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Sam Brownback, Governor

TESTIMONY BEFORE THE
SENATE TRANSPORTATION COMMITTEE

REGARDING SENATE BILL 272
RELATING TO UNLAWFUL PASSING OF A WASTE COLLECTOR

January 25, 2018

Mr. Chairman and Committee Members:

The Kansas Department of Transportation (KDOT) appreciates the opportunity to submit testimony on Senate Bill 272.

KDOT opposes Senate Bill 272 as currently written. The bill would amend K.S.A. 8-1531 and require drivers to yield the right of way to "persons obviously and actually engaged in waste collection;" and to "move left" when a stationary vehicle is obviously and actually engaged in waste collection. These objectives are understandable; however, KDOT believes there is a need for clarifying definitions and other modifications.

The bill does not define "waste collection", nor does the bill require that a waste collection vehicle be lighted or identified in any particular manner so as to alert drivers to the need to yield or move left. As currently written, the bill could be interpreted to apply to a person in any type of vehicle traveling slowly or stopping on the side of the road looking for recycling material, as well as to a standard trash truck with warning lights and workers standing on the back, collecting waste at various stops. Such broad interpretations can lead to inconsistent behavior among drivers. Inconsistent behavior among drivers leads to vehicle crashes.

In addition, as currently written, the bill would require a driver yield the right of way to a waste collector stopped to turn left on a highway to enter a waste collection site to discard the waste collected that day. We do not believe this was the intention of the drafters of the bill; however, the current language could be interpreted to require oncoming traffic to stop to allow the waste collection truck to turn left across the oncoming lane of traffic into the landfill site.

It is KDOT's understanding that the waste collector industry seeks legislation to give their members the protections afforded to authorized emergency vehicles displaying visual signals, as found in K.S.A. 8-1530. KDOT would be supportive of legislation that would provide waste collectors the protection found in K.S.A. 8-1530, and is willing to assist the industry in drafting a proposed bill or amendments to the current bill that will accomplish what KDOT understands to be the goal of the waste collecting industry, but at the same time will limit the confusion of members of the traveling public.

While legislation will never completely protect those who work on and near the highways and roadways, KDOT is supportive of legislation that will increase the safety of those persons. However, as written, Senate Bill 272 will cause confusion among drivers and possibly lead to an increase in motor vehicle crashes. As written, this bill could put those it is trying to protect in more danger. Consequently, KDOT opposes Senate Bill 272 as written.