicyclists to ride two abreast when motor vehicle traffic approaching from the rear is within 300 feet or when the sight distance in front of and behind the bicyclist is not a minimum of 300 feet. Missouri allows bicyclists to ride two abreast only when they do not impede vehicular traffic.

As a pedestrian, bicyclist and motorist, I do not consider requiring bicyclists to ride single file to be anti-bicyclist. Such a requirement is no more "anti-bicyclist" than the seat-belt law is anti-motorist or the child-restraint law is anti-child. I am eager to hear any rational argument a bicyclist may have for opposing this bill, because I have not spoken with a single law enforcement officer at any level who doesn't support a single-file requirement for bicyclists riding on Kansas roadways.

I believe that, historically, the Kansas Legislature has a good record of showing a willingness to act to protect its citizens. Requiring bicyclists to ride single-file will make Kansas highways and roads safer for bicyclists and motorists alike. And, while bicyclists are organized in clubs and may easily generate opposition to this bill, it is my strong conviction that in any public poll or vote, the people of Kansas would overwhelmingly support House Bill 2690.

Thank you for your time.



Marsha H. Goff

pro

#11

LOREN C. ANDERSON
SHERIFF



DON SCHWARTZ
UNDERSHERIFF

111 EAST 11th
LAWRENCE, KANSAS 66044
PHONE (913) 841-0007

January 30, 1998

TO: Kansas House of Representatives
Transportation Committee

I am writing to strongly support the amendment to House Bill 2960 which limits bicycle riding to single file on all state roads.

As sheriff of Douglas County, I am very familiar with the large number of bicyclists and bicycling events that occur in this county. The number of participants may range from 5 to 50 at any given time.

It has been our experience that bicyclists will obey the current "two abreast law". However, especially at sunrise and sunset, it becomes difficult to see bicyclists. If there is a single file rather than two across, emergency passing is much easier.

I encourage you to amend the current law to single file bicycle riding for the safety of both bicyclists and motorists.

Very truly yours,

Loren C. Anderson, Sheriff

Pro # 10
House Transportation Committee

My name is Tom Taul and I am the Chair of the Board of County Commissioners of Douglas County. I am also a large animal veterinarian. Both of these positions requires me to travel on a lot of county and township roads.

I would like to support legislation that would limit bicyclists to riding single-file on roadways. Based upon personal driving experiences, I feel this is a public safety issue that needs to be addressed. I have been forced to drive left of center when meeting oncoming traffic to avoid bicyclists three times during the past twelve (12) months. This has occurred on both county roads and state highways.

As an elected official, I have been contacted by residents concerning this safety issue involving our county roadways. As our county continues to become more urban, bicycling on our county roads is increasing rapidly.

The proposed legislation would provide safer roadways for both bicyclists and motorized vehicles.

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Attachment 10

upro

#19

Testimony given by Bobbie Flory, 604 N. 600 Rd., Lawrence, Kansas 66047

February 4, 1998

I am speaking to you today in favor of a change to the current law which would require bicyclists to ride single-file on roadways.

My husband and I live in southern Douglas County and operate a dairy farm. We live approximately 14 miles South of the corporate city limits of Lawrence. Our home is located next to Lone Star Lake. It is a very beautiful, scenic route from town to our place with many curves and, in some places, narrow road widths. I certainly can understand why bicyclists enjoy riding in this beautiful area.

However, as a car-driving motorist, I feel my children's and my safety has been compromised at times due to bicycles riding two abreast. If the roadway is straight and flat, there is no problem: the driver has time to see ahead and slow down or pass. But, in situations where there are curves, visibility becomes a serious problem. Add to the curves a mature crop on the corner field and it becomes even more difficult to anticipate what's up ahead. I have found myself suddenly upon bicyclists after a curve and need to quickly go from approximately 45 mph to a bicyclists' pace. If the bicyclists are riding two abreast, the difficulty of passing safely is aggravated. The bicyclists safety is clearly endangered as well.

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Attachment II

I am also concerned for my husbands' safety as he is on the roadways with his farm equipment. The farmer has a very different perspective. My husband told me he can go faster than a bicyclist but not fast like a car. Passing on any type of roadway - curved or straight - is a challenge because it takes him longer to get around the bicyclists. With oncoming traffic traveling at a rate of 55 mph, he has to allow for much more time and further visibility to attempt to pass because it takes longer to get his slow-moving equipment around the bicyclists. Also, obviously, most farm equipment needs wider spaces than a car in which to pass.

For these issues of safety for all, I am in favor of requiring bicyclists to ride single file on the roadways.

Bobbie Flouy

House Bill 2690
Committee on Transportation
Kansas Highway Patrol Testimony
Presented by Trooper Mark A. Bruce
February 4, 1998

Good afternoon Mr. Chairman and members of the committee. My name is Mark Bruce and I appear before you on behalf of Patrol Superintendent, Lonnie McCollum, to express support for House Bill 2690. As you all know, the principal function of the highway patrol, by statute, is to enforce Kansas' traffic laws. Logically inherent with this mandate is the promotion of traffic safety which generally involves utilizing various enforcement and educational strategies. Testifying in support of this bill presents the Kansas Highway Patrol with a unique opportunity to address an issue of growing concern that has the potential to develop into a more serious traffic safety problem.

We believe that House Bill 2690 is a common sense approach to responsible planning. Planning that involves a calculated prediction of the future and the subsequent implementation of measures to positively control it. The future in bicycling activities is best represented by trends in the recent past. In the last few years, bicycling has become tremendously more popular as a sport and recreational activity, which is evidenced by the increased numbers of bicyclists traveling on Kansas roads, highways and streets. The safety of bicyclists sharing the road with motor vehicles is of an obvious safety concern. Compounding this situation are two separate, but related factors. First, increased speed limits, can only worsen the consequences resulting from motor vehicle collisions with bicycles. Second, motor vehicle travel in Kansas has increased through the years and will most likely continue to do so in the future. As the number of bicycles and motor vehicles sharing the roadways increase, the potential for death or serious injury to bicyclists logically increases as well.

It is our position that House Bill 2690 gives all of us the opportunity to develop better protective measures for bicyclists now, in the present, as opposed to dealing with this issue after it has developed into a traffic safety problem. It is not our intention to restrict bicycling as an activity. It is, however; our intention to protect all who utilize Kansas roads for transportation. By requiring bicycles to be ridden single file, we believe that an appropriate median can be reached. Bicyclists can still enjoy the benefits and pleasures of bicycle riding and we can maximize the level of protection afforded to them.

I thank you for having been given the opportunity to speak before you today. I trust that you will give the careful consideration to House Bill 2690 that it deserves.

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Attachment 12

Opponent

#15

Testimony in Opposition to House Bill 2690

Mr. Chairman:

My name is Larry Rhodes, 5319 SW Lancaster, Topeka, Kansas. I am a member of the Kaw Valley Bicycle Club of Topeka, and editor of the club newsletter. I use a bicycle extensively on Kansas roadways for transportation, utility, and fitness.

House Bill 2690 is a totally unnecessary change to the statute. Under current law, and in accordance with ordinary common sense, it is the responsibility of the operator of any vehicle to take reasonable and prudent steps to avoid hitting other objects, fixed or moving. If a vehicle hits a person or property that could have been avoided, it is the fault of the operator, no matter where the object being struck is located. Safe control is the responsibility of every driver.

This "motorists' convenience bill" isn't about bicycle safety at all. In fact, the better a cyclist may be seen, the safer he or she is; and two bicyclists riding side by side are more visible to an overtaking vehicle than two riding in single file. I ride thousands of miles every year on my bicycle; and I have found that I am given more room by overtaking motorists in standard narrow lanes than in wider ones. For several years my bicycle commute to and from work included a stretch of roadway with wide driving lanes with wide, unpaved shoulders, and another stretch with narrow lanes without shoulders. Both roadways were of about the same length. I experienced, by far, many more close calls in the wide lanes with passing vehicles being dangerously too close than in the narrow lanes. Motorists misjudged the wider lane width as sufficient to pass me without crossing the center line. Nearly thirty years ago I was struck by a left turning car when going through an intersection with the right-of-way. It was totally the motorist's fault, but had I been riding more conspicuously nearer the center of the lane approaching the intersection as a vehicle rather than almost invisibly against the curb as I was, the collision might not have occurred at all. Using the part of the lane that best serves a specific situation is safest practice. This bill seems to have the purpose of pushing every cyclist against the curb in every situation, solely to benefit the motorist who *might* be inconvenienced.

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Mr. John Forester, Sunnyvale, California, author of *Effective Cycling* and other books, and a recognized bicycling and traffic safety expert witness, stated to me in correspondence about this bill: "No road user, motorist or other, has the right to a clear, unobstructed path at all times. All road users must cooperate for the roads to be used safely and efficiently. A law saying that all road users must cooperate in allowing easy overtaking by faster drivers is equitable, but one presuming that one class of road user always delays another is inequitable and discriminatory, and therefore exceeds the police power and proper regulation of highway traffic." If this law prevails to discriminate against the class of road users who are bicyclists, you will open the door to discriminate against others. Who will be next?



JOHNSON COUNTY
BICYCLE CLUB
PO Box 2203
Shawnee Mission, KS 66201-1203
Ride Line - (816) 871-5150

oppose

#11

February 4, 1998

House Transportation Committee
Room 529-S
State Capitol
Topeka, KS

Re: House Bill 2690 – The “Motorist Convenience Bill” regulating bicycle traffic.

As Past-president of the Johnson County Bicycle Club, thank you for the opportunity to speak on behalf of my organization’s 275 member cyclists and their families relay our Board’s unanimous opposition to House Bill 2690. We feel our experience, which averages approximately 325,000 combined annual cycling miles more than qualifies our ability to judge the safety of our usage of the roadway.

Our membership is concerned by the efforts to change the laws regulating bicyclists without having included representative memberships of the bicycling community, any Kansas bicycle clubs or other bicycle organizations, such as the League of American Bicyclists. These individuals, clubs and organizations possess an extensive wealth of first hand experience regarding bicycling. When a statute affecting a particular business or activity within the state are proposed or changed, knowledgeable representative are involved and often invited to be a party in the amending of the statute. We ask the same courtesy be extended to Kansas’ bicyclists affected by HB 2690.

Our combined experience has taught us as bicyclist we are safer on the roadway when riding two abreast than when riding single-file. The presence of two objects side by side on the roadway are twice as likely to be seen by a motorist as two objects in single-file creating the appearance of only one silhouette. There truly is safety in numbers when it comes to being seen by approaching motorists.

Typical Kansas roadway widths require faster moving motorists to cross the centerline to pass any slower moving bicycle, single-file bicyclists or two bicyclist riding side-by-side, as illustrated in Attachments A and B. Once the motorist has made that commitment, it is their responsibility to do so in a safe, prudent, legal manner. If there is no oncoming traffic, there is no impediment. If there is approaching traffic or a no passing zone present, the faster motorist is required to slow until conditions allow a safe, prudent continuation. Common sense tells us it would take twice as long for a motorist to pass a line of single-file bicyclists as it would the same number riding two abreast. The current two abreast statute allows the motorist to return quickly into their driving lane. A group of 10 bicyclists riding single file may stretch out from 80 to 100 feet, whereas a group of 10 bicyclists riding two abreast trailing each other the same distance

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Attachment 14


will be only 40 to 50 feet in length, or less than the length of semi-truck. This comparison is illustrated in Attachment C.

A regular risk to bicyclists when riding single-file up hills is the impatience of many motorists travelling in the same direction to wait until they have crested the hill to pass and can clearly see if oncoming traffic is present. When motorists pass cyclists going up hills they often crowd dangerously close to reduce their intrusion into the opposite lane. However, when bicyclists ride two abreast up hills, motorists feel a much greater risk and do not attempt to pass nearly as frequently. It has been our experience that yellow no passing strips and signs mean little to a motorist if they are passing a bicyclist. Unfortunately, in an effort to be polite, bicyclists are encouraged to ride single file up hills. In reality it encourages the inevitable accident waiting to happen as an oncoming motorists tops the hills, often unaware there are either bicyclists in the opposite lane or car approaching in their lane.

As an organization promoting use of bicycles as legal vehicles on the roadway, Johnson County Bicycle Club has always encouraged its members to ride responsively, legally and courteously. We also have encouraged the full enforcement of the current statutes regulating bicycle usage, particularly the two abreast regulation and the riding as far to right as practical regulation. We are aware that not all bicyclist may abide by these rules at all times, just as not all motorists abide by the their statutes. We do not feel that justifies the changing of the statutes. It is our recommendation that more uniform enforcement of the current statutes for bicyclists of all ages and in all occasions would improve the safety of the roadway for bicyclists and motorists, alike. Uniform enforcement would encourage more responsive riding by a larger percentage of the bicycling population.

A proactive solution to increasing the safety of the roads is the use of "Share the Road" signs, similar to the one attached. This sign provides a subtle reminder for motorists and bicyclists that our roads function most efficiently when all legal users treat others with respect and common courtesy. We ask this committee to recommend the Department of Transportation adopt the "Share the Road" signs, as illustrated in Attachment D, rather than change the current statutes. This signage system has been adopted by Kansas communities, such as Olathe and Shawnee, and by other state highway departments, including North Carolina and, most recently, Missouri.

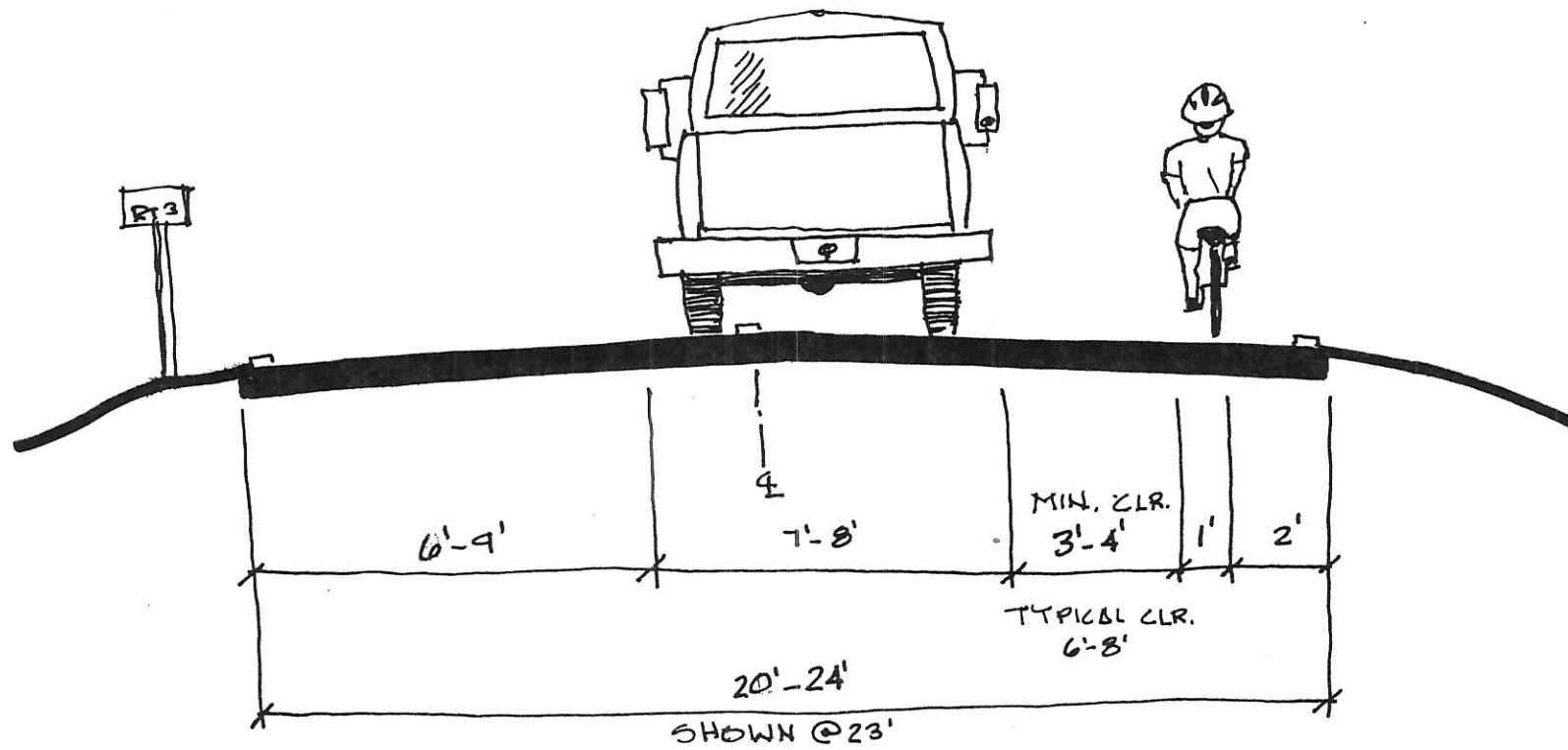
As an active bicyclist for the last 40 years, as Past-President of the Johnson County Bicycle Club and as a member of the Mid America Regional Council's Bicycle/Pedestrian Committee, I offer my experience and services to this committee to further discuss the concerns and issues of bicycling on Kansas roads and highways. Thus, it is for our safety of all roadway users that Johnson County Bicycle Club stands in opposition to H.B. 2690.

Sincerely


Dale Crawford
Past President
Johnson County Bicycle Club

Home Address: 512 N. Curtis
Olathe, KS 66061
(913) 829-6588

14-3



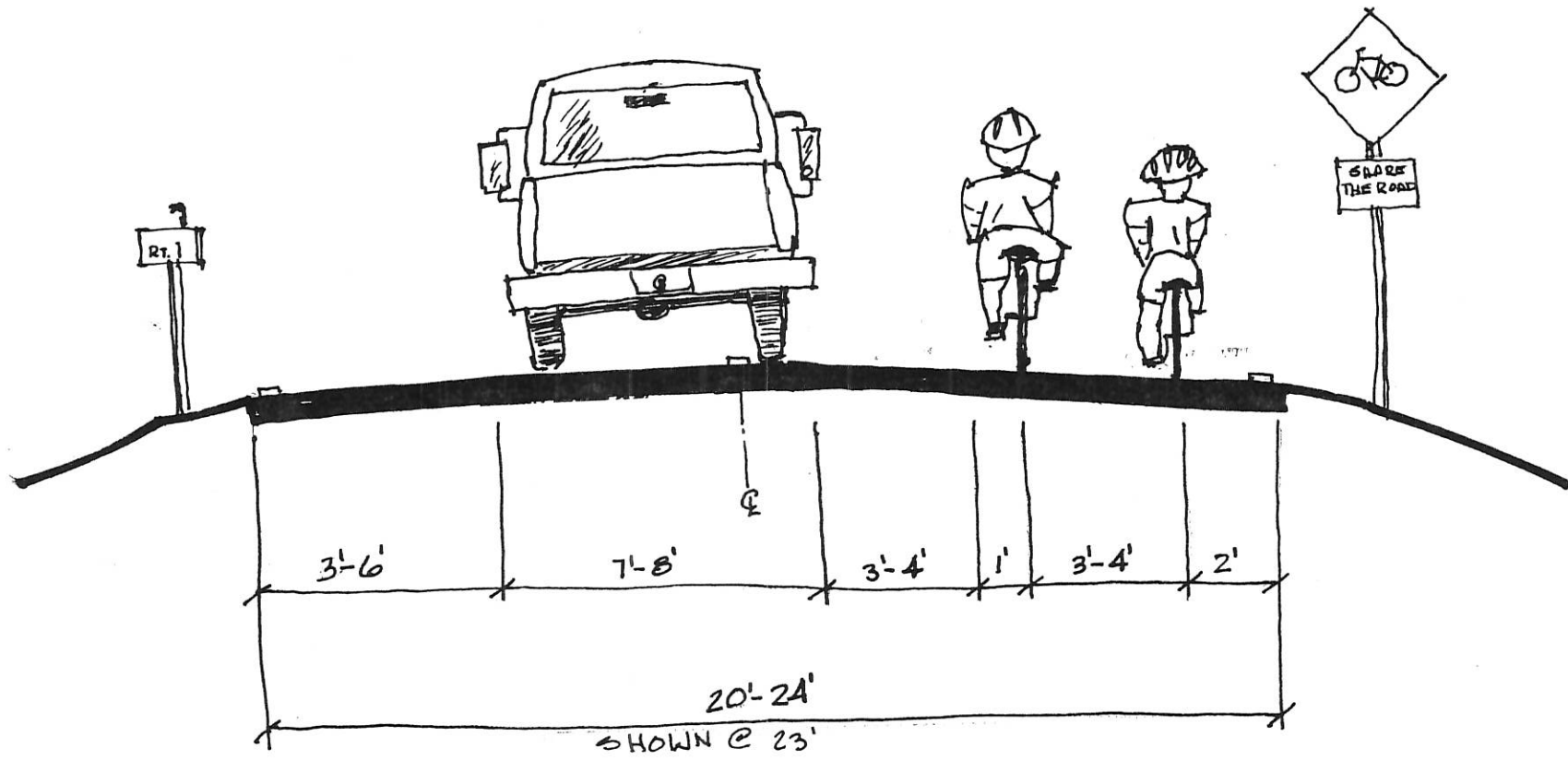
SINGLE-FILE BICYCLIST
SCALE: 1"=4'

ATTACHMENT A

14-3

16-3

H-4



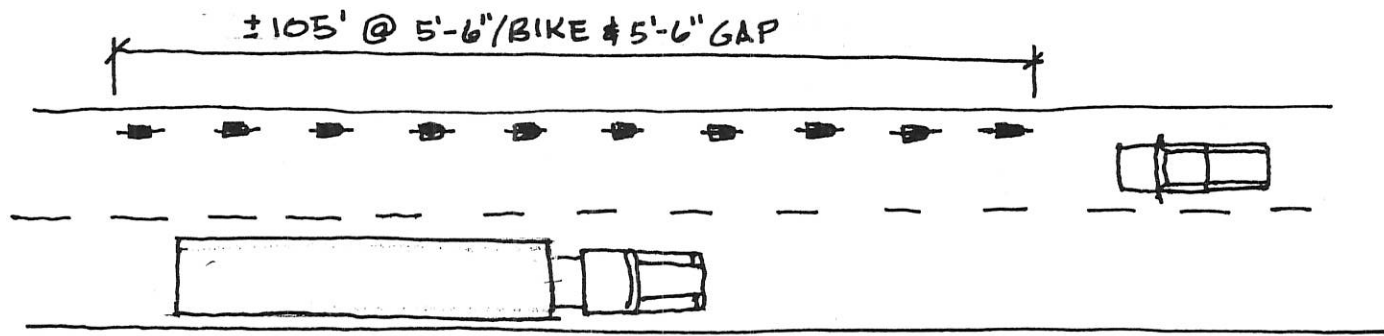
TWO ABREAST BICYCLISTS
SCALE: 1" = 4'

ATTACHMENT B

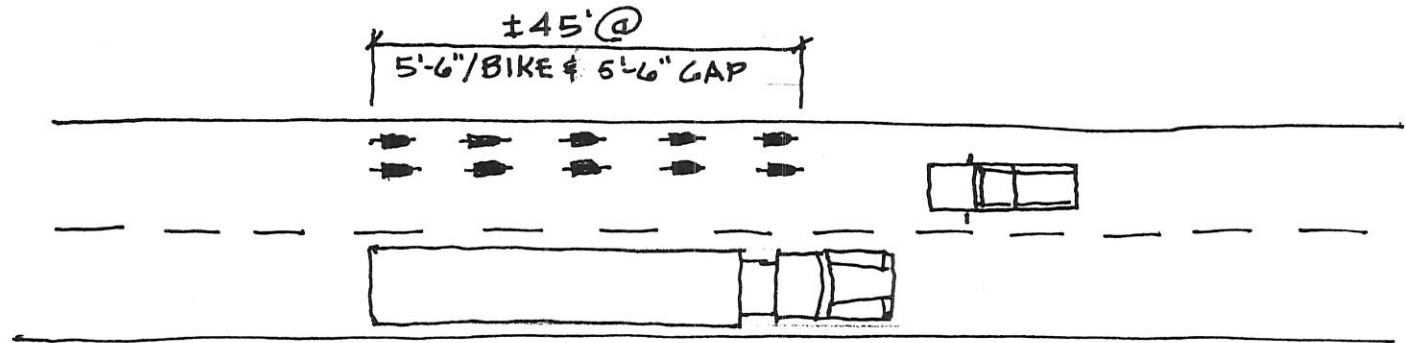
H-4

H-4

5-11



10 BICYCLISTS - SINGLE FILE
SCALE: 1" = 20'

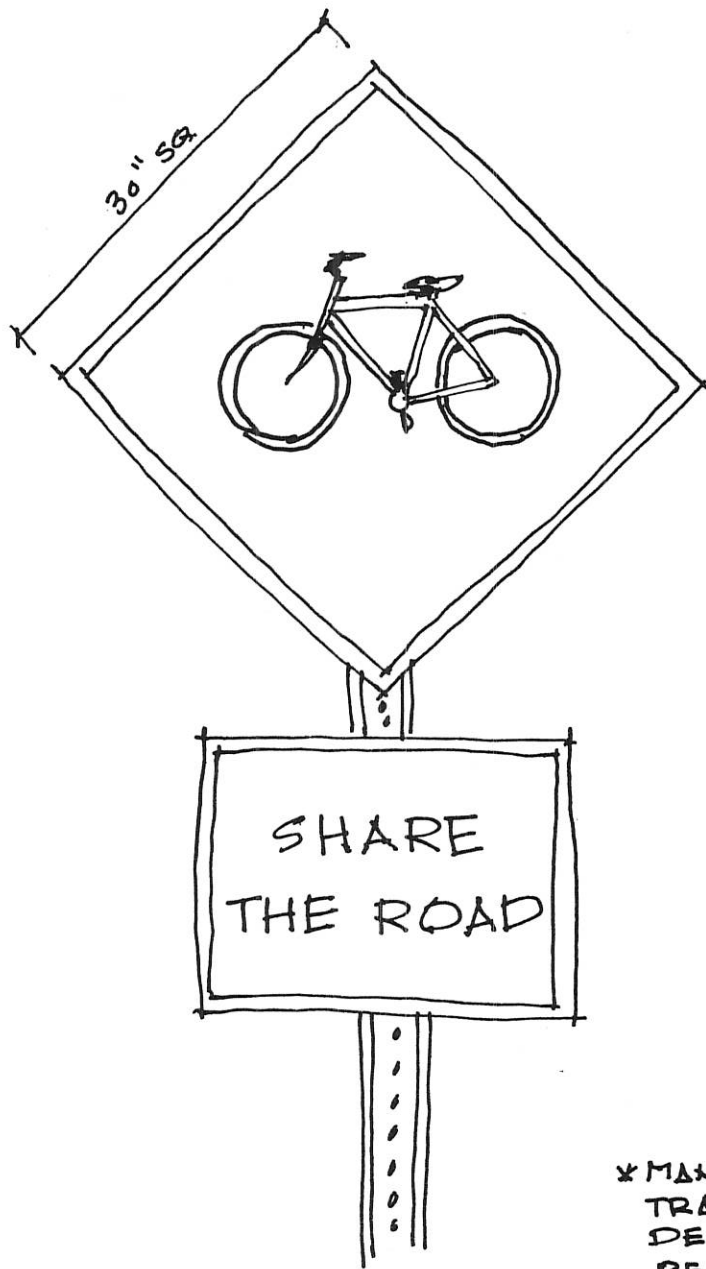


10 BICYCLISTS - TWO ABREAST
SCALE: 1" = 20'

14-5

10-5

14-6



W11-1*

W28-1*

*MANUAL OF UNIFORM
TRAFFIC CONTROL
DEVICES IDENTIFICATION
REFERENCE

"SHARE THE ROAD"

NO SCALE

ATTACHMENT D

14-6

14-6

opose
17
Steve Tilford
2016 Brooklyn
Topeka, Kansas 66611
785-235-5300

Short Resume:

4x USCF National Champion
1st NORBA National Champion
10+ KANSAS State Champion
3x World Road Team Member
2nd Olympic Trials '96, Conyers, GA
Past Member USCF Board of Directors
(USCF=United States Cycling Federation, NORBA=National Off-Road Bicycling Association)

Viewpoint: Opposed to House Bill 2690

Reasons:

Proposed change of law, to single file, makes it less safe to ride bicycles in the state of Kansas.

The single file law just further encourages motorists to initiate a pass when the on coming traffic lane is not clear, giving the impression that there is enough space for both motorist and cyclist (which is not the case).

Cycling with traffic is already a little dangerous, why make it more so.

Forcing cyclists to ride single-file, causes a much longer line to pass.

The current law, which is two abreast, is much more visible to the motorist, a more compact grouping, thus safer for everyone.

Summary:

The reason I came to testify was to help educate the State Legislators of the safety concerns cyclists in the State have. I feel as soon as you have more information concerning this issue, you too will see how ridiculous the passage of this new Bill will be. Passage of this new Bill puts an emphasis on convenience for motorists rather than safety for all users.

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Attachment 15

DPPOSE

18

House Bill 2690

Good afternoon, my name is Jim Roy, I am a eighteen year veteran with the Topeka Police Department. I am a police cyclist instructor through the International Police Mountain Bike Association (IPMBA). IPMBA is a professional law enforcement association of nearly two thousand Police cyclists. IPMBA is a division of the League of American Bicyclists (LAB), which is thirty thousand strong. The league provides the basis of the Police cyclist course curriculum through the effective cyclist teachings of John Forester. Over the last five years I have instructed six classes of approximately ninety police cyclist from various Law Enforcement agencies in KS, MO, NE. As a civilian rider, I have been riding for thirteen years, the last three with the Wheatland Cycling Team. I also ride the Bike Across Kansas and the MS ride.

The central theme of "Effective Cycling" is "Cyclist fair best when they act and are treated as drivers of vehicles". Most drivers are not aware of the fact that cyclist have just as much of a right to the road as vehicles. As a Police officer on a bike, I must set an example to the public regarding 1) Safety, 2) Skills, 3) Riding Position, 4) Bicycle Etiquette. We as bike officers must promote a positive image of cyclist.

As an instructor of effective Police cycling I try to educate cyclist of the three rules of cycling. **Be Predictable, Be Seen, Communicate.** These are accomplished best for us by riding in pairs, two abreast. Drivers learn what to expect from us because we are predictable and communicate our intentions to them. We obey the traffic laws, we ride legally and defensively and we can communicate not only to drivers of vehicles but with each other in the performance of our duties. **Safety** is a major concern to us as police officers on bikes. Officers are doing this not only in this city but in cities across the state, in the counties surrounding the city, and at our lakes and state parks.

Our education teaches us to ride as far right as is Safe while maintaining proper lane positioning. That is usually 2-3 feet from the curb or edge of the pavement. On narrow roads we say "Take the Lane", but communicate to the drivers your intentions. This also holds true when riding in non-Police capacity. We must communicate with each other about hazards in the road, vehicles approaching from the rear, and our intentions at intersections.

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Attachment 16

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We in turn must educate the drivers about cyclist. Warn them on heavily bike traveled roads, with signs stating 'Watch for bikes ahead'. Have drivers warn cyclist with there horn as they approach, not when they are right behind them. Maintain the roads so that cyclist feel safe riding closer to the right side.

To pass this bill would go against the philosophy of safe cycling. While the bill allows municipalities to exclude police cyclists. We would still be effected when working outside the city limits on special assignments. In my expert opinion the proposal is unwanted and would create an unsafe environment for all cyclists.

Testimony of Michael Adams
Wheatland Cycling Team
Topeka, Kansas
H.B. 2690
House Transportation Committee
February 4, 1998

Honorable Chairman and members of the committee,

Everyone who uses public roadways has the responsibility to share those roadways with all other users in a safe and reasonable manner. Bicycling is a lawful and responsible mode of transportation. Current Kansas statutes allow bicyclists to ride two abreast upon a roadway. I'm not aware of this practice causing any accidents, on the contrary, it may even help prevent them.

Consider the scenario of multiple bicyclists riding together as a group. Not only does riding two abreast make the group more visible to approaching motorists, it makes them a more compact group and thus requires shorter passing distances than if the same number of bicyclists were spread out in a single file line.

Operating a bicycle requires some maneuvering room. Bicyclists try to ride in a predictable manner which includes trying to maintain a straight path, however, obstacles in the road or gusty winds might cause them to swerve sideways several feet either direction on the roadway without warning. When a motor vehicle passes a bicyclist, the Kansas Driving Handbook recommends giving the bicyclist plenty of room. In doing so, the motor vehicle should be crossing into the next lane of the roadway. For this reason, the motorist should only pass when approaching traffic, visibility and road conditions allow it to be done in a reasonably safe manner. Having two bicyclists riding beside each other, two abreast, reinforces the need for the driver of an overtaking motor vehicle to pass safely, but doesn't prevent them from doing so. Two abreast riding also discourages motor vehicle drivers from trying to "shoot the gap" between oncoming (or second lane) traffic and single file bicyclists while staying in the same lane. The practice of "shooting the gap" leaves little or no side clearance between oncoming vehicles, the passing vehicle, and the bicyclists. This not only places the unprotected bicyclist in extreme danger, it also puts oncoming traffic and the driver of the passing vehicle at risk also.

Bicycles were around many years before motor vehicles were invented and are here to stay. Bicycling is a healthy, enjoyable, and non-polluting form of transportation that should be encouraged, not discouraged. The best solution is for bicyclists and motor vehicle operators to acknowledge that not only do they both have a right to use public roadways, but they also have the responsibility to treat all other users with mutual respect. Lets not relegate (or regulate) bicyclists to the side of the road.
Vote no on House Bill 2690!

I thank you for your time and am available to answer questions.