

## MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on March 13, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Mike Burgess- excused  
Representative Jerry Henry- excused  
Representative Virgil Peck- excused

Committee staff present:

Hank Avila, Kansas Legislative Research  
Chris Courtwright, Kansas Legislative Research  
Bruce Kinzie, Revisor of Statutes Office  
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Senator Philip Journey  
David Church, Chief, Traffic Engineer, KDOT

Others attending:

See attached list.

Chairman Hayzlett opened the Committee Meeting and advised the members Vice Chair Faber would be taking over the meeting in a little while as he had to leave for another meeting.

**SB 344 - Traffic regulation, school crossing zones, school crossing guards**

Chairman Hayzlett recognized Senator Journey as the first proponent for **SB 344**. According to Senator Journey (Attachment #1) This bill creates a new infraction for failing to obey the direction of a uniformed school crossing guard and more clearly defines the authority of schools public or private to appoint crossing guards.

David Church, Chief of Traffic Engineering for the Kansas Department of Transportation, was the next proponent. (Attachment #2) Mr. Church said KDOT was in support of **SB 344**. He said KDOT was in the process of hiring a full-time Safe Routes to Schools Coordinator whose primary duty will be to work with cities, schools and child safety advocates across the state to encourage students to walk or bike to and from school.

There were no other proponents and no opponents to this bill. After questions were answered Vice-Chairman Faber closed the hearing on **SB 344**.

**SB 347 - Doubling speeding fines in school zones**

The first proponent was Senator Journey. According to Senator Journey (Attachment #3) this bill doubles the fines for the traffic infraction of speeding when in a school zone. Senator Journey said adoption of this provision would create consistency in enforcement across the state.

The Vice-Chair recognized David Church, KDOT, as the next proponent on **SB 347**. According to Mr. Church (Attachment #4) doubling fines for speed limit violations within school zones is an added incentive for drivers to obey the law. He said KDOT supports this proposed bill because if compliance with the posted speed limit is increased within a school zone, the safety of students is also increased.

There were no other proponents and no opponents. After questions were answered the hearing on **SB 347** was closed.

Vice-Chairman Faber desired to work **SB 344** so he opened it up to the Committee. Representative George made a motion to favorably pass this bill out of Committee, it was seconded by Representative Humerickhouse and the motion carried.

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 13, 2006 in Room 519-S of the Capitol.

The Vice-Chairman drew the Committee's attention to the Minutes of the February 20 and 21, 2006, Committee Meetings. Representative Olson made a motion to approved the minutes, Representative Beamer seconded the motion and the motion carried.

There being no further business before the Committee, the meeting was adjourned. The next meeting will be on March 14, 2006, at 1:30 p.m. in Room 519-S.





## SENATOR PHILLIP B. JOURNEY

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TOPEKA

SENATE CHAMBER

## COMMITTEE ASSIGNMENTS

MEMBER: SPECIAL CLAIMS AGAINST THE STATE  
(JOINT), CHAIR  
HEALTH CARE STRATEGIES  
JUDICIARY  
PUBLIC HEALTH AND WELFARE  
TRANSPORTATION

CORRECTIONS AND JUVENILE JUSTICE  
OVERSIGHT (JOINT)

SOUTH CENTRAL DELEGATION, CHAIR

**Testimony for the Kansas House Transportation Committee  
Presented March 13, 2006, in Support of Senate Bill #344**

It is a privilege and honor to have the opportunity to address the House Transportation Committee and to offer comments in support of Senate Bill #344. It is intended to amend K.S.A. 8-1486 and K.S.A. 8-2118.

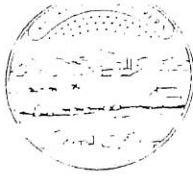
This bill was originally filed last year as SB #35. SB #35 was comprised of two parts. Those two parts have now been separated to create SB #344 and SB #347. This bill creates a new infraction for failing to obey the direction of a uniformed school crossing guard and more clearly defines the authority of schools public or private to appoint crossing guards. The Attorney General's Opinion cited as #73-278 reflects the definition of the statutory authority of local School Boards to designate them. (A copy of the Attorney General's opinion is attached.) While other statutes could conceivably be used to prosecute similar violations in some but not all circumstances, having a specific law encourages law enforcement action and further describes the driver's actions. This specific description will aid risk assessors in their analysis for purposes such as insurance underwriting. The scheduled fine is the same as Disobeying a traffic control device sixty dollars (\$60.00) plus court costs.

This bill passed the Senate last year with a large majority of the body, but died in the Kansas House of Representatives due to the misinterpretation that the crossing guard could issue the citation. The legislation is drafted so it is clearly indicated that no new arrest power is created vesting in such crossing guard. As with current traffic infractions only the law enforcement officer may issue such citation upon direct observation.

Respectfully submitted,

  
Senator Phillip B. Journey  
26<sup>th</sup> District

House Transportation  
Date: 3-13-06  
Attachment # 1



STATE OF KANSAS

*Office of the Attorney General*

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612



August 16, 1973

Opinion No. 73-278

Ted R. Morgan  
Kearny County Attorney  
Lakin, Kansas 67860

Dear Mr. Morgan:

You ask whether the board of education of a unified school district may employ persons to patrol school crossing areas on public streets.

Previous Attorney Generals' Opinions have concluded that the board is without such authority. However, our examination of K.S.A. 72-8222 convinces us that the boards do have such authority.

Said statute provides thusly:

"The board of education of any school district or the board of trustees of any community junior college may employ school security officers to aid and supplement law enforcement agencies of this state and of the community in which such school district or community junior college is located. Such protective function shall extend to all school district property and the protection of students, teachers and other employees together with the property of such persons on or in any school property. While engaged in such protective function, as hereinbefore provided, each school security officer so employed shall possess and exercise all general law enforcement powers and privileges in every county in which there is located any part of the territory of such school district or community junior college."  
[Emphasis supplied.]

Ted R. Morgan  
August 16, 1973  
Page Two

We feel that the emphasized portion of the above quoted statute is broad enough to authorize a security officer to protect students at crossings whether located on school property or not.

Accordingly, a school security officer has the authority to patrol school crossing areas in any county wherein school district property is located.

We hereby withdraw that portion of any opinion that is contrary to what we say here.

Very truly yours,



VERN MILLER  
Attorney General

VM:JCJ:jsm

# KANSAS

DEPARTMENT OF TRANSPORTATION  
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

## TESTIMONY BEFORE THE HOUSE TRANSPORTATION COMMITTEE

### REGARDING SENATE BILL 344 RELATING TO SCHOOL CROSSING GUARDS

MARCH 13<sup>TH</sup>, 2006

Mr. Chairman and Committee Members:

Good afternoon. My name is David Church, Chief of Traffic Engineering for the Kansas Department of Transportation (KDOT). I appreciate the opportunity to testify on Senate Bill 344.

Senate Bill 344 would amend K.S.A. 2005 Supplement 8-1486, as well as 8-2118, and make it against the law to disobey the order or direction of a uniformed school crossing guard invested by law with the authority to direct, control or regulate traffic.

KDOT is in support of this bill as we believe that it is essential that drivers obey the orders of a School Crossing Guard while on duty.

KDOT is in the process of hiring a full time Safe Routes to Schools Coordinator whose primary duty will be to work with cities, schools and child safety advocates across the state to encourage students to walk or bike to and from school. Encouraging communities and schools to hire and train School Crossing Guards, and to establish Student Safety Patrol programs, will be essential in the goal to improve school zone safety for students walking or biking to and from school.

KDOT is very pleased with the modification to SB 344 to require training for School Crossing Guards. KDOT provides "train the trainer" courses for Adult School Crossing Guards on an as needed basis. We are excited to see legislation that supports the use of School Crossing Guards and improves the safety of students crossing.

Mr. Chairman, I would be pleased to respond to questions.

House Transportation  
Date: 3-13-06  
Attachment # 2



SENATOR PHILLIP B. JOURNEY

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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

MEMBER: SPECIAL CLAIMS AGAINST THE STATE  
(JOINT), CHAIR  
HEALTH CARE STRATEGIES  
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PUBLIC HEALTH AND WELFARE  
TRANSPORTATION

CORRECTIONS AND JUVENILE JUSTICE  
OVERSIGHT (JOINT)

SOUTH CENTRAL DELEGATION, CHAIR

**Testimony for the Kansas House Transportation Committee  
Presented March 13, 2006, in Support of Senate Bill #347**

It is a privilege and an honor to have the opportunity to address the House Transportation Committee and to offer comments in support of Senate Bill #347.

This was originally filed last year as SB #35 and was passed by the Senate in 2005. SB #35 was comprised of two parts. Those two parts have now been separated to create SB #344 and SB #347. It is intended to amend K.S.A. 8-2118. This bill doubles the fines for the traffic infraction of speeding when in a school zone. A few years ago this body voted to do the same when violators were in a construction zone. Currently, many cities across the State have done the same as intended in this Bill. A few cities have tripled fines for speeding in a school zone, such an amendment would not be opposed by this senator. Adoption of this provision will create consistency in enforcement across the state.

Respectfully submitted,

  
Senator Phillip B. Journey  
26<sup>th</sup> District

House Transportation  
Date: 3-13-06  
Attachment # 3

# KANSAS

DEPARTMENT OF TRANSPORTATION  
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

## TESTIMONY BEFORE THE HOUSE TRANSPORTATION COMMITTEE

### REGARDING SENATE BILL 347 RELATING TO DOUBLE FINES IN SCHOOL ZONES

MARCH 13<sup>TH</sup>, 2006

Mr. Chairman and Committee Members:

Good afternoon. My name is David Church, Chief of Traffic Engineering for the Kansas Department of Transportation (KDOT). I appreciate the opportunity to testify on Senate Bill 347.

Senate Bill 347 would amend K.S.A. 2005 Supplement 8-2118 and would double fines if a driver exceeded the maximum posted speed limit within an established school zone.

Reduced speed limits are established within school zones with the goal of increasing student safety while walking or biking to and from school. This is accomplished by asking drivers to reduce their speeds (when appropriate), a maximum of four hours a day, within school zones. When drivers reduce their speeds, it lengthens gaps in traffic for students crossing the roadway. The most effective method of lowering driver's speeds within a school zone is to have a law enforcement presence. Doubling fines for speed limit violations within school zones is an added incentive for drivers to obey the law. If compliance with the posted speed limit is increased within a school zone, the safety of students walking along and crossing the roadway is also increased.

KDOT supports this proposed bill to double fines for speeding within school zones.

Mr. Chairman, I would be pleased to respond to questions.

House Transportation  
Date: 3-13-06  
Attachment # 4