

Written Testimony on House Bill 2033
House Committee on Transportation

Presented by the
Kansas Highway Patrol

February 03, 2015

The Kansas Highway Patrol appreciates the opportunity to provide written testimony on changes set forth in House Bill 2033. This bill would allow for a driver to exceed the posted speed limit, by up to 10 miles per hour, while passing another vehicle traveling at less than the legal maximum speed. This change is applicable only upon roadways divided into two lanes for two-way movement of traffic where the speed limit is 50 miles per hour or greater.

A principal function of the Kansas Highway Patrol is to enforce traffic and other laws of this state relating to highways, vehicles and drivers of vehicles. Consistent with this function, the Patrol is dedicated to reducing the number and severity of traffic crashes through aggressive enforcement. Our concern is the sheer factor of increased speeds, on a two lane roadway, creates the potential for more serious crashes. How does a driver accurately measure the speed of a vehicle directly in front of them? Furthermore, how can a driver accurately measure their own speed given the many factors affecting the validity of a speedometer? Knowing exactly how fast or slow you are traveling is vital in preventing collisions and paramount to the safety of the motoring public. The Patrol understands this dynamic and utilizes discretion when enforcing these laws.

As is defined in K.S.A. 8-1518, drivers are allowed to pass when it is clearly visible, and is free of oncoming traffic for a sufficient distance ahead, to permit such overtaking and passing, to be completely made without interfering with the operation of any vehicle approaching from the opposite direction, or any vehicle overtaken. The passing maneuver must be safely completed before coming within two hundred (200) feet of oncoming traffic. With the allowance for an increased speed, the amount of time, distance and overall judgment diminishes greatly, therefore creating the potential for risk taking, in turn leading to more serious traffic crashes.

It is important to also consider that the Legislature enacted law years ago, which established that a conviction for violating a maximum posted or authorized speed limit of 30 miles per hour, but not exceeding 75 miles per hour on any highway, by not more than six to ten miles per hour (depending on the maximum speed limit on the highway where the violation occurred), shall not be construed as a moving traffic violation. The Patrol believes the Legislature addressed the issue at hand back then, and adding ten more miles per hour to the maximum posted speed limit for passing on two lane roadways is irresponsible.

In closing, the Kansas Highway Patrol understands and appreciates the thought process behind HB 2033. However, we stand in opposition to HB 2033 based on the potential risk for more serious injury and fatality related crashes. The Kansas Highway Patrol appreciates the opportunity to provide input regarding this bill.

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