

To: Chairman Proehl, House Transportation Committee
From: Wendi Stark, Research Associate
Date: March 17, 2021
RE: SB 167 Neutral

We want to thank Chairman Proehl and the Committee members for giving the League of Kansas Municipalities the opportunity to present testimony on SB 167.

SB 167 would add a category of motor vehicles to those that can be designated as emergency vehicles when operated by an authorized person as defined in K.S.A. 66-1710 – motor vehicles working on emergency repairs that are needed on electric utility or natural gas equipment to restore necessary services or ensure public safety. The Senate expanded the bill to also include telecommunications and other wireless communication providers. These vehicles would not be required to go through the process of designation by the board of county commissioners as authorized emergency vehicles.

We appreciate the need for protection to ensure the safety of those working to repair and maintain vital utilities and also of citizens in proximity to this needed and often dangerous work. We believe we understand that the main concern is to give better protection to stationary utility vehicles carrying out the emergency work defined in the bill by including utility vehicles in a move-over law. However, we have concerns about the approach set out in SB 167. Most vehicles go through the process for designation by the board of county commissioners to be an authorized emergency vehicle. This generates a written designation that clearly sets out the status of the vehicle. Emergency vehicles operated by public utilities can already make an application to be so designated. There is also a catch all category under K.S.A. 8-2010a for designation of “any other vehicle where designation is necessary to the preservation of life or property or carrying out of emergency governmental functions.” There are various traffic laws that do not apply to authorized emergency vehicles when displaying proper lighting, including but not limited to the ability to (1) ignore all parking/standing rules, (2) proceed past a red or stop signal or stop sign, (3) exceeding the maximum speed limits so long as such driver does not endanger life or property, (4) disregarding regulations governing direction of movement or turning in specified directions; and (5) proceed through toll booths on roads or bridges without stopping for payment of tolls, but only after slowing down as may be necessary for safe operation and the picking up or returning of toll cards. Are all of these various exemptions necessary to accomplish the goal of the legislation?

We encourage the committee to instead consider substituting SB 167 by amending the language of K.S.A. 8-1520 (the Kansas move-over statute) to include the additional groups contemplated by SB 167. The League suggests that the language be amended as shown in bold.

8-1520a. Unlawful passing of stopped emergency vehicle or authorized vehicle engaged in highway construction.

"(a) The driver of a vehicle shall not overtake and pass another vehicle when approaching within 100 feet of:

(1) A stationary authorized emergency vehicle on a highway that consists of two lanes carrying traffic in opposite directions, when the authorized emergency vehicle is making use of visual signals meeting the requirements of K.S.A. 8-1720, and amendments thereto, or subsection (d) of K.S.A. 8-1722, and amendments thereto; or

(2) a stationary authorized vehicle which is obviously and actually engaged in work on a highway that consists of two lanes carrying traffic in opposite directions, when such vehicle displays flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto; or

(3) a stationary motor vehicle operated by an authorized person as defined in K.S.A. 66-1710, and amendments thereto, for an electric or natural gas public utility as defined in K.S.A. 66-104, and amendments thereto, when such motor vehicles are utilized for emergency repairs that are needed on electric utility or natural gas equipment to restore necessary services or ensure public safety and is making use of visual signals meeting the requirements of K.S.A. 8-1731; and

(4) a stationary motor vehicle operated by a provider, as defined in K.S.A. 17-1902, and amendments thereto, or a wireless infrastructure provider or a wireless services provider, as defined in K.S.A. 66-2019, and amendments thereto when such vehicle is utilized for emergency repairs and is making use of visual signals meeting the requirements of K.S.A. 8-1731.

(b) From and after the effective date of this act, and prior to July 1, 2007, a law enforcement officer shall issue a warning citation to anyone violating the provisions of paragraph (2) of subsection (a).

(c) This section shall be part of and supplemental to the uniform act regulating traffic on highways."

If there are any technical changes needed to K.S.A. 8-1731, we ask that those changes be made as well.

The League requests the Committee to consider more narrowly tailored legislation to alert the public to stationary vehicles and secure the safety of utility workers carrying out emergency repairs on electric utility or natural gas equipment before passing legislation out of Committee.