

Approved: 2/22/93
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Chairperson Ben Vidrickson at 9:00 a.m. on February 19, 1993 in Room 254-E of the Capitol.

All members were present except:
Senator Rock - Excused

Committee staff present: Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:
Captain Bob Giffin, Kansas Highway Patrol

Captain Giffin addressed the committee in support of three bills.

SB 296 would clarify the language which requires certain vehicles to stop at railroad crossings. It states that a railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits the vehicle to proceed across the railroad tracks without slowing or stopping. (See Attachment A)

SB 297 would make it unlawful to operate a vehicle with a damaged windshield, side or rear window that materially obstructs the drivers view of the highway. (See Attachment B)

SB 298 would permit law enforcement officers to issue a traffic citation for a safety belt violation without citing the violation for which the person was originally stopped. (See Attachment C)

After some discussion Senator Emert made a motion to pass **SB 296** favorably out of committee. This was seconded by Senator Burke. Motion carried.

Senator Emert then made a motion to pass **SB 298** favorably out of committee. Senator Papay seconded this. Motion carried.

A motion was made by Senator Harris to amend the word "materially" in **SB 297** to read "substantially" in lines 16 and 20. A second was made by Senator Brady. Motion carried.

A motion was then made by Senator Burke to recommend **SB 297** as amended, favorable for passage. This was seconded by Senator Harris. Motion carried.

A motion was made by Senator Jones to approve the minutes of the February 17th and 18th meetings. Senator Brady seconded this. Motion carried.

The meeting was then adjourned by the chairman.

The next meeting will be February 22.

GUEST LIST

SENATE TRANSPORTATION COMMITTEE

DATE: February 19, 1993

[illegible]

SUMMARY OF TESTIMONY

Before the Senate Transportation Committee

February 19, 1993

Senate Bill 296

Presented by the Kansas Highway Patrol
(Captain Bob Giffin)

Appeared in support of Senate Bill 296

Mr. Chairman, members of the Committee, The Kansas Highway Patrol supports Senate Bill 296.

We requested this bill to clarify the language in K.S.A. 8-1553 which requires certain vehicles to stop at railroad crossings. The existing language in (b), (2) of the statute is often mis-interrupted as the definition of a **traffic control signal** in K.S.A. 8-1478 makes no reference to the capability of displaying a green indication.

The new language, which permits the exception in (b), (2) of K.S.A. 8-1553, clearly states that the railroad grade crossing must be controlled by a functioning traffic control signal capable of transmitting a green indication. This language is consistent with existing language in K.A.R. 36-26-1 and Code of Federal Regulations (C.F.R.) 392.10. Identical language in all three references should eliminate future confusion in this area.

36-26-1. RAILROAD GRADE CROSSINGS; STOPPING REQUIRED. (a) K.S.A. 8-1553 requires that the drivers of certain types of motor vehicles, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals including active flashing light signals with or without gates or bells indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required and upon proceeding when it is safe to do so, the driver of any vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing and the driver shall not manually shift gears while crossing the track or tracks. Following are the types of vehicles for which this regulation applies:

(1) Every school or commercial bus;
 (2) every motor vehicle transporting any quantity of chlorine;
 (3) every motor vehicle which, in accordance with the regulations of the department of transportation, is required to be marked or placarded with one of the following markings:

- (A) Explosives A;
- (B) Explosives B;
- (C) Poison Gas;
- (D) Flammable solid W;
- (E) Radioactive;
- (F) Flammable;
- (G) Blasting agent;
- (H) Nonflammable gas;
- (I) Chlorine;
- (J) Poison;
- (K) Oxygen;
- (L) Flammable gas;
- (M) Combustible;
- (N) Flammable solid;
- (O) Oxidizer;
- (P) Organic peroxide;
- (Q) Corrosive; or
- (R) Dangerous;

(4) every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material as defined in 49 C.F.R. 170-189;

(5) every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flashpoint as determined by 49 C.F.R. 173.115;

(6) every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under an exemption issued in accordance with 49 C.F.R. 107.101-107.123.

(b) Exceptions to the requirement for vehicles to stop at every railroad grade crossing shall be:

(1) Any railroad grade crossing at which traffic is controlled by a police officer or human flagman;

(2) any railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits the vehicle to proceed across the railroad tracks without slowing or stopping;

(3) any railroad grade crossing which has been abandoned or its use discontinued with track or tracks still in place with a sign reading "TRACKS OUT OF SERVICE";

(4) any industrial or spur line railroad grade crossing marked with a sign reading "EXEMPT." Such exempt signs shall be erected only by or with the consent of the appropriate state or local authority;

(5) a railroad grade crossing used exclusively for industrial switching purposes, within a business district defined in K.S.A. 8-1407, and amendments, thereto. This type of crossing shall also, as in the previous section (d), be marked with a sign reading "EXEMPT." (amended 8-13-90)

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Subpart B—Driving of Vehicles

§392.10 Railroad grade crossings; stopping required.

(a) Except as provided in paragraph (b) of this section, the driver of a motor vehicle specified in subparagraphs (1) through (6) of this paragraph shall not cross a railroad track or tracks at grade unless he first: Stops the vehicle within 50 feet of, and not closer than 15 feet to, the tracks; thereafter listens and looks in each direction along the tracks for an approaching train; and ascertains that no train is approaching. When it is safe to do so, the driver may drive the vehicle across the tracks in a gear that permits the vehicle to complete the crossing without a change of gears. The driver must not shift gears while crossing the tracks.

- (1) Every bus transporting passengers,
- (2) Every motor vehicle transporting any quantity of chlorine,
- (3) Every motor vehicle which, in accordance with the regulations of the Department of Transportation, is required to be marked or placarded with one of the following markings:

- (i) Explosives A
- (ii) Explosives B
- (iii) Poison Gas
- (iv) Flammable solid W
- (v) Radioactive
- (vi) Flammable
- (vii) Blasting Agent
- (viii) Nonflammable Gas
- (ix) Chlorine
- (x) Poison
- (xi) Oxygen
- (xii) Flammable Gas
- (xiii) Combustible
- (xiv) Flammable Solid
- (xv) Oxidizer
- (xvi) Organic Peroxide
- (xvii) Corrosive
- (xviii) Dangerous

(4) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material as defined in the Hazardous Materials Regulations of the Department of Transportation, Parts 170-189 of this title.

(5) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flash point as determined by §173.115 of this title. REV EFF 9/24/75

(6) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under exemption in accordance with the provisions of Subpart B of Part 107 of this title.

REV EFF 11/29/82

(b) A stop need not be made at:

(1) A streetcar crossing, or railroad tracks used exclusively for industrial switching purposes, within a business district as defined in §390.12 of this chapter,

(2) A railroad grade crossing when a police officer or crossing flagman directs traffic to proceed,

(3) A railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits the vehicle to proceed across the railroad tracks without slowing or stopping. EFF 1/16/73

(4) An abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned,

(5) An industrial or spur line railroad grade crossing marked with a sign reading "Exempt." Such "Exempt" signs shall be erected only by or with the consent of the appropriate State or local authority. EFF 7/10/80

§392.11 Railroad grade crossings; slowing down required.

Every motor vehicle other than those listed in §392.10 shall, upon approaching a railroad grade crossing, be driven at a rate of speed which will permit said motor vehicle to be stopped before reaching the nearest rail of such crossing and shall not be driven upon or over such crossing until due caution has been taken to ascertain that the course is clear.

§392.12 Drawbridges; stopping of buses.

Every motor vehicle transporting passengers shall, upon approaching any drawbridge, known or marked as such be brought to a complete stop, not less than 50 feet from the lip of the draw, and shall proceed only when the driver has definitely ascertained that the draw is completely closed. A full stop need not be made at any drawbridge protected by a traffic "stop and go"

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SUMMARY OF TESTIMONY

Before the Senate Transportation Committee

February 19, 1993

Senate Bill 297

Presented by The Kansas Highway Patrol
(Captain Bob Giffin)

Appeared in Support of Senate Bill 297

Mr. Chairman, members of the Committee, the Kansas Highway Patrol supports Senate Bill 297.

This Bill was requested to correct what we perceive as a deficiency in K.S.A. 8-1741. Current law prohibits the operation of a motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side or rear windows which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway. Existing law does not address a windshield, side or rear window that is **damaged** (shattered, spider webbed) to a degree that materially obstructs a driver's view.

The new language in paragraph (b) makes it unlawful to operate a vehicle with a damaged windshield, side or rear window that materially obstructs the drivers view of the highway.

SUMMARY OF TESTIMONY

Before the Senate Transportation Committee

February 19, 1993

Senate Bill 298

Presented by the Kansas Highway Patrol
(Captain Bob Giffin)

Appeared in support of Senate Bill 298

Mr. Chairman, members of the Committee, the Kansas Highway Patrol supports Senate Bill 298.

If passed, this legislation would permit law enforcement officers to issue a traffic citation for a safety belt violation without citing the violation for which the person was originally stopped.

Safety belt violations are of a continuing nature. As long as a motorists continues to operate a vehicle without securing the safety belt, the hazard continues to exist.

To enforce the safety belt law as it currently exists, a law enforcement officer must issue at least two citations, at a minimum cost of \$57.00 (\$37.00 court cost, \$10.00 minimum fine for original violation, \$10.00 fine for the safety belt violation) to the motorist.

As a traffic safety agency, the Kansas Highway Patrol is committed to safety belt enforcement. We believe this legislation will have a positive influence on safety belt use, thereby reducing injuries and death from motor vehicle crashes on Kansas streets and highways.