

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:30 a.m. on January 19, 2010, in Room 152-S of the Capitol.

All members were present.

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Cindy Shepard, Committee Assistant

Conferees appearing before the Committee:

Michael Byington, Volunteer C.E.O., Kansas Association for the Blind and Visually Impaired
Nannette S. Easterling, Certified Orientation and Mobility Specialist,
Marilyn Lind, Board of Directors, Topeka Association of the Blind and Visually Impaired

Others attending:

See attached list.

Bill Introductions

Chairman Umbarger requested the introduction of a bill relating to uninsured motorists. Senator Donovan moved, Senator Petersen seconded, to introduce the bill. Motion carried.

Richard A. Samaniego, on behalf of the Kansas County Treasurers Association, requested the introduction of a bill allowing additional vehicle registration locations. Senator Huntington moved, Senator Schmidt seconded, to introduce the bill. Motion carried.

The Chairman opened the hearing on **SB 295 - Blind and visually impaired persons, establishing the motor vehicle and safe mobility committee.**

Michael Byington, Volunteer C.E.O., Kansas Association for the Blind and Visually Impaired, testified in support of **SB 295** stating that it would require the convening of a "quiet motor vehicle and safe mobility committee" to develop state standards for sounds that quiet cars need to make if licensed in Kansas. More and more quiet cars (hybrids that are quiet and all electrics) are coming into the market, and they make absolutely no sound when idling and very little sound when moving at city speeds. It is essential that a pedestrian whom experiences visual, cognitive, or attention related disabilities not be literally blind-sided by vehicles that make no noise (Attachment 1).

Nannette S. Easterling, Certified Orientation and Mobility Specialist presented testimony in favor of **SB 295**. She stated that she teaches individuals who are blind or visually impaired how to become more independent and productive. A higher level of independence contributes to the ability to obtain and maintain employment, Without this independence a person who is blind or visually impaired must depend either on family members or on publicly funded supports. She raised the question, if you were blind, crossing a five lane street and could not hear a quiet car, would you walk in front of its path (Attachment 2)?

Marilyn Lind, Board of Directors, Topeka Association of the Blind and Visually Impaired, appeared as a proponent of **SB 295**. She described an incident where she was nearly hit by a car that made no sound. She included a copy of a newspaper article that recounts the experience (Attachment 3).

Written testimony in support of **SB 295** was submitted by:

Donna Wood, National Federation of the Blind of Kansas (Attachment 4)

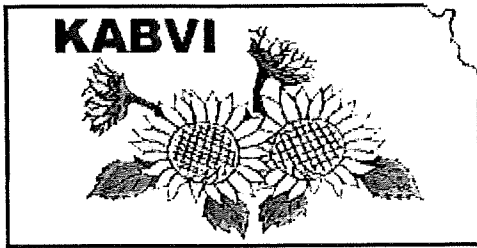
There being no further conferees, the hearing on **SB 295** was closed.

The meeting was adjourned at 9:00 a.m. The next meeting is scheduled for January 20, 2010.

SENATE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 1-19-10

NAME	REPRESENTING
KEVIN GREGG	KMCA
Tom Whitaker	KMCA
MARK BORANYAK	CAPITOR STRATEGIES
MaH Casey	GBA
Joe Gadenhise	Sen Umberger
Terry Heidner	KDOT



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January 14, 2010

TO: Senate Committee on Transportation

FROM: Michael Byington, Volunteer C.E.O. 

SUBJECT: Senate Bill 295, support

Many of you have known me for a number of years as a legislative advocate on behalf of Kansans who are blind and visually impaired. I also, however, throughout my career, have been a direct service provider for people who are blind and visually impaired. I have become increasingly concerned about the ever increasing complexity of traveling as a pedestrian who is blind and visually impaired. New traffic contrivances such as roundabouts, no yield turning lanes, user activated traffic signals where the user activation controls are very hard to locate, and most certainly the fact that many cars no longer make any appreciable noise, continue to increase challenges for blind and visually impaired pedestrians. Because of my concerns and interests in this area, I have returned to Graduate School and am currently working on an advanced credential as a Certified

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Attachment 1

Orientation and Mobility Specialist (COMS). There is no program in Kansas that offers this specialized training, so I am traveling back and forth to Texas Tech University, and taking a significant portion of the training online from here in Kansas. I am thus am in the process of becoming a credentialed expert concerning the travel of blind and visually impaired pedestrians.

As I am still a little over a year from completing my current course of study, however, I have brought with me today, someone who is already a credentialed expert as a COMS. Ms. Nanette Easterling works for the State of Kansas as an instructor of Travel Techniques for the blind, but she is here today outside of her State capacities. She is not representing SRS today. She is, however, a recognized expert in travel of blind pedestrians. She will be available at the end of the formal testimony presented by Ms, Lind and myself to share her expertise in helping answer any of your questions.

Senate Bill 295 is really quite simple. It would require the convening of a “quiet motor vehicle and safe mobility committee” to develop state standards for sounds that quiet cars need to make if licensed in Kansas. The committee will include representatives from automobile manufacturers, the blind and visually impaired pedestrian community, insurance industry, vehicle research entities, and law enforcement. A fiscal note evaluation has been done, and the bill has a zero fiscal note. The quiet motor vehicle and safe mobility committee has a specific end date. It will not drag on forever, nor should it.

We acknowledge that some interests are being expressed in promulgating federal standards for quiet cars. HR.734 and S.841, both pending in the federal Congress, would require similar standard setting at national levels. These pieces of legislation are moving quite slowly, however, and even if they are federally adopted, the implementation timelines are as long as one might expect federal program implementation to be. Meanwhile more and more quiet cars (hybrids that are quiet and all-electrics) are coming onto the market. They are becoming an increasing

percentage of the Kansas car population, and they make absolutely no sound when idling and very little sound when moving at city speeds. Pedestrians are being endangered by such vehicles NOW, and the danger is increasing. We do not think that the problem can afford to wait for actions on the part of the feds. That is the reason that several states have introduced legislation such as that which you have before you in Senate Bill 295.

It is essential that a pedestrian who experiences visual, cognitive, or attention related disabilities not be literally blindsided by vehicles that make no noise. Blind pedestrians particularly are taught to listen to traffic sounds when crossing the street. It is hard to do that if part of the traffic makes no sound. It is essential that blind pedestrians, particularly, are also aware of idling vehicles. If one is blind, and planning to cross a street, then he or she needs to know when a car is sitting still, but may be starting to move soon, for example when a traffic light changes or a left turn arrow lights.

I am attaching information concerning the greater risk that all pedestrians and bicyclists, not just blind, visually impaired, or otherwise disabled ones, are at when encountering quiet cars in the built environment. Granted, the statistical risk among all pedestrians is not huge, but it is statistically significant. At a variance of three tenths of a percent, out of every 1000 quiet cars put on the road, three more pedestrians or bicyclists are hit than is the case with every 1000 cars that make some noise. If you are one of those three additional people, the statistics become pretty significant.

Now add to those statistics the factor of someone who uses sound largely, or only, to determine when traffic is approaching. Such individuals are at a tremendous disadvantage and consequently, a much greater risk.

After my testimony. Ms. Marilyn Lind will testify. Ms. Lind is a retired teacher and a lifelong Topekan. She has been blind all of her life. She is an excellent guide dog user, and her current

guide, Jaguar, is her third. Nonetheless, she and Jag have experienced several close calls with quiet cars, one of which is recounted in a newspaper article she will provide.

Now at this point, hopefully, all of you are probably thinking that we have made some interesting and compelling arguments here, but you are wondering how much it costs to make a quiet car make sound, and wondering if we have the technology to do so. Part of the reason for the standard setting process outlined in 295 is to address this issue, but I can absolutely tell you that there are some low cost solutions on the market, and that can be easily created.

I mentioned at the beginning of this testimony that I am studying the field of travel for the blind and visually impaired. One of my related projects to this academic pursuit has been to design a soundmaking device for my own, all-electric quiet city car. Yes, the Kansas Division of Motor Vehicles does allow me, as a person who has a disability, to drive, but with restrictions. I only drive at city speeds and in familiar areas. As these are my restrictions, a city speed all-electric car meets many of the independent transportation needs that I am able to fill for myself. When I bought such a unit, being a student of pedestrian travel, I started immediately working on a way to make the vehicle make sound. My soundmaking gadget, that makes sound both when the car is moving and idling, cost me a total of \$328.00 to design, build, and have a technician install. I mention this, not to promote my shadetree engineering skills, or to sell my device. I will in fact give my plans away to anyone who is willing to install a similar device on their hybrid or all electric car. I just want quiet cars to make some noise to accommodate pedestrians, particularly blind and disabled ones. I want Kansans to be a part of the solution. I am attaching a picture of my quiet car, which is not quiet any more.

GreenBeat

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Study: Hybrid cars hit more pedestrians

November 25, 2009 | Tom Slater | Comments |

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According to a National Highway Traffic Safety Administration study, hybrids are twice as dangerous to pedestrians because they are sneaky-quiet. This has provoked debate in the auto industry, with manufacturers trying to pick a noise to warn pedestrians of the vehicle's presence.

HEV's are most dangerous in the city, when they are almost silent. A rumbling V-8 lets you know it is coming but electric vehicles offer no such warning. The American Council of the Blind has issued a number of press releases in recent months warning of the danger that HEVs pose. There is also a bill with 139 lawmakers on board that would force the Department of Transportation to establish safety standards around "non-visual warnings" for vehicles.

Out of the vehicles in the study:

- 8,387 were hybrids, of which 77 had struck a pedestrian — this works out to a 0.9 percent incidence rate
- 559,703 vehicles were traditional gas-burners, which struck 3,578 pedestrians, which works out to a 0.6 percent incidence rate

Electric vehicles are thus determined to be 50 percent more dangerous to pedestrians. Of the pedestrian accidents, it was almost a fifty-fifty break on under or over 35 mph, with one-third of accidents not including speed limit information.

In accidents involving bicyclists, the numbers get worse:

- 0.3 percent of standard cars on the road hit a bicyclist
- 0.6 percent of HEVs hit a bicyclist
- Out of the speed limit data available, 25 of 34 collisions were in a 35 or under zone, suggesting that city streets are the most dangerous places to be a cyclist

Pressure from the ACB and others has spurred a new controversy in the electric-vehicle field. Nissan, Ford and Chevrolet are all trying to determine what, if any, "non visual signals" will be included in their EV models. Tesla has said that it has no intention of implementing "fake noises," as it has delivered 700 vehicles and the quiet power train is consistently noted as a plus. The Fisker Karma will include a "distinctive audio signature ... reflective of the car's advanced technology." Whether this means a Jetsons like bubbling whir or cutting-edge dance beats remains to be seen.

Nissan and Ford are still on the fence, not having firm plans either way. According to Ford's hybrid division head Nancy Gioia, "if we all do it differently, we will

confuse the heck out of the consumer.”

Representative Edolphus Towns, a New York Democrat, has introduced a bill that would require the Department of Transportation to establish non-visual warning requirements for HEVs. So far it has 139 supporters.

Public reception for the idea has been mostly negative on the Internet, with people citing the quiet of EV power trains as a decisive advantage not to be canceled by artificial noises.

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Tags: co, co:chevrolet, co:fisker, co:ford, co:nissan, co:Toyota

Testimony on behalf of Kansas Senate Bill 295

The development of cars that use both gasoline and electric batteries is a step in the right direction towards protecting our environment. I applaud the vision of auto companies who are on this path. However, there are factors to consider that impact the people who live in that environment. I speak of those individuals who have a vision loss.

As a Certified Orientation and Mobility Specialist (COMS) I teach individuals who are blind or visually impaired how to become more independent and productive. This is achieved through the process of learning how to use tools such as a white cane, a talking or Braille compass, and a Global Positioning System (GPS) device. Consumers also learn how to safely cross busy intersections and use public transportation. A higher level of independence contributes to the ability to obtain and maintain employment. Without this independence a person who is blind or visually impaired must depend either on family members or on publicly funded supports.

Visualization of street crossing –

I would like for each of you to close your eyes for a moment and imagine yourself on the NW corner of the intersection of 10th & Topeka Blvd. near Pizza Hut. You need to go to Walgreens on the SW corner for a couple of items. Visualize 10th Street in front of you. It has two lanes of traffic traveling east and west plus a left turn lane, a total of five lanes of traffic. Topeka Blvd. is on your left. As the traffic light changes and the parallel traffic on your left side begins to surge forward. Keep in mind that vehicles can also turn the corner and drive directly across your path. Now, please plug your ears with your fingertips and count silently up to eight.

This is approximately how long it takes for an experienced blind traveler to cross a street with five lanes of traffic. Would you have been able to hear a quiet car as it turned the corner and drove directly in front of you? If you became disoriented in the middle of the street and the traffic in the lanes in front you began to move, would you hear a quiet car as it approached and you walked directly into its path? This is what people who are blind or visually impaired risk every time they cross a street.

Please give serious consideration to this bill that is before you. Thank you.

Nannette S. Easterling, COMS

January 14, 2010

January 14, 2010

TO: Senate Transportation Committee

FROM: Marilyn Lind *M*

SUBJECT: speaking in support of Senate Bill 295

I have attached to this testimony a copy of a newspaper article that recounts a very traumatizing incident I experienced as a blind pedestrian. I was nearly hit by a car that made no sound. It was a hybrid or all-electric.

At this point, you may be wondering why Jaguar, my guide dog, did not just keep me away from the car. After all, he could see it. Let me explain that Jaguar did his job well, and as he was trained. I am supposed to make the traffic decisions as to when to attempt a street crossing by listening to the traffic sounds. Jaguar is then supposed to attempt to keep me out of harm's way if I make an error in judgment. In the guide dog training world, this is called "learned, selective disobedience." At the crossing that almost hurt or killed me, I had the right of way. I heard the traffic flowing on the cross street, and it was moving. By the time Jaguar could see the car coming at us, which was not slowing down as it should for an intersection where there was a stop sign ahead, there was nothing he could do aside from speeding up and attempting to get me across the street ahead of the peril. He just managed to accomplish this. I felt the car brush my side, and I could hear the car's brake pads finally being engaged, though far too late to avoid a close call.

I have been legally blind all of my life, and almost totally blind for the past ten years. Jaguar is my third guide dog. I am an accomplished blind traveler, and I have had good travel training. I am a retired school teacher, a fully capable adult who has lived and worked as a single person all of my life. Nonetheless, the experience I have described here made it very difficult for me to leave my house again and travel anywhere independently.

If I would have heard the car coming, I would have yielded to it. I am a cautious traveler who realizes that, even if a car has the right of way, it is bigger and stronger than I am.

I am here because I want work to be done so that quiet cars will make sufficient noise so that I can hear them coming. I am not alone as a blind traveler. Many of my blind associates, including several fellow guide dog users, have had similar experiences.

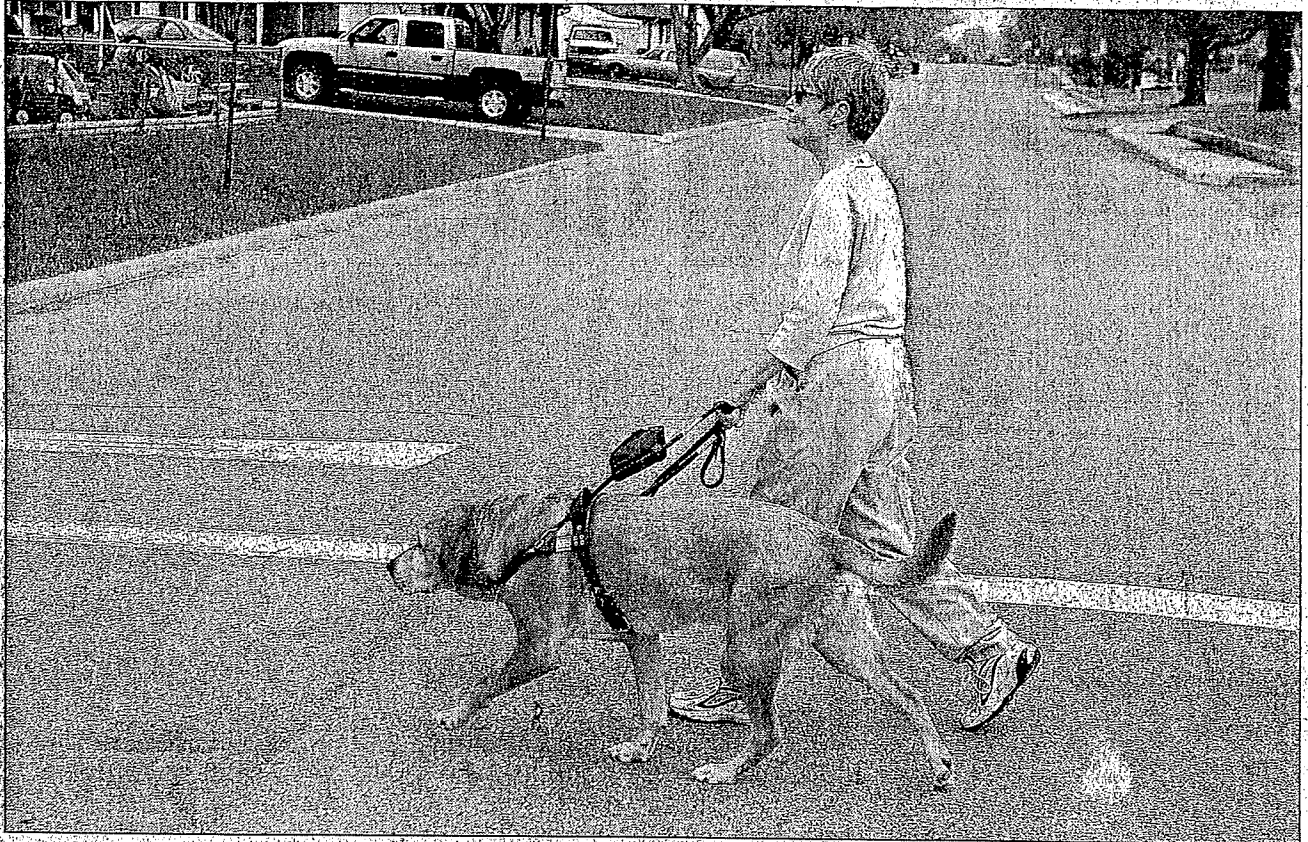
If you want blind citizens to continue to aspire to opportunities to travel independently in their communities rather than wait for, often tax supported, assistance, in order to run errands and take care of life's necessities; if you want blind citizens to continue to seek and accept employment, and travel to and from that employment, so that they can be tax payers rather than tax supported, then you will do what you can to insure that the built environment stays at least a little safer and more useable. This bill marks a beginning on that journey.

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Attachment 3

'I could get slam-du



ANN WILLIAMSON/THE CAPITAL JOURNAL

Marilyn Lind and her guide dog, Jaguar, make their way across S.W. 29th, where they recently had a close call.

When drivers fail to pay attention, pedestrians in the road are put at risk. Those who are visually impaired know this all too well.

For Marilyn Lind, a visually impaired Topeka resident, the leap of faith she takes when stepping into a crosswalk is getting longer.

She and others say disabled pedestrians are facing growing safety hazards brought on by driver inattention and new technology resulting in quieter vehicles.

"I don't know of any blind or low-vision person in this community who hasn't at least had a very close call where it was very clear to them that the driver was not watching and where they, as a pedestrian, might have been at risk," said Michael Byington, chief executive officer for the Kansas Association for the Blind and Visually Impaired.

THE TRAFFIC JAM

Byington said hybrid cars and mobility devices, such as scooters, which are essentially silent when moving or stationary, can pose more than an inconvenience for those trained to travel by sound. So can road projects, such as roundabouts, which keep traffic in constant motion.

Nannette Easterling, orientation and mobility specialist with the Kansas Rehabilitation Center for the Blind and Visually Impaired, said risks also are rising because of an increased tendency for drivers to run red lights.

"They're not focused on the fact they're driving a vehicle that is not connected

to their brain," she said. "Drivers think they're in their own little world and whatever's outside the car doesn't matter. A lot of it is the distractions — paying attention to the kids, to the cell phone, cranking up the stereo or whatever."

SQUEAL OF TIRES

Lind is among those who have survived a close call. She said the encounter happened one afternoon when she and her guide dog, Jaguar, stepped into a crossing along S.W. 29th. An oncoming driver stomped the brakes, and Lind got an up-close, blurry image of the car's shiny front grill.

Lind and her dog made it to the op-

unked'

posite curb and chalked up the mishap to experience. But it wasn't the first time, and she wasn't the first person to narrowly avoid being struck by a car.

"It's not just me," Lind said. "It's any pedestrian with a disability, or even (people without a disability). But especially with blind people, because you can't hear as much as most people can see. Or somebody in a wheelchair can maybe tell how fast someone is going. But I don't have reaction time or depth perception, and I could get slam-dunked."

OLD AND NEW RULES OF THE ROAD

Advocates for the disabled say legislative action is needed to protect pedestrians.

"We have not gotten the attention we need at the level we need to get it," Byington said. "Even at places like roundabouts or a parking lot, there is indeed supposed to be absolute right of way for a person who is blind or visually impaired."

That right was guaranteed in 1938 by the Kansas White Cane law, protecting those using a dog or white cane even should they misjudge traffic. Byington wants to see the law augmented with a pedestrians' bill of rights, which would include a provision requiring the Kansas Department of Transportation to form a pedestrians' advisory commission for road projects.

Since much of the money granted to road construction is federally allocated, Byington wants to see more aggressive federal oversight for the funds.

But Lind said the responsibility for pedestrian safety doesn't lie solely with lawmakers or highway officials. Motorists share the burden, too.

"Pay attention to what you're doing," she said. "We should be able to go out walking without being scared about getting hit by cars. The next couple times Jaguar and I went out walking (after the close call) I was apprehensive. And (an experience like I had) could keep other people from wanting to get out. At least I've got Jaguar, but for somebody with a cane, that's even worse."



Ms Donna J. Wood;
11405 W. Grant
Wichita, KS 67209-4209

Of Kansas

1/17/10

Dear Senator Umbarger and the members of the transportation committee,

The National Federation of the Blind of Kansas (NFB of K) is proud to support Kansas Senate Bill 295 concerning the dangers posed by "quiet cars" to blind Kansans. We believe that this issue deserves serious attention as these vehicles threaten to reduce blind people's abilities to travel independently. Until recently independent travel for the blind has been a relatively simple matter once a blind person has been trained in travel techniques and has learned to use a white cane or to travel with a dog guide.

Blind people listen to the sound of automobile engines to determine the direction, speed, and pattern of traffic. Sounds from traffic tell blind pedestrians how many vehicles are near them and how fast they are moving; whether the vehicles are accelerating or decelerating; and whether the vehicles are traveling toward, away from, or parallel to them. With all of this information blind people can accurately determine when it is safe to advance into an intersection or across a driveway or parking lot. The information obtained from listening to traffic sounds allows blind people to travel with complete confidence and without assistance. Studies have shown that sighted pedestrians also use auditory information when traveling.

Over the past few years vehicles that are completely silent in certain modes of operation have come on the market, and many more silent vehicles are expected in the near future. These vehicles are designed to have many benefits, including improved fuel efficiency and reduced emissions, but they do not need to be silent in order to achieve these intended benefits. An unintended consequence of these vehicles as they are currently designed is that they endanger the safety, not only of blind people, but also of small children, seniors, cyclists, and runners.

Our concerns were validated by a recent report from the National Highway Traffic Safety Administration, which concluded that at low speeds hybrid and electric vehicles are twice as likely to be involved in accidents with pedestrians as vehicles with internal combustion engines. Recently automobile manufacturers have acknowledged the dangers posed to blind pedestrians by silent-vehicle technology and have begun to work with the National Federation of the Blind to craft solutions. While participation from some manufacturers is an important first step, many others continue to take a wait-and-see approach on this important issue.

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Attachment 4

The NFB favors solving problems related to the inconvenience of blindness by adapting ourselves. Since we believe that in most cases blind individuals do not require special infrastructures to integrate successfully we have usually avoided calling for changes of this scale. In this case, however, we believe that this issue is potentially a matter of life and death for all pedestrians. We therefore join with the Kansas Association for the Blind and Visually Impaired in calling for the state of Kansas to take the actions necessary to create and implement an appropriate noise emission standard for all motorized vehicles.

Thank you for your attention to this issue,

Donna J. Wood
President
National Federation of the Blind of Kansas