

## MINUTES OF THE SENATE TRANSPORTATION &amp; TOURISM COMMITTEE.

The meeting was called to order by Chairperson Senator Ben Vidricksen at 9:05 a.m. on February 23, 2000 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
Marian F. Holeman, Committee Secretary

Conferees appearing before the committee: Michael Byington, Envision  
Carole Keedy, KS Assn for Blind/Visually Impaired  
Mike Crow, KDOT  
Bryan Shields, Overland Park  
Mike Taylor, City of Wichita  
Dan Harden, Riley County  
Sandy Jacquot, Ks. League of Municipalities

Others attending: See attached list

**SB 522: Act enacting the pedestrian safety act**

Michael Byington, Director, Envision Governmental Affairs Office stated that this bill is a model of a bill that was promoted by some of the aging lobbies in Washington and by the American Council for the Blind. They would like to see this legislation in every state. Standardization is badly needed He provided some simple exercises which, if performed can provided the sighted with some understanding of the problems involved (Attachment 1) Carole Keedy, Legislative Chair for the Kansas Association for the Blind and Visually Impaired (KABVI) furnished additional background information relating to the need for this legislation (Attachment 2) Both conferees stressed that this is not intended to be a mandate, but is meant to be incorporated in future planning and developments.

All of the following appeared in opposition to **SB 522**.

Mike Crow, Chief of the Bureau of Traffic Engineering, Kansas Department of Transportation (Attachment 3). Mr. Crow advised KDOT already considers pedestrian safety in their planning and this would just add another layer of bureaucracy to the process.

Bryan Shields, Traffic Engineer, Overland Park, Kansas, provided statistics on their pedestrian accidents, current design practices and cost of this proposed legislation (Attachment 4). Mike Taylor, Government Relations Director, City of Wichita (Attachment 5); Dan Harden, Traffic Engineer/Public Works Director, Riley County (Attachment 6); and Sandra Jacquot, Kansas League of Municipalities (Attachment 7) all had numerous concerns regarding a wide variety of issues relating to this legislation. Written testimony from Donald R. Seifert, Management Services Director, City of Olathe (Attachment 8) raised much the same concerns regarding loss of local control and the costs involved. As there seems to be many areas to be considered, the Chair advised that time does not permit further action on **SB 522**. It was suggested that perhaps this issue might be more suitably studied during the interim, if approval can be obtained from the Legislative Oversight Committee.

**Approval of minutes**

Senator Jordan moved to approve minutes of the February 15, 16, and 17, 2000 meetings. Senator Harrington seconded the motion. Motion carried.

The meeting adjourned at 10:05 a.m.

The next meeting is scheduled for Wednesday, March 1, 2000.

SENATE TRANSPORTATION & TOURISM COMMITTEE  
GUEST LIST

DATE: FEBRUARY 2, 2000

NAME	REPRESENTING
Mike Crow	KDOT
Bill Watts	KDOT
Nancy Bogina	KDOT
Mike Taylor	City of Wichita
Judy Jaqueth	League of KS Municipalities
Jerry Molen	Ks. Assoc of Counties
Paul HADEN	Riley County
Paul York	Wyandotte Co.
Shawn Richards	Wyandotte Co
Brian Shields	City of Overland Park
Scott Brunner	DOB
Mike McGee	KS Chapter American Public Works Assn
Doug Smith	City of Topeka
Chrissy Walker	Ottawa University
Janea McCaslin	Ottawa University
Abie Davis	Ottawa University
Matt Schurman	Ottawa University
Amanda Williams	Ottawa University
Jacqueline Jacobo	Ottawa University
Mandy Bradshaw	Ottawa University
Amanda Rogers	O.U.
BILL SPERRY	OTTAWA UNIVERSITY

SENATE TRANSPORTATION & TOURISM COMMITTEE  
GUEST LIST

DATE: FEBRUARY 2 , 2000

NAME	REPRESENTING
JADWIGA PLESNIAR	Rehabilitation Center f/t Blind
<del>David</del>	Rehabilitation center f/t Blind (client)
Carol Reedy	Kansas Association Blind
Michael Byington	Envisia
Mia Salini	Ottawa University
John Hama	AP

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**PLEASE REPLY TO: Michael Byington, Director**  
**Envision Governmental Affairs Office**  
**924 S. Kansas Ave**  
**Topeka, Kansas 66612**  
**(785) 354-4747 (Topeka Office)**  
**(785) 640-4500 (pager and mobil)**  
**(785) 354-4646 (FAX)**  
**[mbyingto@ink.org](mailto:mbyingto@ink.org) or**  
**[michael.byington@envisionus.com](mailto:michael.byington@envisionus.com)**

February 23, 2000

To the Senate Transportation Committee

Concerning support for Senate Bill 522

I want to begin my comments by providing some quotations from "Mean Streets,"

"MEAN STREETS 1998  
Surface Transportation Policy Project (STPP)  
1100 17th Street, NW, 10th floor, Washington, DC 20036

On a per-mile basis, walking is more dangerous than driving, flying, or riding a bus or train.

In 1996, 5,157 pedestrians were killed on U.S. streets.

On average, just 1 percent of funds spent in states on safety projects were directed at pedestrian safety, despite the fact

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801 East Lincoln • Wichita, KS 67211  
Tel 316.267.2244 • Fax 316.267.4312  
Web <http://www.envisionus.com>



that nationwide approximately 12 percent of traffic deaths and serious injuries were to pedestrians.

People who are blind or visually impaired are disproportionately represented in the pedestrian population."

Those statistics offer the essence of the concern addressed by Senate Bill 522. We as a State, as a Nation, as a society, are concentrating so much on the all mighty automobile that we are forgetting about the first form of ambulation invented, that of being a pedestrian.

In Kansas, the average age of our population is on the rise. More and more people are going to need to remain in our communities, but are going to have trouble walking in the built environment. We must make better plans for those who do not see well, who move slowly, or who use other adaptive equipment to move about the community. We will have to find ways to keep such individuals moving in the community, even if they have never driven, or have had to stop driving. Doing so is going to be much less expensive than placing such individuals in institutions simply because they can not find a way to get about the community as it has simply become too dangerous to walk anywhere.

With the adoption of the Kansas Transportation 2000 last year, we placed a higher emphasis on public transportation. It is essential to remember, however, that the use of almost any type of fixed route public transportation requires one to be a pedestrian in the process of use.

There is no hard and fast federal timelines forcing us to create the Commission called for in Senate Bill 522. The Americans With Disabilities Act (ADA), however, does create the eventual standard of accessibility to the community. The Transportation Equity Act for the 21st Century (TEA-21) does create some options for addressing accessible intersections and for pulling down federal funding in order to do so. The following provisions were excerpted from the TEA-21 federal legislation by Julie Carroll, a Washington

Attorney working for the Paralyzed Veterans of America.

" Excerpts From TEA-21:  
A SUMMARY OF ACCESSIBILITY PROVISIONS  
by Julie Carroll

. . . . Section 1202 of TEA-21 requires that bicyclists and pedestrians, including pedestrians with disabilities, be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and state. This section further provides that "Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted." Additionally, TEA-21 provides that transportation plans and projects must provide due consideration for safety and contiguous routes for bicyclists and pedestrians. Safety considerations must include the installation, where appropriate, and maintenance of audible traffic signals and audible signs at street crossings. While this section does not specify where audible street crossing technology must be installed, its inclusion in this section of the legislation means that projects to install such technologies are eligible for federal matching funds of at least 80 percent."

This is legislation written in the best practices style of State's rights. It does not require the State to address pedestrian features on any hard and fast timelines. It does, however, create both a funding mechanism and an imperative for doing so.

In Kansas, the Department currently has only 1/3rd of a position which is assigned to address pedestrian issues. The other 2/3rds if this individual's time are spent with bicycles and railroad issues, both of which are probably

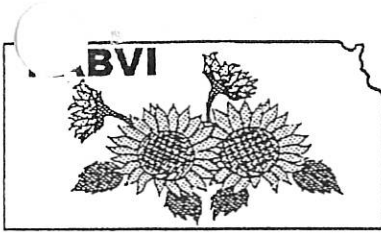
more squeaky wheel type of issues than are pedestrian issues.

Senate Bill 522 is a modest effort in light of the size of the growing problem and concern. It creates only one position and a volunteer commission. It does, however, create a focus on pedestrian issues which will disseminate to all cities and counties. It will get city and county officials thinking about these vital issues. It will assure that funding spent in the future on pedestrian issues is judiciously and efficiently spent.

To understand the importance of this issue to the Kansas population, I would ask you to engage in the following exercises.

1. Stand at a busy street corner which has a push button activated "WALK" signal. Shut your eyes, and then spin yourself around. Now continuing to have your eyes closed, try to locate the signal push button.
2. Tie 25 pound weights to each ankle, and then attempt to walk across a busy street.
3. In a rural community, close your eyes and then try to maintain contact with the side of a road while walking along it with your eyes closed.
4. Attempt a street crossing at any round-about intersection while having your eyes covered with wax paper.

These experiences may help show that we who are disabled, who are older, are only asking for what we need to have equality of access to aspects of our communities. Thank you.



# Kansas Association for the Blind and Visually Impaired, Inc.

PO Box 292, Topeka, KS 66601, (785) 235-8990  
924 S. Kansas Ave., Topeka, KS 66612, Toll Free in KS (800)799-1499

TO: Senate Transportation Committee

FROM: Carole Keedy, Legislative Chair for the Kansas Association  
for the Blind and Visually Impaired (KABVI)

RE: Senate Bill 422 - Support

The Americans with Disabilities Act (ADA) provides specific language concerning accessible intersections. When many people think about accessible intersections, the first thought that comes to mind is curb cuts for wheelchairs. While these are an imperative part of accessibility, they do not make busy intersections accessible for all, and doing so is supposed to be a major thrust of the ADA.

(from the Code of Federal Regulations implementing the ADA)

New Construction - 28 CFR 35.151(a)

Any facility or part of a facility that is newly constructed by a state or local government must be designed and constructed so that it is readily accessible to and useable by people with disabilities. This requirement applies to any construction that was begun after January 26, 1992. Facilities under design on January 26, 1992 are included if the date that bids were invited for the construction was after January 26, 1992.

Alterations - 28 CFR 735.151(b)

Alterations to existing facilities must include modifications to make the altered area accessible to individuals with disabilities. The U.S. Department of Justice implementing regulation (28 CFR 735.151) defines an alteration as a change that "...affects or could affect the useability of a facility or part of a facility." In Kinney v. Yerusalim, the court held that if a street is to be altered to make it more useable by the general public, it must also be made more useable for those with disabilities.

Existing Facilities - 28 CFR 35.150

Government facilities which were in existence prior to the effective dates of the ADA, and which have not been altered, must achieve 'program access.' That is, the program must, when viewed in its entirety, not deny people with disabilities access to government programs and services. The obligation to provide architectural access to existing state and local government facilities is based on first determining whether program access to government programs and activities can be

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Sanford J. Alexander, III  
President  
5321 Plaza Lane  
Wichita, Kansas 67208

Michael Byington  
Vice President  
909 SW College Ave.  
Topeka, Kansas 66606

William L. Lewis  
Recording Secretary  
3509 E 2nd  
Wichita, Kansas 67208

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provided without the need to make structural modifications. If program access cannot be provided without structural modification, structural modifications must be made. A pedestrian circulation system--sidewalks, street crossings, shared-use paths in the public right-of-way--is a program that a local government provides for its citizens.

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The ADA, however, is not a stand alone law. Much of it depends on time lines established by State Government. The ADA emphasis occurs through the actions of local disabled consumers. Senate Bill 522 is intended to encourage Kansas communities to start looking at the ADA pedestrian safety issues, and not just as they relate to curb cuts. Accessibility for the blind, the low visioned, and the multiple disabled pedestrians, as well as the fast growing population of active senior citizens, must be a priority.

The issues addressed here deal with issues for any pedestrian who, for temporary or permanent disability related reasons, may move across a street more slowly. For example, even though I am a legally blind person who usually walks very quickly, my speed was greatly hampered after a knee replacement two years ago, I used a walker when getting to my varied destinations for about 2 months. Since I am a person who obviously does not drive, I frequently walk. As a pedestrian, since I could not walk fast with a walker, I often ended up in the middle of moving traffic because the "WALK" lights did not give me sufficient time to get across the street. Just imagine how much more severe my pedestrian safety issue would have been during this time had I not had sufficient vision to find the pedestrian "WALK" buttons which are placed at differing locations at each intersection. It can get pretty nasty out there!

I am not the only blind person who has had these kinds of experiences. Virtually all of us have them. The American Council of the Blind is a large consumer organization of blind and low vision Americans. It has affiliated State organizations, such as the Kansas Association for the Blind and Visually Impaired in all 50 states. Its members range from people in profoundly rural areas to those who live in downtown New York City. The following survey of a cross section of this heterogeneous membership shows the type of problems which face almost all visually impaired or blind pedestrians.

" American Council of the Blind Survey of Signalized  
Intersection Accessibility:  
Summary of Results  
Prepared by B.L. Bentzen, Ph.D.

The American Council of the Blind (ACB) surveyed 158 pedestrians who are legally blind regarding their experiences in independently crossing at intersections with and without audible signals.

91% of respondents indicated that they sometimes had difficulty knowing when to begin crossing (difficulty hearing surge of traffic on street beside them), which they attributed to one or more of four reasons.

- The surge was masked by right turning traffic 91%
- Traffic flow was intermittent 86%
- The intersection was too noisy 81%
- The surge of traffic was too far away 65%

79% of respondents indicated that they sometimes had difficulty traveling straight across the street, for one or more of the following three reasons.

- Difficulty figuring out where the destination corner was 79%
- Veered because there was no acoustic guideline (parallel traffic) 75%
- Veered because the street was too wide 70%

90% of respondents had experienced one or more of the following problems with push buttons.

- Couldn't tell whether they needed to push a button 90%
- Had difficulty locating the push button 87%
- Couldn't tell which crosswalk was actuated by the push button 81%
- Push button was so far from the corner that they couldn't push the button and then return to the crosswalk and prepare for crossing before the WALK interval began 78%

71% of respondents had experienced one or more of the following eight difficulties with existing accessible pedestrian signals.

- The signal was too quiet 71%
- Couldn't tell which crosswalk had the WALK signal 68%
- The signal was too loud 45%
- Couldn't remember which of two sounds was associated with crossing in a particular direction 27%
- Confused by the sound of an APS for another intersection 19%
- Couldn't localize the sound of an APS and use it for guidance 6%
- Crossed street with an actual bird instead of bird call signal 4%
- Didn't cross because they thought the signal was an actual bird 3%"

People who are blind, who are elderly, or who have other mobility problems, temporary or permanent, which cause them to cross street more slowly, or with other difficulties, are finding it more and more difficult to navigate as our built traffic infrastructure, including pedestrian equipment, becomes more complicated and less accessible. I shall attach to this testimony, excerpts from an

article by Frank and Barlow which explains some of the things which are making travel more and more difficult for pedestrians in all types of population density.

Senate Bill 522 does not solve all of these problems for blind, elderly, or otherwise disabled pedestrians moving at a slow pace. It is, however, a beginning. It will make city and county planners begin to think more about pedestrian issues as they design and renovate the built environment of the future.

The fiscal impact of this bill is very small. It creates one position and one, non-paid Commission to oversee the project. It is the least the State can do in beginning to address the pedestrian needs of growing populations in our Kansas culture.

"Excerpts from  
THE "MODERN" INTERSECTION  
By Lukas Franck and Janet Barlow

(The authors are fully accredited orientation and mobility instructors who work with people who are blind and low vision. Mr. Frank is also a certified trainer of guide dogs. Both individuals have been research fellows with the American Foundation for the Blind. )

In the old days traffic lights made traffic easier by making the environment highly predictable. Lights changed like clockwork, because they WERE clockwork. Big gears turned in the controller boxes, and the gears clicked into place with an audible CLICK. Cars with big V8's roared from their rumbling rests and announced the light change that the box click had predicted.

With the mass move to the suburbs, the advent of computers and the simultaneous explosion of the number of cars on the road, things began to change. Although the idea of actuation is nearly as old as the car itself, cheap, reliable computer power, combined with pressure to move traffic as efficiently as possible, has made the actuated intersection an increasingly common feature in the life of the American pedestrian. So...a brief overview of the details of the new reality.

There are two main types of controllers used to switch traffic lights, pretimed and traffic-actuated:

Pretimed (fixed time) traffic lights operate with a predictable, regularly repeated sequence of signal indications. For example, a light that changes every 30 seconds is called a fixed timed light. Often at an intersection the major street gets more time (a longer phase), and the minor street gets less (a shorter phase). Sometimes in rush hour the time allocated to the major street can be programmed to be even longer. Generally, though, they are very predictable. Most signals used to be of this type. They are still very common in downtown areas because traffic volume is predictable, stable and fairly consistent. The clockwork itself is mostly gone though, replaced by silent computer chips.

At traffic-actuated intersections, the lights respond to the traffic that is present. For example, if there is no traffic in the left turn lane, the left turn arrow will not function during that cycle. If there is only one car in the northbound lanes, the light may be green only for enough time to allow that car to cross the intersection.

The semi-actuated intersection is the most common type you are likely to encounter. They are very common once you are



beyond the downtown areas of the city, usually when a minor street crosses a major one. It is called semi-actuated because of the minor street, and only the minor street, has sensors or detectors in it. The engineer's goal here is to maximize efficient and safe traffic movement. Therefore, the major street has a green light unless there is a car waiting on the minor street. That car triggers a detector, and eventually will be given a green light. If there were no cars there, the light would never turn green! More cars = short as seven seconds!

If the intersection was designed for pedestrian use, there may be a pedestrian walk/don't walk signal. To get a walk signal, you must push the pedestrian button to get a special longer pedestrian timing. Especially when the main street is very wide, the green phase programmed for a single car will not be long enough to allow a pedestrian to safely cross the street. In that situation, it is essential for the pedestrian to push the pedestrian push button in order to have enough time to walk across the street. Rather than seven seconds for a single car, a pedestrian may get twenty seconds or more to cross the street--only if the intersection "knows" the pedestrian is there.

One variation of a semi-actuated intersection occurs when both streets are large. Turn lanes on both streets may also have sensors in them, which can affect intersection timings and phases markedly.

Fully actuated intersections are relatively rare and occur where two streets meet and there are detectors on all approaches. These are typically two very busy streets.

It is also possible for a street or intersection to operate on a pre-timed basis at some times, and on fully actuated or semi-actuated control at other times. Also, in case of construction damage to the actuators, or computer failure, the intersection will usually revert to pre-timed. The possible variations make it important to call your local traffic engineer to get the details when using an unfamiliar intersection. Learn the theory and "jargon" so that you can solicit the information from traffic engineers.

In some cases there may be a pedestrian button but no pedhead (see definitions below). In that case the pedestrian timing will apply, but there is no separate information provided. In other cases there is a pedestrian button and a pedhead. The messages provided by the pedheads are so widely misunderstood by the general public that they are worth a review here.

The WALK interval is generally only four to seven seconds long. That is to say the signal only says WALK (or shows the illustration of a walking person) for that long. The pedestrian is expected to leave the curb during this interval but is

allocated a much longer period to make it across the street. When a flashing DON'T WALK or ORANGE HAND is visible, it is the "pedestrian clearance interval." It lasts much longer than the WALK interval. It is often misunderstood, but the intent of flashing DON'T WALK is to discourage pedestrians from starting to cross when there is insufficient time to complete the crossing. The pedestrian who is in the middle of the street generally has time to complete the crossing after the flashing DON'T WALK begins.

The solid DON'T WALK signal occurs after the flashing DON'T WALK in conjunction with the vehicular yellow signal. Pedestrians should have cleared the intersection at that point. There is also a "change interval" where the light is red in all directions. . . .



**KANSAS DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY OF TRANSPORTATION**

Docking State Office Building  
915 SW Harrison Street, Rm.730  
Topeka, Kansas 66612-1568  
Ph. (785) 296-3461 FAX (785) 296-1095  
TTY (785) 296-3585

E. Dean Carlson  
Secretary of Transportation

Bill Graves  
Governor

**TESTIMONY BEFORE THE  
SENATE TRANSPORTATION & TOURISM COMMITTEE**

**REGARDING SENATE BILL 522  
ESTABLISHING THE PEDESTRIAN SAFETY COMMISSION WITHIN THE  
DEPARTMENT OF TRANSPORTATION**

FEBRUARY 23, 2000

Mr. Chairman and Members of the Committee:

I am Mike Crow, Chief of the Bureau of Traffic Engineering. On behalf of the Kansas Department of Transportation (KDOT), I am here to provide testimony to the committee regarding Senate Bill 522. This bill creates a Pedestrian Safety Commission within the Kansas Department of Transportation to ensure compliance with all pedestrian provisions of TEA-21 and applicable provisions of the Americans with Disabilities Act by cities and counties. The bill would require cities and counties to submit comprehensive pedestrian safety plans for review and approval. The Commission would have power to order the reconfiguration or redesign of intersections where both pedestrian safety is deemed to be at too high risk and there are no safe or efficient alternative crossings. The bill also would authorize the appointment of a Director in the unclassified service to assist the Commission.

KDOT already considers pedestrian traffic when designing or reviewing projects. Pedestrian traffic is an important consideration and is taken into account when KDOT is involved in the design of a project. When pedestrian facilities are incorporated in a project, they are designed according to the American Disability Act guidelines.

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Commission action could tend to shift priority for the use of limited resources available to cities and counties for transportation projects, and the required safety plans would also tend to increase administrative cost for counties, cities, and KDOT. Contingent on how broadly the Commission interprets the phrase "oversee the proper planning and construction and maintenance of existing and new pedestrian walks and traffic intersections within all political subdivisions of the state..." their actions could slow the design process for a number of KDOT partnership projects, as well as the federally funded local projects. There is also the potential for significant added costs to individual projects based on revisions or enhancements recommended by the Commission. In addition, financing of the Commission would be an additional demand upon the State Highway Fund.

KDOT is opposed to this bill on the basis that it would create another level of bureaucracy in developing project plans, which increases cost to counties, cities, and KDOT, and will cause significant delays in plan production. In closing, KDOT already considers pedestrian traffic when designing or reviewing projects and will continue to advance pedestrian safety.



## SENATE BILL 522

By Committee on Transportation and Tourism

City of Overland Park, Kansas Position Statement

### Safety

- Very few pedestrian accidents occur in our city each year and only a very small number actually occur at traffic signals. This leads us to believe that we are providing a safe and accessible environment for pedestrians already. The actual accident statistics for the last four years were:
  - In 1999, 15 pedestrian accidents (6 at signals), 5950 total accidents city-wide
  - In 1998, 29 pedestrian accidents (5 at signals), 5763 total accidents city-wide
  - In 1997, 29 pedestrian accidents (9 at signals), 5428 total accidents city-wide
  - In 1996, 16 pedestrian accidents (9 at signals), 5277 total accidents city-wide

### Current Design Practices

- In order for the City to continue receiving federal money, we must comply with applicable ADA guidelines. This includes installing curb cuts and providing pedestrian signals and 2" pushbuttons. Other items that the City uses to enhance the user safety include highly visible light emitting diode (LED) lights instead of normal incandescent light bulbs, adding signs which indicate the correct usage of the pedestrian crossing phase, and installing 9" high street name signs (vs. the older 6" style). In addition, the City has an annual sidewalk repair program where locations in older areas without sidewalk or curb cuts can be retrofitted.

### Cost of Proposed Legislation

- The proposed legislation would require a significant expenditure of capital funds. Overland Park currently owns and maintains 215 traffic signals. We estimate that Overland Park would need to set aside an additional **\$2 million to \$3 million dollars** to comply with SB 522. This would only include the initial installation costs and not long-term maintenance and replacement costs. Another significant up front cost is for the preparation of the comprehensive pedestrian safety plan. With the number of schools, churches, parks, commercial/retail areas, and other gathering places located in our community, the data collection alone (traffic volumes, pedestrian movements, existing site conditions, etc.) would basically blanket our entire city. Our current staffing levels would not allow us to take on such a detailed and complex study without relying on an outside consultant. It is estimated that the data collection and analysis required by SB 522 would result in a study costing approximately \$250,000. Listed below are some of the capital costs associated with proposal:

• Audible pedestrian signal	\$445 each @ 8 per intersection	\$ 3,560 (actual)
• Pushbuttons*	\$ 91 each @ 8 per intersection	\$ 728 (actual)
• Tactile/Large print info.	\$500 per corner @ 4 corners	\$ 2,000 (estimated)
• Cables (electrical req.)		\$ 1,000 (estimate)
• Labor		\$ 3,000 (estimate)
• <b>TOTAL KNOWN REQUIREMENTS</b>		<b>\$10,288 per intx</b>

\*This is the standard model currently used. No price information was available for enhanced versions which would vibrate or allow volume control changes. Prices for these types of equipment would likely be substantially higher.

- Other capital costs include the need to install new underground conduit at some locations where existing conditions will not allow additional wires/cables to be installed, the installation of new service boxes where new conduit is installed, and the installation of curb cuts and sidewalk extensions. Some locations may also need to have traffic signal poles relocated. These items could easily add an additional \$5,000 per intersection to the total cost. At \$10,000 to \$15,000 per intersection for 215 intersections, this equates to \$2.15 million to \$3.23 million total.

#### Customer Service

- We applaud the efforts to enhance the safety and mobility of all users of the transportation network. However, we feel that this is an issue that should be dealt with at the local level in concert with our stakeholders and funding realities.

We thank the committee for the opportunity to provide our input. If you have additional questions, please feel free to contact me.

Brian C. Shields, P.E.  
City Traffic Engineer

City of Overland Park  
8500 Santa Fe Drive  
Overland Park, Kansas 66212

913-895-6024 (voice)  
913-895-5055 (fax)

[bcshield@opkansas.org](mailto:bcshield@opkansas.org) (e-mail)



# TESTIMONY

City of Wichita  
Mike Taylor, Government Relations Director  
455 N Main, Wichita, KS. 67202  
Phone: 316-268-4351 Fax: 316-268-4519

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## Senate Bill 522 Pedestrian Safety Act

Delivered February 23, 2000  
To  
Senate Transportation and Tourism Committee

Senate Bill 522 creates the Pedestrian Safety Commission which would have very broad enforcement powers. The City of Wichita opposes Senate Bill 522 for a variety reasons:

- The bill undermines Constitutional Home Rule granted to Cities by the people of Kansas,
- It totally usurps local control over traffic issues, both in philosophy and practice, and,
- It imposes costly unfunded mandates on Cities.

The Pedestrian Safety Commission would have authority to oversee planning, construction and maintenance of new and existing pedestrian walks and traffic intersections. It requires a comprehensive pedestrian safety plan by cities which includes analysis of streets, traffic flow patterns, cost analysis of improvements for existing intersections and a mobility analysis of handicapped persons. The commission would also have authority to order the reconfiguration and redesign of intersections where pedestrian safety is deemed to be too high of a risk.

The bill also indicates that all traffic intersections should have signal devices and it spells out a set of expensive requirements for those signals. In the City of Wichita, the costs of bringing every intersection into compliance with the "accessible signaling" requirements called for in the bill would run in the millions of dollars. And the City traffic engineering department could be buried with busy work trying to complete all the studies and reports requested by the Pedestrian Safety Commission.

The Americans With Disabilities Act is the law and the City of Wichita is working to meet its requirements. And certainly, making city streets user friendly and safe for all citizens is a goal worth striving for. But creating a new state bureaucracy which takes away local control and could bankrupt cities is not the way to accomplish that goal.

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Testimony of Dan Harden  
Before the Senate Elections and Local Government  
Committee

Regarding Senate Bill 522  
23 February 2000

Ben E. Vidricksen  
Chair

Senator Vidricksen, and members of the Senate Transportation and Tourism Committee; my name is Dan Harden. I am a professional engineer. I have been employed for the past 25 years as the Riley County engineer. It is a pleasure today to address the committee regarding Senate Bill 522.

I am here today to oppose Senate Bill 522. My opposition is founded on 2 notions.

The first is this legislation is redundant. There are existing mechanisms to enforce compliance by Kansas cities and counties with the Transportation Equity Act for the 21<sup>st</sup> Century and the Americans with Disabilities Act. They have been used in the past, and they are effective. If the idea behind Senate Bill 522 were carried to its logical conclusion, there would be numerous state commissions created to ensure Kansas cities and counties complied with the federal Resource Conservation and Recovery Act, the federal Clean Air Act, the federal



Clean Water Act, the federal Safe Drinking Water Act, the National Environmental Policy Act, the Comprehensive Environmental Response, Compensation and Liability Act, and the Emergency Planning and Community Right-To-Know Act to name a few additional federal laws that would be fair game for enforcement by state commission.

The second offending notion is county commissioners will not uphold the law. All county commissioners upon taking office, "Swear to uphold the law". If they do not, the voters have the opportunity to remedy the situation.

It is for these reasons I urge the committee not pass out of committee Senate Bill 522.



League of Kansas Municipalities

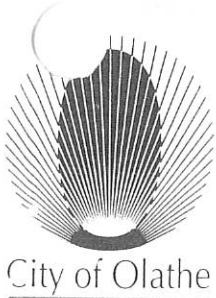
TO: Senate Committee on Transportation and Tourism  
FROM: Sandra Jacquot  
DATE: February 23, 2000  
RE: SB 522

Thank you for allowing me to appear in opposition to SB 522 on behalf of the League of Kansas Municipalities. This bill creates a very powerful citizen commission with broad enforcement duties that would take away cities' home rule authority on traffic issues. The commission would control local government in several areas. First, it would oversee construction and maintenance of existing and new pedestrian walks and traffic intersections. Second, it would have the ability to require comprehensive pedestrian safety plans from cities that would probably be more costly per intersection than installing accessibility signaling devices. Finally, the commission would have the authority to order reconfiguration or redesign of intersections where pedestrian safety is deemed too high a risk.

While the bill is well intentioned and the League certainly supports accessibility, the mandates that could flow from the actions of this commission would create an overwhelming financial burden on cities and actually be counterproductive in cities' efforts to balance their accessibility efforts with budgetary constraints. In addition, the bill is not clear in the scope of remedies the commission could order. For example, SB 522 defines accessible signaling, but does not clarify whether the commission would be able to order such measures, even though no law currently requires accessible signaling. Further, the plan a city follows to upgrade pedestrian crossings and intersections is uniquely within the experience and knowledge of that city. The League believes it is poor public policy to take away from local government and its elected officials, as well as the citizens, the ability to respond to the needs of that local community. For all the above reasons, the League opposes SB 522.

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MEMORANDUM

**TO:** Members of the Senate Transportation and Tourism Committee  
**FROM:** Donald R. Seifert, Management Services Director *DRS*  
**SUBJECT:** **SB 522**; Pedestrian Safety Act  
**DATE:** February 23, 2000

On behalf of the city of Olathe, thank you for the opportunity to oppose **SB 522**, enacting the Pedestrian Safety Act. This bill would give broad powers over local infrastructure planning, construction, and maintenance to a pedestrian safety commission created by the bill. The city of Olathe is strongly committed to pedestrian safety and maintaining itself as a “pedestrian friendly” community. However, we fail to see a need for this type of legislation that mandates state oversight and control into even the smallest local public improvement project.

As a rapidly growing community in Johnson County, the city places a great deal of attention on meeting the transportation needs of its citizens. Understandably, this often tends to focus on street improvements needed to handle increased traffic volume. However, for many years the city of Olathe has demonstrated equal interest and attention to enhancing opportunities for pedestrians, bicyclists, and other non-motorists. A few examples will illustrate this commitment:

- The city’s Capital Improvement Plan (CIP) has devoted millions of dollars in the past three years toward arterial street improvements, traffic signals, street rehabilitation, sidewalk repairs, pedestrian trails, and curb ramp improvements. These projects are all designed to meet ADA standards, whether they involve TEA 21 funds or not.
- The city’s Unified Development Ordinance requires attention to pedestrian movement in design guidelines for all commercial and residential projects.
- In 1991, the city first adopted a greenways and trails plan. The plan is incorporated in the city’s 1997 Comprehensive Plan and was re-adopted in 1999 as part of a parks and recreation facilities plan.
- In November 1999, the citizens of Olathe voted to impose a local 1/8% sales tax increase for parks and recreation purposes. Over the next 5 years, when the sales

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tax sunsets, approximately \$1.5 million will be devoted to additional pedestrian trails linking residential areas to commercial development and to the county trail system.

- The city's general fund finances pedestrian crossing guards at 22 elementary school locations.
- As the home of the Kansas State School for the Deaf, the city has a long history of accommodating the needs of hearing impaired citizens in both infrastructure and programs.

The city believes the special needs of pedestrians with and without disabilities can best be determined locally, not by a state commission. We respectfully request this bill remain in committee.