

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:30 a.m. on February 17, 2011, in Room 152-S of the Capitol.

All members were present except:

Senator Les Donovan-excused
Senator Vicki Schmidt-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:

Jan Huston, Chairman, Kansas Highway Advisory Commission
Jerry Younger, Deputy Secretary of Engineering and State Transportation Engineer, KDOT
Larry Baer, Assistant General Counsel, League of Kansas Municipalities

Others attending:

See attached list.

SB 115 - Abolishing the highway advisory commission

Chairperson Umbarger opened the hearing on **SB115**.

Daniel Yoza, Revisor, presented the repealing of K.S.A. 75-2002 and 75-5003; relating to the highway advisory commission. Jan Huston proposed the commission to be outdated for people of interest serving but no longer needed. (Attachment 1) Senator Kultala asked if they were eliminating the commission to promote another one. Jan agreed yes, but the new commission will not be mandated. Jerry Younger, testified economic programs are funded by the Advisory Commission of twelve members. Moving to the newer program of economic development with KDOT and private partnership would be beneficial for the state.

Chairperson Umbarger closed the hearing on **SB115**.

SB115 was recommended favorably for passage to place on the consent calendar.

SB 151 - Highway advertising; permitting spot zoning

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

Larry Baer testified seeking 'spot zoning' to permit outdoor advertising structures, bill boards, in areas where such signs are not presently permitted. (Attachment 2)

Jerry Younger testified in opposition to **SB151**. The bill would grandfather those locations where spot zoning occurred prior to June 20, 2006. \$26 million dollars could be lost for non-compliance with the federal government if the bill is passed. (Attachment 3) An increase in bill boards would be non-compliance to the 1972 Beautification Act. Senator Petersen inquired if this could possibly be a Blessed bill to work later in the session. Chairman is considering a Blessed bill in order to not jeopardize federal funding.

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

SB 183 - Concerning motor vehicles; relating to safety belts

SB183 was tabled in committee by Senator Huntington due to lack of testimony.

SB 119 - Rail service improvement program loans and grants

CONTINUATION SHEET

The minutes of the Senate Transportation Committee at 8:30 a.m. on February 17, 2011, in Room 152-S of the Capitol.

Chairperson Umbarger opened the hearing on **SB119** for possible action.

Daniel Yoza, Revisor, cited co-lateralization of loans and grants with sub section D additions. After continued comments from the previous meeting, Senator Kultala inquired about qualified entities and their concerns. Watco has approved as a concerned constituent. KGFA and KCC support the passage of **SB119**.

Chairperson Umbarger closed the hearing on **SB119** for action.

Senator Petersen moved to amend the bill and made a motion to adopt the recommended amended bill favorably for passage. Senator Reitz seconded the motion. The motion carried.

SB 120 - Vessel titling act

Chairperson Umbarger opened the possible action hearing on **SB120**.

Daniel Yoza, Revisor, outlined concerns in regards to three amendments of a vessel, not a vehicle; junk title fees, and definition of the vessel. The fee for title applications would be \$20. The bill would allow for 'electronic certificates of title' for vessels when there is a lien involved. Each county treasurer will collect the title applications and fees and will keep \$2 from each title fee for administration expenses.

Chairperson Umbarger closed the hearing on **SB120**.

Senator Petersen moved to amend the bill and made a motion to adopt the recommended amended bill favorably for passage. Senator Reitz seconded the motion. The motion carried.

The next meeting is scheduled for February 18, 2011.

The meeting was adjourned at 9:30 a.m.

GUEST LIST

DATE: 2-17-2011

THURSDAY

[illegible]

**Testimony Before
Senate Transportation Committee**

**Regarding Senate Bill 115
Abolishing the Highway Advisory Committee**

February 17, 2011

Mr. Chairman and Committee Members

Good morning, Mister Chairman, members of the committee. I am Jan Huston, chairman of the Kansas Department of Transportation (KDOT) Highway Advisory Commission, here to testify in support of SB 115. You will find attached our letter to Secretary Deb Miller dated September 9, 2010.

As Deputy Secretary Younger said in his testimony, with the enactment of the new T-WORKS transportation program last year, the Highway Advisory Commission has become outdated and no longer serves the purpose for which it was mandated. The commission is made up of apolitical people with no connection to transportation issues. I am a retired teacher. Others are bankers, ranchers, computer technicians, accountants. Our expertise offers nothing to KDOT. Stakeholders such as county commissioners, city planners, rail, aviation, and transit personnel, members of the trucking and construction industry could more effectively serve in advisory capacities in these fast moving times.

We request that you consider legislation in Senate Bill 115 to eliminate this commission. We have greatly appreciated serving on the commission, and will forever be indebted to KDOT for the vast amount of education on highway construction and needs throughout the state. Our travels for transportation issues have been eye-opening and informative, but we believe the need for this commission no longer exists.

Thank you for the opportunity to testify today. I will be happy to entertain questions.

Senate
Transp.
Att 2-17-11
1

Kansas Highway Advisory Commission

RECEIVED
SECRETARY OF
TRANSPORTATION
2010 SEP -9 PM 1:43

August 23, 2010

Dear Secretary Miller:

After careful consideration and group discussion, we the appointed members of the Kansas Department of Transportation (KDOT) Highway Advisory Commission recommend that the Kansas Legislature remove the current mandate that requires the existence of the Commission on which we serve.

The KDOT Highway Advisory Commission was created in 1975 for the purpose of serving as a liaison between the KDOT and the citizens of Kansas in matters regarding highway transportation. While the stated mission of this group may have been appropriate to the transportation requirements of that time, times have changed and we believe the Commission should as well.

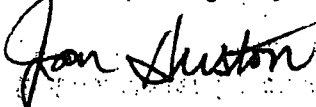
Over the last two years, our panel members have given much thought as to what is required today. We've concluded that a legislatively approved commission with a more comprehensive, multi-modal focus could more appropriately address the current transportation challenges and opportunities in our state. We believe that such a board could be selected with the purpose of creating a group of Kansans with more holistic knowledge of the state's transportation system than what was required of Highway Advisory Commission members in 1975. We further believe that people serving on such a commission should have direct knowledge of various transportation modes. If this were the case, they could bring their collective knowledge of transportation issues together to aid the KDOT family in recommendations for future transportation projects to make the most effective use of funds in today's environment of razor thin budgets. This new board would replace our current Highway Advisory Commission.

We all eagerly accepted appointments to the Highway Advisory Commission because we love Kansas and want to give our time and talent to help this great state and its people. Now, we believe it is time for us to hand the baton to a group of individuals who are more equipped to help meet today's Kansas transportation needs. We are hopeful that you will give thoughtful consideration to our request.

Thank you for giving us the opportunity to serve our fellow Kansans and the Kansas Department of Transportation.

Yours in Service,

The Kansas Highway Advisory Commission



Jan Huston
Chairperson

Senate
Transp.
Att: 2-17-11
1-2

Date: February 17, 2011
To: Senate Transportation Committee
From: Larry R. Baer
Assistant General Counsel
Re: SB 151
Testimony in Support

Thank you for allowing me to appear before you today and to comment and present testimony on SB 151 on behalf of the League of Kansas Municipalities and its member cities.

SB 151 seeks to allow what has been referred to as "spot zoning" to permit outdoor advertising structures, bill boards, in areas where such signs are not presently permitted. Changes made in state law in 2006 rewrote the definition of "zoned commercial or industrial areas" to require that they be part of a comprehensively zoned area and could not be part of an area zoned commercial or industrial principally for the placement or construction of outdoor signs.

The League was part of the group that worked to reach the changes made in 2006 and did support the 2006 legislation. However, we believe that some of the changes made in 2006, i.e., no spot zoning, when coupled with other factors – such as the relocation of highways to bypass cities – have lead to unintended consequences. The City of Humboldt is a good example of this. U.S. 169 was rerouted around the east side of the city. It previously ran through the middle of town with signage along it which, in all likelihood, would have been permitted under the law both prior to 2006 and after 2006. With the rerouting, the highway is now located more than one mile east of the city limits. The new highway does have a significant interchange north of the city. The problem is that this area is not, and was not, zoned commercial or industrial. There is a question as to whether or not the Allen County comprehensive plan could be amended to allow appropriate zoning.

Thus, through the unintended consequences caused by the intersection of two unrelated events, the city and its businesses lost the ability to place billboards at key locations to direct highway traffic to its attractions and merchants. The League of Kansas Municipalities supports legislation that would allow cities, such as Humboldt, Iola, and Chanute, to work with KDOT to remedy sign problems that are the result of unintended consequences such as the one described above.

Thank you for allowing me to testify. I will stand for questions at the appropriate time.

Senate
Transp.
Att: 2-17-11
2



**TESTIMONY BEFORE
SENATE TRANSPORTATION COMMITTEE**

**REGARDING SENATE BILL 115
ABOLISHING THE HIGHWAY ADVISORY COMMISSION**

February 17, 2011

Mr. Chairman and Committee Members:

Good morning Mister Chairman, members of the committee. I am Jerry Younger, Deputy Secretary for Engineering and State Transportation Engineer for the Kansas Department of Transportation (KDOT), here today to testify in support of SB 115.

In 1975, the Kansas Legislature established the Kansas Department of Transportation and transferred to it all of the powers, duties, obligations, and functions of the preceding State Highway Commission. The State Highway Advisory Commission was also established at that time. The Commission's twelve members, two from each of KDOT's six geographical districts, are appointed by the Governor. The Commission is responsible to disapprove, by a two-thirds vote, the location of a highway or its construction.

Like many advisory commissions the role and focus of the commission has changed a lot over the years and the members now find that their role is outdated and the need to have such a committee is unnecessary. KDOT appreciates the commission members who have served over the last 35 years and the commitment they have shown in ensuring that the public's concerns are recognized and acted on by the department.

As KDOT has taken on a multi-modal focus, developed multiple methods for communicating with the public and relied on various working groups and task forces around specific topics to gain input, the current commission has questioned the value of their role. Department programs include rail, transit, and aviation in addition to highways. We have worked very closely with industry and public partners to ensure that our programs are meeting their needs. For example, the T-LINK Task Force was created to develop recommendations for the T-WORKS transportation program, which includes highway preservation, modernization and expansion, along with transit, aviation, and rail. It was through these discussions and our local consultation process that the department has continued to get input on public priorities. The task force and workgroup processes have worked very well, and the department will continue to use these tools in the future.

The Commission has requested that KDOT bring this legislation on their behalf. It is with respect to the members that have served and are currently serving on this Commission that we honor the Commission's request and ask that you support SB 115.

Thank you for the opportunity to testify today. I will gladly stand for questions at the appropriate time.

Senate
Transp.
Att: 2-17-11
3



**TESTIMONY BEFORE
SENATE TRANSPORTATION COMMITTEE**

**REGARDING SENATE BILL 151
RELATED TO HIGHWAY ADVERTISING CONTROL ACT**

February 17, 2011

Mr. Chairman and Committee Members:

Good afternoon Mister Chairman, members of the committee. I am Jerry Younger, Deputy Secretary for Engineering and State Transportation Engineer for the Kansas Department of Transportation (KDOT), here today to testify in opposition to SB 151, which proposes amendments to the Highway Advertising Control Act.

Under current law, "spot zoning" for outdoor advertising structures is prohibited. The prohibition against "spot zoning" was incorporated in state statute in 2006 to bring the state into compliance with federal law that is spelled out in the Federal Highway Beautification Act. Spot zoning refers to a local zoning action that is not part of comprehensive zoning or is created primarily to permit the erection of outdoor advertising structures.

SB 151 would amend the act to allow outdoor advertising structures erected prior to June 30, 2006, by local zoning authorities to be grandfathered or otherwise considered legal conforming signs. Furthermore, the bill would grandfather those locations where spot zoning occurred prior to June 20, 2006, even if a sign structure doesn't currently exist. This would allow new advertising structures to be erected in those locations, effectively increasing the number of billboards in areas which were not a part of comprehensive zoning. Either of these actions would be considered non-compliance of the federal law noted previously.

In compliance with federal law, commercial advertising is allowed in all zoned or un-zoned commercial or industrial areas in Kansas. Let me illustrate how this works within a couple of locations familiar to the Committee. First example: Neosho County does not have county-wide zoning but the City of Chanute does have zoning that applies to a three-mile sphere of influence beyond their city limits. So, there are currently three areas along US-169 that are zoned Industrial and three areas that are zoned commercial that could be available for outdoor advertising. Contrast that with the second example: the City of Humboldt is zoned within its city limits, as is all of Allen County. The Humboldt city limits do not extend to the US-169 highway. There are conditional use zoning areas along US-169 but they are limited to quarry activity, and the remaining land along sections of US-169 around Humboldt is zoned agriculture. Since Allen County is a zoned county, the City of Humboldt could work with Allen County

Senate
Transp.

Att: 2-17-11
3-2

zoning officials to identify locations along US-169, to be included in their zoning plan, without violating the law against spot zoning.

In addition to commercial advertising, there are many alternatives for businesses and communities to advertise on routes controlled by the act. The statutes also allow for "Directional" or "Official" type signs. For example, the City of Humboldt has licenses for four "Official" sign structures along US-169 in Allen County (see attached examples on page 3). These licenses allow the city to advertise their city and events as long as they do not place commercial advertising on these structures. Both of these types of structures are exempt from zoning regulations. Directional signs allow public or privately-owned scenic attractions or historical attraction sites that are deemed to be of interest to the traveling public to be advertised.

In addition, there are also the TODS (Tourist Oriented Directional) and LOGO (Business Activity) signs that provide additional opportunities of advertising along certain KS highways. This program is a partnership between KDOT and the KS Department of Commerce and is administrated by Kansas Logos Inc.

There are opportunities for communities and businesses to advertise along highways in Kansas and KDOT is willing to assistant communities and businesses to identify suitable locations that comply with our state statutes.

If the proposed legislation were to be enacted, it would amend the Highway Advertising Control Act in a way that would contradict federal law. Thus, KDOT would be at risk of a 10 percent reduction of federal funding for several highway programs, possibly resulting in a loss of \$26 million per year.

A reduction in federal highway funding to Kansas in these tough economic times would be devastating. A reduction of this magnitude could potentially mean less funding for congestion mitigation, interstate maintenance, the Recreational Trails Program and the National Highway System Program. These consequences could severely impact the Kansas transportation systems as they exist today.

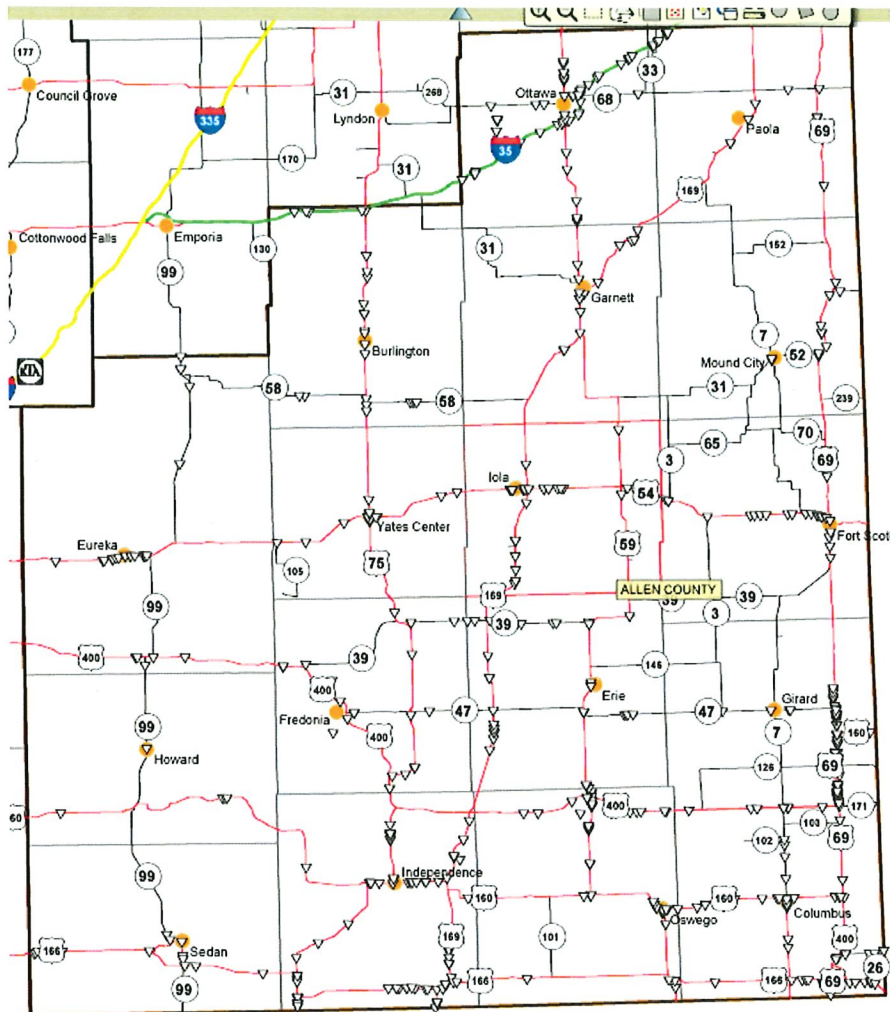
Thank you for the opportunity to provide testimony on SB 151. I will gladly stand for questions at the appropriate time.

Signs owned by the City of Humboldt along US-169 near mile marker 57 & 58.



Sign locations in Southeast Kansas.

Senate
Transp.
Att: 2-17-11
3-4



Sign locations in Allen County.

Senate
Transp.
Att: 2-17-11
3-5

