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### January 30th, 2019 Testimony in Support of House Bill 2458

Chairman Proehl and Members of the House Committee on Transportation,

My name is Andy Fry. I live and ride my bike in the City of Topeka, but have had the distinct pleasure to ride throughout Kansas from Johnson City to Garden City to Wichita, Hays, Manhattan, Sedan, Garden City, Galena, Lawrence, and all places in between. I am a League Certified Instructor of safe bicycle riding techniques with the League of American Bicyclists and I ride with my daughter to her daycare almost every morning. Thank you for the opportunity to share some thoughts this morning on House Bill 2458 that addresses negligent driving and how it affects us all.

Negligent driving has become a concern at the state and local level. Various communities have attempted to address at the local level. Currently the City of Topeka similar language in its City code. Similarly, so does the City of Hutchison. This is a great first step in protecting Kansans, but once they travel outside that municipality into the County or to another community, they drive Kansas roads at risk. The risk in this situation being a negligent driver hitting them because they were not focused solely on driving and there is no way to hold them accountable for their negligence. Resultantly, the victim in this case struggles in related insurance processes and civil law suits.

This issue goes beyond just affecting people who ride a bicycle or walk, negligent driving impacts car, trucks and motor carriers from a physical and fiscal perspective in relation to additional crashes we pay for through our taxes as well as the additional cost to our insurance rates across the state, not to mention the hardships if we ourselves get hit. It's a universal concern across all transportation modes.

State trend: In 2017, KDOT identified from official reports that 21% of crashes occurred because a road user "Failed to give full time and attention" to driving. That's up 5% from just 2014.

In 2017 the State of Kansas categorized 13,908 crashes as being caused in part by inattention on the part of the driver to the operation of their vehicle. 2,200 of those involved the driver focusing on cell phones, other electronic devices and items like applying makeup, reading the newspaper, eating food etc. As a result of those collisions, 905 persons were injured and 11 of our Kansas neighbors were killed.

If the human factor isn't moving enough, of the 3 distracting behavior categories mentioned totaling 2,200 crashes, 71% of those crashes involved property damage, which means costs to municipalities, group insurance claims rising and lost productivity and potential output for our Kansas employers trying to remedy the damage done.

We have a problem in Kansas involving road users failing to focus on the road. And we need to fix this behavior without someone having to get hit or killed in order to prosecute. Unlike existing statutory language aimed at curbing more blatant reckless behaviors, House Bill 2458 takes aim at any action beyond driving that a driver engages in while also performing the actions of driving. With representatives of law enforcement, recreation and commuting bicyclists, active motorcyclists, municipalities, victim, statewide advocates, health care professionals, roadside services focused on the safety and wellbeing of its membership, the consensus is clear and wide ranging that this bill is needed and accepted.

National Trend According to the National Highway Traffic Safety Administration the total number of crash fatalities has risen steadily in crashes involving pedestrians from 4109 pedestrian fatalities in 2009 nationally to 5375 pedestrian fatalities in 2016

Similarly, the NHTSA indicates the total number crash fatalities of someone riding a bicycle has nationally risen from 628 fatalities of a person on a bicycle to 818 fatalities on a bicycle

This leads us to say that it can be presumed that the increased distraction of drivers interacting with those other roadway users through use of cell phones and other modern choices of negligence from driving has contributed to this increase with the proliferation of smartphones and other devices of "connection".

The League of American Bicyclists rates states on an annual basis for their bike ability in terms of infrastructure, Education, Legislation, Enforcement, policies and evaluation. Kansas has been dropping as of late and currently sits at 47 amongst other states.

Whether that's a fair assessment is perhaps up for debate, but they mention the need for having comprehensive distracted driving laws. We have a 3 foot law. check We have a cell phone related law. check. We have a Standard Traffic Ordinance that covers collisions, But, we do not have a law inhibiting or penalizing those that don't focus on their drive BEFORE they hit or kill another road user.

In summary, I strongly urge you to think of the safety of your kids, grandkids and relatives in supporting House Bill 2458!

Thank you for your time,

Andy Fry