

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:30 a.m. on January 27, 2011, in Room 152-S of the Capitol.

All members were present except:

Senator Bob Marshall-excused
Senator Anthony Hensley-excused
Senator Les Donovan-excused

Committee staff present:

Scott Wells, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Chris Courtwright, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Toni Beck, Committee Assistant

Conferees appearing before the Committee:

Paul Finney, President, Finney Outdoor Advertising, Humboldt
Larry Tucker, City Administrator, Humboldt
Dick Kelly, President, Merle Kelly Ford, Humboldt

Others attending:

See attached list.

SB 151 - Highway advertising; permitting spot zoning

Chairman Umbarger opened the hearing on **SB151**.

Mike Floberg, Chief of Transportation Safety and Technology, made a presentation on Tourism Signage. In acknowledgment to Senator Petersen's question, Mike confirmed signage ad space was on a 'first come first serve' basis. Chairman Umbarger confirmed General Service signs are only for gas, food and lodging notification.

Supplemental sign information is on page 9, of the Tourism Signage Application Kit. Billboard contact information is on page 15. Signage details are on page 15, in the kit on file with KDOT. For additional comprehensive information: (785) 296-3501.

Senator Kultala asked for details on the fee structure of \$2300 for KDOT. This is due to the right of way annual fee per direction. A \$250 fee applies to billboard signage per application. Senator Huntington asked if educational signs are under supplemental category, which they are per Mike Floberg. Senator Reitz commented on the massive sign usage along the highway in the Junction City area. Mike responded that the signs are on commercial property.

Testimony was given by Paul Finney, (Attachment 1) Larry Tucker (Attachment 2) and Dick Kelly (Attachment 3) addressing their concerns about future restrictions in legislation. Oswald Dwyer, Attorney, KDOT commented on the 23 million dollars in lost revenue potential if the 2010 bill passes.

Chairman Umbarger stated that there would be further information in a future meeting.

Chairman Umbarger closed the hearing on **SB151**.

The meeting was adjourned at 9:35 a.m. The next meeting is scheduled for February 1, 2011.

SENATE TRANSPORTATION COMMITTEE

GUEST LIST

DATE: 1-27-2011

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Testimony of Paul Finney

Senate Transportation Committee

January 27, 2010

Mr. Chairman, members of the committee, thank you for the opportunity to speak today.

I am Paul Finney of Humboldt, where I have been involved in the historic preservation and attempted rejuvenation of our downtown.

I am here as a supporter of outdoor advertising on highways near by-passed small towns.

Let me set the stage for this discussion.

In the hay days of our small towns such as Humboldt, when highway 169 went through the center of town, we had a vibrant business district that included 13 gas stations and 17 churches. All passenger and freight traffic came through town on the highway or the Sante Fe Railroad. One could buy most his needs downtown. People passing through patronized our stores and restaurants, bought gas and tires at our service stations, kept our motel, and hotels busy.

Today our downtown is economically devastated. In the early 80s, KDOT re-routed US 169 around Humboldt and the damage was instant. This scenario has played out in small towns across the state, as many of you so painfully know. People today never see these little towns, just a sign at the exits, a story that the movie "Cars" told so well. In the travelers' mind, these towns might as well be ghost towns, and indeed many are headed in that direction.

But it is worse than just being by-passed. Lady Bird's anti-billboard law of the 1960s compounded the damage. In the name of scenic beauty, Congress passed the law championing her cause without anyone's mentioning that she was restricting a major advertising medium that competed with her TV stations. The newspapers that ran puff pieces lionizing Lady Bird for protecting the natural beauty did not point out that it would as well outlaw part of their own advertising competition.

This billboard control law has a very different effect around small towns than on the approaches to cities. There is ample commercial activity lining the freeways leading into our cities so that there are no issues of "spot" zoning. Drivers can

see the stores and billboards that dot the landscape advertising all manner of businesses. But the approaches to small towns are in agricultural areas where there is little commercial activity. Therefore one gets into issues of spot zoning.

Senate Bill 253 passed in 2006 codified restrictions about spot zoning while simultaneously grandfathering multitudes of billboards erected in cow pastures with no business in sight or even within miles.

Neighboring states such as Missouri and Illinois have many billboards in agricultural areas advertising businesses in small towns. Kansas has done too good a job of restricting rural billboards, to the detriment of our small town businesses.

Our small towns have produced our most famous Kansans including Alf Landon, Dwight Eisenhower, Bob Dole, Walter Johnson (who was from Humboldt), William Inge, and Amelia Earhart, Walter Chrysler, and Martin Johnson (who was from Chanute). Most of our presidents have come from small towns.

I believe there is a reason that small towns have produced the overwhelming majority of our presidents. The social fabric of small towns is woven tighter and is more durable than in cities and suburbs. In small towns you know almost everyone and if you don't they know you.

Small towns do not have the social and economic stratification of cities and suburbs. The rich kid plays with the poor kid and the minority kid and they all soon learn there is really no difference. This, I believe, develops the "common touch" in our leaders who emerge from small towns. And that is why so many have ended up being President.

But, without flourishing stores and services, our small towns become much less attractive places to live. Unless we correct this problem, these towns will go into further decline. And the greatest incubator of our political leaders will cease to function.

With the by-passing of our small towns in Kansas, the downtown commercial areas collapsed. In 1998-99 I invested a lot of money restoring the Bailey Hotel in Humboldt, only to see it fail. I began this effort to get billboards back then and am this is a continuation of that effort. Outdoor advertising on the highways would help more than anything to bring our small town business districts back to life.

Historic preservation is one avenue to save the buildings in our small towns. But without flourishing commerce, there will be no use for these buildings.

Government having helped create the demise of small town business districts by

by passing the towns and regulating signage nearly out of existence, now offers some grants to restore the buildings it helped empty. This is a classic case of how government legislates to correct a problem it created with previous legislation. And we wonder why our taxes go up.

It would be simpler to allow small town businesses to advertise on the highways that now by pass them. A bill that would grandfather all commercial zoning in existence before the passage of SB 253 in 2006 will help a great deal. It will produce one bill board project that will benefit the businesses of Iola, Humboldt, and Chanute.

Such legislation will provide a pilot test that could be studied for it's beneficial effects in raising the level of retail activity in the small towns mentioned. We urgently ask for your help with legislative relief. Thank you.



CITY OF HUMBOLDT
OFFICE OF CITY ADMINISTRATION

725 Bridge, PO Box 228 · Humboldt, KS 66748-0228 · Ph: (620)473-3232 · Fax (620)473-2133 · www.humboldtks.org

January 27, 2011

To: Senate Transportation Committee

From: Larry Tucker

Re: Outdoor Advertising

Dear members of the Senate Transportation Committee. I come to you today urging support of efforts to promote outdoor advertising in rural Kansas. As City Administrator for Humboldt Kansas, population of just under 2,000, our town sits approximately one mile off of the major transportation route through southeast Kansas, Highway 169. Built over 20 years ago, this major highway now directs traffic around Humboldt that once crossed through its downtown corridor.

Humboldt is not the County seat. Located in Allen County, it does have a historic presence in southeast Kansas, has an outstanding public education system and provides over 1,000 jobs to those living in and around the area. However, one of its major challenges is how to promote these attributes to travelers and tourists that speed past by its City boundaries every day.

Changes in current Kansas law are needed to encourage landowners to allow outdoor advertising along roadways that would bring more visitors to rural communities. There are many chances for travelers to explore across Kansas. With oversight, changes in the signage legislation would assist small towns such as Humboldt to promote local attractions, events and opportunities.

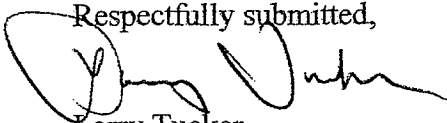
Some of those events and activities in Humboldt include its annual Biblesta celebration, a parade and all day activity promoting its religious heritage and community fabric. Others include its civil war designation as a Freedom Frontier community and its baseball history, home of major league hall of famer Walter Johnson and African-American hall of famer George Sweatt.

Also included in its' borders as with many other towns across Kansas is the retail trade and other economic opportunities that contribute to its local the tax base.

As a City official and citizen, I encourage you to work and reduce these restrictions to help rural Kansas communities stem the tide of declining population. Reducing restrictions on outdoor signage will help communities such as Humboldt to promote its history, character and economic presence and quality of life it offers that many rural Kansas towns are known.

Thank you for this opportunity to promote this important issue.

Respectfully submitted,


Larry Tucker
City Administrator

Senate
Transp.
Att: 1-27-11
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- In 1973, our dealership relocated from downtown Chanute, Kansas to a brand new facility on 169 highway just South of Chanute.
- We saw an immediate increase in vehicle sales and service from just the change in location.
- In 1981, we invested in another service facility, a 12 bay heavy truck facility, to service and repair the never-ending stream of heavy trucks that passed our dealership.
- Approximately two years later, the state re-routed 169 highway around Chanute. Rather than building the highway on ground level, where people could see that there was still the town of Chanute off to the East, they dug a 30 foot deep entrenchment and routed the highway through it.
- Immediately we saw a reduction in traffic, especially the heavy truck business. If not for our repeat business and reputation, we would not have made it through this, as many other business have not.
- Our employment dropped 30%. Our new and used vehicle sales dropped from selling roughly 100 vehicle per month to approximately 30 to 45 per month.
- Chanute's population has dropped roughly 20%.
- Small towns in Kansas that have been bypassed need help. The State needs our small towns.
- A new state signage law with regulation on appearance and upkeep could be a savior for our small towns.

Dick Kelly
 President
 Merle Kelly Ford, Inc.
 Chanute, Ks.