

SENATE BILL No. 243

By Committee on Federal and State Affairs

2-6

AN ACT enacting the pedestrian safety act.

Be it enacted by the Legislature of the State of Kansas:

Section 1. As used in this act:

(a) “Commission” means the pedestrian safety commission established in section 2, and amendments thereto;

(b) “accessible” means the ability to have access to and the use of intersections, sidewalks, signaling devices and other constructions and designs encountered in the exercise of being a pedestrian with or without a disability;

(c) “accessible signaling” means the placement of pedestrian walk signaling devices next to the crosswalks at all corners of an intersection operable from a wheelchair in accordance with the Americans with disabilities act accessibility guidelines and which such devices:

(1) Have a low volume locating tone which can be heard at a distance of between six and 12 feet on approaching the device;

(2) have tactile and large print color contrasted information as to the direction the signaling will ultimately authorize the pedestrian to walk;

(3) allow the user to depress the walk button for longer than three seconds which shall in turn raise the volume of the eventual audible walk signal;

(4) provide a different vibration to those relying upon tactile communication to know when it is safe to walk; and

(5) in association with the corresponding device across the street, alternate the sounds made for the pedestrian crossing to allow the pedestrian to know where the crossing leads.

(d) “Pedestrian” means any person of any age who is traveling in the built environment on foot or with the assistance of prosthetic equipment used for the purpose of replacing or augmenting the function of ambulating on foot;

(e) “public accommodation” means any privately or publicly owned business, retail firm, agency, or other place to which the general public is provided goods or services; and

(f) “public transportation bus” means a bus as defined in K.S.A. 8-1406, and amendments thereto, which is accessible to elderly persons,

1 persons with disabilities and the general public.

2 Sec. 2. (a) There is hereby established the pedestrian safety com-
3 mission. The commission shall be within the department of
4 transportation.

5 (b) The commission shall be composed of nine members appointed
6 as follows:

7 (1) One member shall be a traffic engineer employed for that purpose
8 by the state or a county or city within the state appointed by the governor;

9 (2) one member shall be a representative of an organization or agency
10 which provides community based services to persons who are elderly ap-
11 pointed by the governor;

12 (3) one member shall be a representative of the elderly community
13 having expertise in the pedestrian needs of the elderly population ap-
14 pointed by the governor;

15 (4) one member shall be a person who is blind or who meets the
16 definition of blindness used by the United States social security admin-
17 istration, and who has expertise in the mobility techniques used by blind
18 and severely visually impaired Kansans as well as in accessible intersection
19 design and signage appointed by the governor;

20 (5) one member shall be a representative of pedestrians who use
21 wheelchairs and who has knowledge of accessible design, the Americans
22 with disabilities act accessibility guidelines and other applicable codes and
23 guidance publications concerning accessible design appointed by the
24 governor;

25 (6) one member shall be a public safety or law enforcement officer
26 having expertise in the investigation of pedestrian-vehicle accidents ap-
27 pointed by the governor;

28 (7) one member shall be a representative of parents with school age
29 children having expertise in the pedestrian needs of children appointed
30 by the governor;

31 (8) one member shall be an orientation and mobility specialist who
32 has completed at least a masters degree in orientation and mobility or
33 travel skills of the blind from a university having an accredited program
34 in this field appointed by the governor; and

35 (9) one member shall be a representative of the department of trans-
36 portation appointed by the secretary of transportation.

37 (c) Of the members first appointed by the commission, three shall
38 be appointed for terms of three years, three shall be appointed for terms
39 of two years and three shall be appointed for terms of one year. There-
40 after, members shall be appointed for terms of three years and until their
41 successors are appointed and qualified. In the case of a vacancy in the
42 membership of the commission, the vacancy shall be filled for the unex-
43 pired term. All members appointed to fill vacancies in the membership

1 of the commission and all members appointed to succeed members ap-
2 pointed to the commission shall be appointed in like manner as that pro-
3 vided for the original appointment of the member succeeded.

4 (d) The commission shall meet at least four times annually and at the
5 call of the chairperson or at the request of any five members of the com-
6 mission. At the first meeting of the commission after January 1 each year,
7 the members shall elect a chairperson and a vice-chairperson who shall
8 serve a term of one year. The vice-chairperson shall exercise all of the
9 powers of the chairperson in the absence of the chairperson.

10 (e) The first person appointed by the governor to the commission
11 shall call the first meeting of the commission and shall serve as temporary
12 chairperson of the commission until a chairperson and vice-chairperson
13 are elected by the commission at such meeting.

14 (f) Members of the commission attending meetings of the commis-
15 sion or attending a subcommittee of the commission or other authorized
16 meeting of the commission shall not be paid compensation but shall be
17 paid amounts provided in subsection (e) of K.S.A. 75-3223, and amend-
18 ments thereto.

19 Sec. 3. The commission shall:

20 (a) Advise concerning proper planning and construction and main-
21 tenance of existing and new pedestrian walks and traffic intersections
22 within all the political subdivisions of the state, thus encouraging com-
23 pliance with all pedestrian provisions of the transportation equity act for
24 the 21st century and applicable provisions of the Americans with disabili-
25 ties act of 1990, 42 U.S.C. 12101 *et seq.*

26 (b) Encourage members of the public to report to the commission,
27 intersections and other constructs of the built environment where pe-
28 destrians must interact with motor traffic, and where such pedestrians,
29 including those pedestrians who have disabilities or are of advanced age,
30 are deemed to experience difficulty with safe travel.

31 (c) Consult concerning the reconfiguration or redesign of intersec-
32 tions where the pedestrian safety is deemed to be both at too high a risk,
33 and when there are no safe and efficient alternative routes within a short
34 distance of the unsafe intersection.

35 (d) The secretary of transportation, with approval by the commission,
36 shall appoint a director of pedestrian safety, who shall be in the unclas-
37 sified service under the Kansas civil service act.

38 Sec. 4. (a) A public accommodation shall not prohibit or restrict any
39 public transportation bus from full access to any parking lot of such public
40 accommodation, if the public transportation vehicle is able to enter and
41 leave the parking lot as built.

42 (b) Violation of subsection (a) is an unclassified misdemeanor pub-
43 lishable by a fine of not less than \$500 nor more than \$5,000.

1 Sec. 5. The provisions of sections 1 through 5, and amendments
2 thereto, may be cited as the pedestrian safety act.

3 Sec. 6. This act shall take effect and be in force from and after its
4 publication in the statute book.

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