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**Testimony to the House Transportation Committee
Opposing SB167
March 17, 2021**

Chairman Proehl and Committee Members:

Our associations oppose SB167 as proposed. We do not oppose the bill on its intent, but we oppose the bill on the solution it proposes. Clearly there is a need to provide protection for utility workers who must conduct their work on the roadway. We strongly support steps to do that. When SB167 was offered in the Senate we did not testify for two reasons. 1) We did not yet understand the nature of the problem it was attempting to address; and 2) the bill was much more limited. But in reviewing the Senate Committee testimony, it appears the concern is not a rapid response to a repair sight, but rather the risks presented by drivers not respecting the need to provide additional space and to slow down when passing utility vehicles in the roadway while services are being repaired.

As provided in testimony from the League of Kansas Municipalities and from the Kansas Association of Counties, the proposed solution of declaring all of these utility vehicles as emergency vehicles brings on a far broader authority for vehicle operation while moving, not just protection while stopped during the course of utility work. We have not seen a demonstration of the need for these vehicles to respond to the repair scene as an emergency vehicle, but that is exactly what SB167 would allow.

We believe the correct solution to this issue, which addresses the concerns presented to the Senate by the proponents is not to declare these vehicles as emergency vehicles, but to replicate KSA 8-15,112 to cover the utility vehicles currently listed in the SB167 amendments.

I have attached a copy for KSA 8-15,112 for your convenience.

We urge you to consider this alternative approach to the concerns through a substitute bill with the recommendations stated above.

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8-15,112. Unlawful passing of a waste collection vehicle.

(a) The driver of a motor vehicle, upon approaching a stationary waste collection vehicle obviously and actually engaged in waste collection and displaying vehicular hazard warning signal lamps as required by K.S.A. 8-1722, and amendments thereto, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary waste collection vehicle; or

(2) if the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather and traffic conditions.

(b) For purposes of this section, a waste collection vehicle is a vehicle specifically designed and equipped and used exclusively for garbage, refuse, recycling or solid waste collection or disposal operations.

(c) From and after the effective date of this act and prior to July 1, 2019, a law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (a).

(d) This section shall not operate to relieve the driver of a waste collection vehicle from the duty to drive with due regard for the safety of all persons using the highway.

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