

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

The meeting was called to order by Chairperson Senator Ben Vidricksen at 9:10 a.m. on March 2, 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: Lt. Col. Terry Maple, Highway Patrol  
Ron Kurtz, VP KS State Troopers Assn.  
Alex Petigna, KS State Trooper  
Tom Whitaker, KS Motor Carriers Assn.

Others attending: See attached list

**HB 2641: Re passing stopped authorized emergency vehicles**

Lt. Col. Terry, Maple, Assistant Superintendent, Kansas Highway Patrol explained he was appearing on behalf of Patrol Superintendent, Colonel Don Brownlee in support of this bill in lieu of Captain Mark Goodloe. Capt. Goodloe was involved in the ongoing investigation of the Brown County incident which occurred last night in which an assistant deputy sheriff had been killed. Since passage of this bill in the House, the Patrol, based on suggestions of field operations, presented an amendment which they believe will further enhance the bill's safety provisions (Attachment 1).

Ron Kurtz, Vice President, Kansas State Troopers Association talked about the officer safety issue and the buffer zone created by this bill to enable officers and public to work together to ensure the safety of everyone (Attachment 2).

Trooper Alex Petigna, Kansas City, Kansas, described his near fatal experiences with drivers passing his stopped authorized emergency vehicle (Attachment 3). His video presentation vividly illustrated the testimony.

Tom Whitaker, Director, Governmental Relations and Membership Services for Kansas Motor Carriers Association appeared in support of **HB 2641** on behalf of his Association and specifically the Towing and Recovery Division members. He reminded members that a tow truck with proper lighting is considered an emergency vehicle and that they have experience similar fatal accidents as members of law enforcement (Attachment 4).

Representative Douglas Johnston provided written testimony in support of **HB 2641** reporting that a \$60 fine could be applied to drivers who fail to move to the opposite lane and the allowance for situations when it is not possible nor safe to do so (Attachment 5)

There were no opponents and fiscal impact is unknown, because there is no basis for determining the number of stops or fines which would be imposed.

Following questions and discussion, Senator Goodwin moved to adopt the amendment proposed by the Patrol. Senator Stephens seconded the motion. Motion carried. Senator Goodwin moved to recommend the bill as amended favorable for passage. Senator Harrington seconded the motion. Motion carried. Senator Stephens will carry HB 2641.

The meeting adjourned at 10:10 a.m.

The next meeting is scheduled for March 7, 2000.

**SENATE TRANSPORTATION & TOURISM COMMITTEE  
GUEST LIST**

**DATE:     MARCH 2, 2000**

NAME	REPRESENTING
MARIE ENGHOLM	KHP
STEVE KEARNEY	KSTA
Tom WHITAKER	Ks Motor Carriers Assn.
Scott Brunner	DOB
Dick Bauman	KDOT
Terry Maple	KHP
Mailee Goodcast	KHP Shipping Spower
Alexander Petigny	KHP
ROSE KURTZ	KSTA KHP
John Dilschap	—

**Kansas Highway Patrol  
Summary of Testimony  
2000 House Bill 2641  
Before the  
Senate Transportation and Tourism Committee  
Presented by  
Captain Mark A. Goodloe  
March 2, 2000**

Good morning Mr. Chairman and members of the committee. My name is Captain Mark Goodloe and I appear before you on behalf of Patrol Superintendent, Colonel Don Brownlee, in support of House Bill 2641.

The nature of law enforcement duties require troopers, deputies and police officers to routinely conduct business alongside busy roads, streets and highways in our state. To perform their duties officers must work in cramped quarters with little margin for error where even a minute mistake could result in catastrophic or even fatal consequences. House Bill 2641 is designed to help provide a little additional room to operate, which will ultimately improve highway safety.

The current version of HB 2641 amends K.S.A. 8-1530 to require drivers approaching stationary authorized emergency vehicles making use of visual signals meeting the requirements of K.S.A. 8-1720 or K.S.A. 8-1722 to:

- On highways with at least two lanes carrying traffic in the same direction to proceed with due caution, and if possible, move into a lane not adjacent to the stopped emergency vehicle.
- On highways where it is not possible to change lanes, to proceed with caution, reduce their speed and maintain a safe speed for the road, weather and traffic conditions.

The bill also increases the penalty for violation of K.S.A. 8-1530 from \$30 to \$60. Additionally, it contains language that would direct law enforcement officers to issue warnings to violators for the first year the law is in force.

The Patrol believes these are common sense requirements. Unfortunately, many drivers fail to move left when approaching authorized emergency vehicles stopped along the roadway thus creating an unnecessary danger. This was graphically demonstrated on September 6, 1995, when Master Trooper Dean Goodheart was struck and fatally injured by a passing car along I-70 near Oakley.

SENATE TRANSPORTATION & TOURISM  
COMMITTEE -DATE: 3-2-00  
ATTACHMENT: 1

Since the introduction of HB 2641 into the Senate Transportation Committee, the Patrol has received a valuable suggestion from its field operations that would further enhance the bill's safety provisions. The suggested amendment, of which all of you should have a copy, would change K.S.A. 8-1519 to prohibit passing within 100 feet of a stationary emergency vehicle using its emergency lights on a highway that consists of two lanes carrying traffic in opposite directions. While conducting a traffic stop, officers are trained to watch for traffic that is approaching from their rear. However, oncoming vehicles have occasionally passed in the immediate vicinity of emergency vehicles creating an extreme hazard.

The Kansas Highway Patrol firmly believes the protection of our Troopers working along our streets and highways is paramount. It is from this traffic safety vantagepoint that we respectfully request that you give favorable consideration to House Bill 2641 and the Patrol's proposed amendment. I thank you for the opportunity to testify today and stand for questions.

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KANSAS STATE TROOPERS ASSOCIATION  
Summary of Testimony on House Bill 2641  
Before the  
Senate Transportation and Tourism Committee  
March 2, 2000

Chairman Vidricksen and members of the committee:

My name is Ron Kurtz. I am Vice President of the Kansas State Troopers Association, and I appear before you in support of House Bill 2641, "Passing Authorized Emergency Vehicles".

This Bill is an officer safety issue and provides the opportunity for additional safety to those officers who work along the busy streets and highways on a daily basis.

While armed encounters and shootouts involving officers killed in the line of duty grab news headlines, traffic related events are far more prevalent and present more of a hazard. Of the 10 Kansas Highway Patrol Troopers killed in the line of duty, 6 died as a result of traffic related events.

Our most recent Trooper killed in the line of duty, Master Trooper Dean Goodheart, unfortunately exemplifies why this Bill is before you. Trooper Goodheart was struck and killed by a passing car while completing a truck inspection on I-70 near Oakley. This Bill before you would help prevent this type of tragedy from occurring again.

For the Troopers that patrol the highways, our office is the side of the road. From day one we are trained to be alert and conscience of the traffic around us. However, we are only human and mistakes can occur. Think, for a moment, about the last time you may have dropped a pen, or opened a door and bumped someone in your office. No harm was done. Like situations occurring as a Trooper does his job on the side of the road can have devastating and fatal consequences to everyone involved.

I look at this Bill before you as a partnership with the motoring public. While we will continue to be alert for them, it asks the public to be alert for us. It would create a buffer zone in which officers and the public could work together to ensure the safety of everyone. And finally, it offers an additional tool to use in the safety education of the motoring public.

I thank you for your time and attention.

SENATE TRANSPORTATION & TOURISM  
COMMITTEE -DATE: 3-2-00  
ATTACHMENT: 2

2-1

**HOUSE BILL 2641**

**I. Since 1937, more Kansas Troopers have been injured/killed by motor vehicle accidents than by bullets.**

**A. Goal**

**1. Provide the employee a safer work environment**

**II. Trooper Petigna's 11 years of service**

**A. Several near misses**

**1. Most recent, January 2000**

**B. Accident, 1994**

- 1. Totaled state vehicle**
- 2. Near fatal for Trooper**

**C. Accident, 1995**

- 1. Severe damage to state vehicle**
- 2. Trooper sent to K.U. Medical Center**

**III. The highways are a dangerous place**

**A. Space for the unexpected**

- 1. A buffer – a safety zone**
- 2. The width of a lane**

**Thank you,**

*AG - Petigna*

**Trooper Petigna, K-106  
Kansas City**

SENATE TRANSPORTATION & TOURISM  
COMMITTEE -DATE: 3-02-00  
ATTACHMENT: 3

## Patrolman escapes injury when cruiser struck by car

Andy Hoffman  
Daily News Reporter

A Kansas Highway patrolman narrowly escaped injury Friday evening when his parked cruiser was struck from behind by a truck driven by an Olathe man who was later charged with driving while under the influence of alcohol or drugs.

Trooper Alexander Petigna said Monday the accident occurred after he had stopped a speeding northbound vehicle on US-169, near 159th Street, about 5:30 p.m. Friday. That stretch of highway has no shoulders and troopers are forced to stop vehicles in the lane of traffic, he said.

Petigna said his patrol car had its emergency lights flashing at the time of the accident.

"I was standing near the driver's side window getting information from the driver when I saw a truck approaching us," Petigna said Monday. "The truck just kept coming and I realized it wasn't going to stop in time. I turned and started running down the highway away from the oncoming truck."

He was right, the truck didn't stop. In fact, it hardly slowed down. The truck smashed into his patrol

car, knocking it into the second vehicle. Luckily, Petigna was far enough away that he wasn't struck by any of the vehicles, and the driver of the stopped vehicle was not injured.

The driver of the truck, 30-year-old James Pock, Olathe, was arrested on DUI charges after he refused to take a breath test at the scene. Pock, who admitted to authorities that he had been to a bar south of Olathe just prior to the accident, was released from the Johnson County Adult Detention Center after posting a \$300 bond late Friday. No court date has been set in his case.

Petigna said he didn't anticipate an additional charges being filed against Pock.

Although no one was injured in the accident, it did cause Petigna to consider what could have happened had he not been alert to the oncoming traffic.

"We are trained to watch specifically for things just like this," he said. "I did have to stop for a couple of moments and catch my breath. I definitely stood there for a few moments in disbelief about what had just happened."



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3







BEVERLY BYNUM/The S

A wreck Wednesday involved a Kansas Highway Patrol car, an Olathe garbage truck and a semitractor-trailer just north of 119th Street on Interstate 35. The trooper and the garbage truck driver received minor injuries in the wreck just before noon.

## Two injured in 3-vehicle pileup on I-35

By CHRISTINE VENDEL  
Staff Writer

A Kansas Highway Patrol trooper and a Shawnee man suffered minor injuries Wednesday in a pileup involving a patrol car, Olathe garbage truck and unoccupied semitrailer.

Trooper Alex Petigna, 30, and James E. McRoy, 38, were treated at area hospitals and released.

The wreck occurred about 11:55 a.m. just north of 119th Street after Petigna drove by the

semitrailer on the shoulder of northbound I-35. The trooper pulled onto the shoulder in front of the truck to investigate.

As Petigna prepared to get out of his patrol car, the garbage truck smashed into the back end of the 18-wheeler and swiped along the side of the trailer. When the garbage truck struck the cab of the semitrailer, McRoy was ejected through the garbage truck's windshield and onto the roadway. He was not wearing a seat belt.

The force of the crash rammed

the semitrailer into Petigna's patrol car.

Based on the severity of the accident, authorities said, they were surprised that the drivers, particularly McRoy, suffered only minor injuries.

"Anytime you get thrown out of a vehicle, you're lucky to be alive," said Sgt. Rick Humerickhouse of the Kansas Highway Patrol.

Humerickhouse said officials have not verified why the garbage truck went out of control.

The semitrailer had been on highway shoulder since 7:30 a.m. because of a problem with its fuel pump. The driver had gone to get help and saw the wreckage when he returned.

The garbage truck and the trailer were totaled. The patrol car suffered several thousand dollars of damage.

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# Kansas Highway Patrol

## Superintendent's Office

Date: 1-4-95

To: TREVOR PETIGNA

ALEX - WOW WHAT A WRECK - THANK GOD  
YOU WEREN'T THAT WORSE!!

HOPE YOUR RECOVERY GOES WELL!!

*Lonnie*



Colonel Lonnie R. McCollum

913-296-6800



State Trooper  
21011 Scully Drive  
Ocala, Florida 32669



1-4-95

TROOPER PETIGNA -

I LEARNED OF YOUR ACCIDENT ON THIS  
EVENING'S NEWS, AND WANTED TO EXPRESS  
OUR CONCERN. I CONTACTED KAP & WAS  
Pleased TO HEAR THAT YOU HAD BEEN  
RELEASED FROM THE HOSPITAL.

THIS NOTE IS TO WISH YOU A SPEEDY  
AND FULL RECOVERY, AND TO LET YOU  
KNOW THAT YOUR EFFORTS AND DEDICATION  
SERVING AS A STATE TROOPER ARE APPRECIATED.

Sincerely,

ERIC LAMAR



# KANSAS MOTOR CARRIERS ASSOCIATION

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## LEGISLATIVE TESTIMONY

Presented by the

### KANSAS MOTOR CARRIERS ASSOCIATION

Appearing before the Senate Transportation & Tourism Committee

Senator Ben Vidricksen, Chairman

Thursday, March 2, 2000

State Capitol, Topeka, Kansas

Supporting House Bill No. 2641

### MR. CHAIRMAN AND MEMBERS OF THE SENATE TRANSPORTATION AND TOURISM COMMITTEE:

My name is Tom Whitaker, director of governmental relations and membership services for the Kansas Motor Carriers Association. I appear here this morning on behalf of our 1,475 member firms and specifically our Towing and Recovery Division members.

We are here today to support House Bill No. 2641, which would add certain requirements for drivers of motor vehicles approaching authorized emergency vehicles displaying the proper lighting devices.

Our interest in this legislation is not only to better protect law enforcement in an emergency situation, but also to inform the Committee that a tow truck with the proper lighting is considered an emergency vehicle. The towing industry in Kansas has experience similar fatal accidents as members of law enforcement.

To illustrate, on September 27, 1999, at mile marker 104 on the Kansas Turnpike one of our tow companies from Emporia was working an accident. A Kansas Highway Patrol Trooper from the Turnpike was stationed 150 feet north of the accident scene with his emergency lights on, and in addition the vehicle was equipped with a directional arrow in the rear window to advise drivers to move to the left lane. The driver of the approaching vehicle did not follow common courtesy, missed the patrol car but collided with the tow truck killing Eric Criqui from Emporia. His young wife and two small children survive.

We believe that House Bill No. 2641 is good public policy and ask for your favorable consideration of this measure. We would be pleased to respond to any questions.

SENATE TRANSPORTATION & TOURISM

COMMITTEE -DATE: 3-02-00

ATTACHMENT: 4

4-1

## DOUGLAS JOHNSTON

REPRESENTATIVE NINETY-SECOND DISTRICT

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## State of Kansas



TOPEKA

### COMMITTEE ASSIGNMENTS

MEMBER: TAXATION  
TRANSPORTATION  
ENVIRONMENT  
GOVERNMENTAL ORGANIZATIONS  
AND ELECTIONS  
ADMINISTRATIVE RULES AND  
REGULATIONS

## House of Representatives

February 2, 2000

HEARING: HOUSE COMMITTEE ON TRANSPORTATION

TESTIMONY FROM: STATE REPRESENTATIVE DOUGLAS JOHNSTON (D-WICHITA)

SUBJECT: HEARING ON HB 2641; SAFETY OF LAW ENFORCEMENT AND OTHER EMERGENCY PERSONNEL

The Kansas Legislature should seriously consider adoption of legislation that would require citizens to drive more carefully on Kansas highways in order to avoid hitting law enforcement and other emergency personnel working along the road.

The purpose of the legislation is to save the lives of law enforcement and other emergency personnel who have to work along Kansas highways.

In 1998 almost 2,000 people were killed along U.S. highways when they were hit by on-coming traffic. Just in the last few years more than 100 law enforcement officers around the nation were killed when they were hit by inattentive drivers. Dozens more were injured. And dozens of medical and fire emergency personnel were killed and injured.

This bill would require drivers on Kansas highways to drive in the far lane whenever approaching any emergency vehicles parked along the road which have their lights flashing. A \$60 fine could be applied to citizens who fail to move to the opposite lane. There is language in the bill to allow for situations where moving to the opposite lane is not possible or safe.

We shouldn't have to legislate this kind of thing--its really common sense to move over to the far lane--but obviously a lot of drivers are not taking that precaution.

Representative Douglas Johnston, District 92  
1450 Lieunett, Wichita, KS 67203

SENATE TRANSPORTATION & TOURISM  
COMMITTEE -DATE: 3-2-00  
ATTACHMENT: 5