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Testimony in Support of House Bill 2088

Chairman Richard 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 2088 that addresses negligent driving and how it affects us all.

Negligent driving has become a concern at the 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. Resultingly, the victim in this case struggles in related insurance processes and civil law suites.

State trend

In 2016, KDOT identified from official reports that 20% of crashes occurred because a road user "Failed to give full time and attention" to driving.

In 2016 the State of Kansas categorized 2,351 crashes as being caused by the driver not paying attention to the operation of their vehicle. Of those 974 persons were injured and killed 15 of our Kansas neighbors.

With 46 deaths over 6 years in Kansas due to drivers reading a newspaper, doing makeup or eating while driving, that's essentially a death every other month because someone couldn't wait to read the sports scores from last night.

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 wreckless behaviors, House Bill 2088 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 well being 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 bikeability 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.

This is House Bill 2088 . I strongly urge you to think of the safety of your kids, grandkids and relatives in supporting House Bill 2088!

Thank you for your time,

Andy Fry