

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 a.m. on February 11, 2004 in Room 527-S of the Capitol.

All members were present except:

Senator Dave Jackson- excused
Senator David Adkins- absent

Committee staff present:

Hank Avila, Legislative Research Department
Bruce Kinzie, Revisors of Statutes
Marian F. Holeman, Committee Secretary

Conferees appearing before the committee:

Representative David Huff
Dennis Meyers, Fire Chief, Overland Park, KS
Brian Shields, Overland Park Assistant Traffic Engineer
Alonzo Leon, Traffic Division Manager, City of Olathe

Others attending:

See Attached List.

HB 2522: Mobile infrared transmitters, prohibited, exceptions

Representative Huff described the product called a "Mobile Infrared Transmitter." This device installed on emergency vehicles can change stop lights to green in order to allow more rapid and safer passage of these vehicles. He described the dangers involved in individual usage of this device (Attachment 1).

Mr. Dennis Meyers, Overland Park, Kansas Fire Chief and several of his staff people appeared to testify in support of the bill. He strongly urged passage of the bill for the safety of emergency responders and the citizens they serve. They too pointed out the problems created by the average citizen's use of this device (Attachment 2). They have no idea how many of these are currently in use by private citizens. However, it is readily available through internet purchase. It costs anywhere between \$300 and \$500. Also in support of the bill, Lt. John Eichkorn, who had a scheduling conflict, provided written testimony on behalf of Colonel William Seck and the Kansas Highway Patrol (Attachment 3). David Lake, Administrator, Kansas Board of Emergency Medical Services could not attend but provided written testimony in support of **HB 2522** (Attachment 4).

During Committee discussion of the bill, Brian Shields, Overland Park Assistant Traffic Engineer and Alonzo Leon, Traffic Division Manager for City of Olathe responded to questions regarding how these devices work, how they are monitored, how the law could be enforced. The devices have identifying codes and can be distinguished from those used by official vehicles. The penalty section of the bill was also discussed. A prison sentence would result only if a citizen's use of the device resulted in a death. There would be different penalties assessed, depending on the offense involved. Senator Salmans moved to recommend HB 2522 favorable for passage. Senator Schodorf seconded the motion. Motion carried.

SB 329: Child passenger safety act, age requirements, penalties

This issue has been before the Legislature several times. In fact, the Senate previously passed out a bill similar to this, but the House did not take action on it. In the present bill there is a typo on line 35 which should read "213" not "203". Senator Schodorf moved to so amend the bill. Senator Goodwin seconded the motion. Motion carried. Senator Schodorf moved to recommend the bill, as amended, favorable for passage. Senator Goodwin seconded the motion. Discussed the danger to teens under present law and the problems with younger/smaller children being required to wear seat belts that were not designed for their size. It was also pointed out that there are 40 Senators who should have their say on this bill. There is the other point of view that government should not usurp the rights of parents; that education is important but not legislation. The Chairman called for a vote on passing the bill out favorably. Motion carried. Senator Pugh wished to be recorded as voting "No."

CONTINUATION SHEET

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE at 8:30 a.m. on February 11, 2004 in Room 527-S of the Capitol.

Approval of minutes

Senator Goodwin moved to approve minutes of the February 5, 2004 meeting. Senator Schodorf seconded the motion. Motion carried.

The meeting adjourned at 9:30 a.m.

The next meeting is scheduled for February 12, 2004.

527-S 8:30 AM
House Bill 2522

Thank you Chairman Donovan, Vice Chair Salmans, Ranking Member Goodwin and fellow Legislators. There is a product called a "Mobile Infrared Transmitter." This product is installed on emergency vehicles such as firetrucks and ambulances. When these vehicles are on the way to a fire or the hospital these transmitters can change stop lights to green in order to cut minutes and seconds off an emergency run. Now picture this - - - You are having a heart attack and the ambulance is on the way to the emergency room or a trauma center of a hospital.. The ambulance is speeding along changing the lights on the

signals to green and a private citizen who also has a “Mobile Infrared Transmitter” is approaching the same intersection and changes the light back to green so he doesn’t have to stop at the stop light. A disaster occurs. This disaster could even result in death. House Bill 2522 outlaws a private citizen possessing one of these transmitters which now can be bought over the internet. One of these transmitters was bought by a local TV station in Kansas City to test the system of purchasing. They got one and ran a news story on the product. The word is getting out that this item is available. House bill 2522 stops these purchases in Kansas for private citizens.

S.F.Q.

(R) to promise that he would introduce legislation to make it illegal to possess such equipment.

"These devices are extremely dangerous and potentially life-threatening," Stamas said in a news release. "Can you imagine the nightmare our roads would be if everybody had one?"

Hicks, the Maryland official, said that using the devices is already illegal in most states under statutes that prohibit interfering with traffic flow.

The equipment causing all the fuss came on the market in January through a Minnesota-based firearms and law-enforcement supply company called FAC of America. Owner Tim Gow said he takes great pains to make sure none of the devices is ever sold to an unauthorized individual, either over his Web site or through a handful of authorized dealers.

"We want to make sure this doesn't get into the hands of the wrong user," Gow said, adding that he verifies the identity of the person ordering the product, confirms that it is being shipped to an authorized recipient such as a fire or police station, and requires the buyer to sign a contract. His Web site suggests a broad definition of "potential users," though, including private detectives, doctors and "community services personnel."

Gow said he invented the equipment as a low-cost, easy-to-install alternative to the major system on the market, which is built by 3M Co. and sold under the name Opticom. That system involves putting a receiver onto a stoplight and an infrared emitter on the light bar of an emergency vehicle. A police officer or firefighter nearing an equipped intersection can send a signal to make the red light turn green.

Gow's device, called MIRT for mobile infrared transmitter, is a small emitter that plugs into a cigarette lighter and can be mounted on the dashboard. About \$500 per unit, the MIRT is a fraction of the cost of the 3M system, which Gow said is intended to make it attractive to cash-strapped emergency services departments.

Despite his security efforts, MIRT devices are readily available elsewhere on the Internet. One Web site offers plans and kits for making copies of the MIRT emitter, and a recent eBay search found a number being sold for \$300 to \$900.

One seller notes, "No visible light is emitted! That means that through the exclusive use of the MIRT you will completely blend in with all other traffic, yet be able to safely control intersections!" The seller then warns, "**WE ARE NOT RESPONSIBLE FOR WHAT YOU DO WITH THIS PRODUCT!**"

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Republican Bill Brief for HB 2522

Sponsored by: Rep. David Huff

Final Action: Be passed as amended

Reporting Committee: Transportation

Date: 1-29-04

A Bill Concerning: Traffic Control Signal Preemption Devices.
(Mobil Infrared Transmitter)

What Bill Does: The provisions of the bill would not apply to the operator, passenger or owner of the following emergency vehicles:

- * publicly owned fire department vehicles;
- * publicly owned police vehicles; or
- * motor vehicles operated by ambulance services permitted by the emergency medical services board
- *

NO private owner of vehicles will be allowed to purchase or operate signal changing devices

Political Reality/Implications: Loved by all!

Committee Amendments: Name only from "Infrared Transmitter" to "Traffic Control Signal Preemption Device"

Possible Floor Amendments: None

Proponents: Rep. David Huff
John Eichkorn-Highway Patrol
David Lake - Emergency Medical Services
Dennis Myers - Fire Chief
Steve Kearney - Fraternal Order of Police

Opponents: None

Fiscal Note: Nothing!

Who will carry the Bill: Rep David Huff

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The City of
**Overland
Park**
KANSAS

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To: Chair Les Donovan and Senate Transportation Committee Members

From: Overland Park Fire Chief Dennis Meyers

Date: Tuesday, February 10, 2004

RE: Testimony Supporting HB 2522

Chairman and members of the committee:

I am Dennis Meyers, Fire Chief for the City of Overland Park. I am here today to testify in favor of HB 2522. The City of Overland Park has had their traffic control system for emergency vehicles for over 20 years, with over 175 intersections equipped with this device. The system is designed to allow emergency vehicles to change the stop lights green in the direction the emergency vehicle is traveling. All other stoplights in the intersection go to red, which allows the emergency vehicle to continue through the intersection without coming to a stop.

This type of system allows a quicker response and a much safer response. As most of you know, seconds can make the difference between life and death when it comes to a fire or medical call.

If the average citizen had this device on their vehicle they could lock-up the intersection and cause the emergency vehicle to come to a complete stop before proceeding through the intersection, which will cause delays to response times and disrupt the traffic flow.

Some traffic signal systems can be programmed so the counterfeit units currently on the market will not work. Several cities have devices that, due to age, cannot be programmed to shut out the counterfeit units. We estimate the cost to the City of Overland Park to be \$100,000 to reprogram and change out the old units. In these days of tight budgets, we will likely be unable to afford to correct this for several years. Further, as technology changes, the proposed "fix" may be only a temporary solution.

I strongly recommend you pass this bill for the safety of our responders and the citizens we serve.

Thank you for your time and consideration of this bill.

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— SENATE TRANSPORTATION COMMITTEE —
DATE 2-11-04
ATTACHMENT: 2



KANSAS

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2522
to
Senate Transportation Committee**

**Presented by
Lieutenant John Eichkorn
Kansas Highway Patrol**

February 11, 2004

Good morning, Mr. Chairman and members of the committee. My name is Lieutenant John Eichkorn, and I appear before you on behalf of Colonel William Seck and the Kansas Highway Patrol to comment on HB 2522.

HB 2522 proposes to do the following:

- Define "traffic control signal preemption device" as any device, instrument or mechanism designed, intended or used to interfere with the operation or cycle of a traffic-control signal, as defined in K.S.A. 8-1478, and amendments thereto.
- Makes it unlawful for any person to possess, use, sell (with some exception), or purchase (with some exception) a traffic control signal preemption device.
- Exempts the operator, passenger or owner of the following authorized emergency vehicles:
 - publicly owned fire department vehicles;
 - publicly owned police vehicles; or
 - motor vehicles operated by ambulance services permitted by the emergency medical services board.

Presently, the Kansas Highway Patrol does not maintain "traffic control signal preemption" equipment in any of its vehicles. However, the Patrol is very aware of the importance of this type of equipment and the life-saving time it creates by allowing emergency vehicles to quickly and safely clear intersections while en route to emergencies. For most of us, the benefits of "traffic control signal preemption devices," when used by emergency responders, are exceedingly apparent.

As technology continues to enhance our life-saving capabilities, some unfortunate issues arise out of those advances. Since the implementation of "traffic control signal preemption" technology in some of Kansas' metropolitan areas, we have learned that this technology has been obtained and is being ³⁻¹

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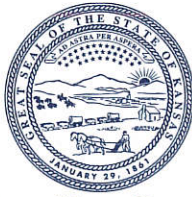
SENATE TRANSPORTATION COMMITTEE
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used by individuals outside of the emergency responder arena. Whether used as a joke, a way of getting the pizza delivered faster or a way to get to class faster, it is believed that because of the increasing affordability of these devices, this type of equipment has and will continue to grow in popularity.

Because the Patrol has concerns for the safety of all motorists, we feel that "traffic control signal preemption devices" should only be possessed and used by emergency responders and specifically, those listed in HB 2522. In the wrong hands, these devices can create true hazards.

The Kansas Highway Patrol supports HB 2522 for the safety benefits it provides. The Patrol appreciates the opportunity to address you today and urges this committee to give HB 2522 a favorable report. I will be happy to stand for any questions you might have.

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K A N S A S

DENNIS ALLIN, M.D., CHAIR
DAVID LAKE, ADMINISTRATOR

BOARD OF EMERGENCY MEDICAL SERVICES

KATHLEEN SEBELIUS, GOVERNOR

memorandum

DATE: February 11, 2004

TO: Senator Les Donovan, Chair and Members
Senate Committee on Transportation

FROM: DAVID LAKE

RE: Proponent Testimony on HB2522

Mr. Chairman and members of the committee, I apologize for being unable to attend the committee meeting but please accept this written testimony in **support** of HB2522. The inappropriate or unauthorized use of this, or a similar device, has the potential of being very detrimental to the safety of the driver and occupants of emergency vehicles as well as the general driving public.

In testimony I provided before the House Transportation Committee, I suggested that the bill should be sure and include devices similar to a "mobile infra-red device" as there are other methods being utilized by emergency responders for pre-empting traffic signals. I believe the revised wording adequately addresses that concern.

Thank You again for this opportunity and I encourage you to act favorably on this legislation. I'll be glad to respond to any questions you may have in a very timely manner if contacted. 4-1

— SENATE TRANSPORTATION COMMITTEE —
DATE 2-11-04
ATTACHMENT: 4

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