

ROADS AND HIGHWAYS COMMITTEE MEETING -- MARCH 9, 1971

The Roads and Highways Committee met in room 535 at 2:45 P. M. on March 9, 1971. Chairman Dierdorff called the meeting to order and all members were present.

Conferees were: Representative Mills on House Bill 1136; Representative Bush on House Bill 1236; John Morse, State Highway Department Attorney on House Bill 1600; Jim Waugh, Kansas Outdoor Advertising, Harry H. Roberts, President of Roberts Enterprises, Inc., Baxter Springs, Owen Shofner, General Manager of National Sign Company, Inc., all appearing on House Bill 1600; Fred Allen, Kansas League of Municipalities on House Bill 1601; J. B. Barbee, Wichita, Wilcox Trailer, United Transportation Union, C. E. Collier, Continental Trailways, both appearing on House Bill 1560.

Other guests present were: Paul E. Williams, Baxter Springs; Harry K. Whittaker, Salina, Whittaker Advertising Co, Inc.; Edward C. Pels, Topeka, Martin Outdoor of Kansas, Inc.; Thomas Knapp, Wichita, Knapp Outdoor Advertising; Ray Lindbergh, Kansas Motor Carriers Association; Harry Wiles, Highway Commission.

HOUSE BILL 1136 - AN ACT relating to express highways and freeways; amending KSA 1970 Supp. 68-2301, and repealing the existing section.

Mr. Mills said that two years ago the legislature passed what he considers an awful bill, which he refers to as the freeway bill. He said it requires those of us who feel we have a need to come to the legislature instead of the Highway Commission. He said the only reason he would place this corridor under the

freeway act is if the legislature sees fit to pass a bonding program. If these bond proposals are not acted into law, they do not want this. He urged the committee to give the bill favorable consideration so it could be placed on the calendar until action is taken on the bond bills.

HOUSE BILL 1236 - An act relating to express highways and freeways; amending KSA 1970 Supp. 68-2301 and repealing the existing section.

Mr. Bush explained this bill. See attached statement.

HOUSE BILL 1600 - AN Act concerning control of outdoor advertising adjacent to interstate and primary highways; amending KSA 1970 Supp. 68-2217, 68-2218, 68-2219, 68-2221 and 68-2228 and repealing the existing sections.

John Morse explained the bill. He said the Kansas Highway Advertising Control Act of 1968 met with objections from the Department of Transportation in a number of respects; and the State Highway Commission has been unable to obtain approval from or reach agreement with the Secretary of Transportation with regard to the matters specified by the federal law.

There now appears to be a danger of reduction of federal aid apportioned to Kansas, unless our state statute is amended in this session.

The Federal-aid Highway Act of 1970, effective December 31, 1970, authorized limited funding for the present program and provides for the establishment of a Highway Beautification Commission to study federal and state laws, regulations and

practices and report to Congress and the President within a year from the date of funding of the Beautification commission.

Governor Docking received a letter from John A. Volpe, Secretary of Transportation, dated February 4, 1971, which strongly urges immediate amendment of the state's act to enable it to conform to federal requirements, and announces the lifting of the moratorium on penalties for noncompliance.

The State Highway Commission concluded that this apparent threat of reduction of Kansas Federal highway apportionment should be brought immediately to the attention of this committee and they made these amendments to satisfy the Secretary of Transportation.

Jim Waugh, legal counsel for the Outdoor Advertising Association, said that a Commission is going to review the entire federal and state program. That report will not be out for another year. He urged the committee not to pass new legislation at this time.

Harry H. Roberts appeared in opposition to the bill. His statement is attached.

Owen Shofner's letter is in opposition to the bill and a copy is attached.

Two telegrams in opposition to the bill are attached.

HOUSE BILL 1601 - AN ACT providing for county tax levies for special road and bridge fund; amending KSA 68-559a and repealing the existing section.

Fred Allen explained the bill.

Mr. Dierdorff asked if this would be outside of the tax law?

Mr. Davis said that he thought it was.

Mr. Allison said he thought it was within the 105% because it is a continuation of what we are operating under now.

Mr. Hayes said he would agree if it was already started by the time the tax lid came along that it would be under the tax lid.

Mr. Ratner said that he does not think if we passed this act it would give them an excuse to levy more.

HOUSE BILL 1560 - AN ACT concerning the suspension of drivers' licenses; amending KSA 1970 Supp. 8-255 and repealing the existing section.

J. B. Barbee, legislative agent for United Transportation appeared in favor of the bill. He distributed a copy of the Colorado law regarding suspension of drivers' licenses for the committee to read. He would like to see this in House Bill 1560. He feels there should be some way for these operators who drive many miles in many states to be able to have more violations before being suspended.

Mr. Wilson asked how many drivers lost their licenses because of these violations in the last year.

Mr. Barbee said he did not know of any because the Motor Vehicle Department has worked with them by sending them to special driver education courses so they could retain employment.

Mr. Collier of the Continental Trailways said they have no

specifics the way it is now, but in the last ten years they have just had one man suspended. He said their drivers are in more trouble with the company because of violations than with the state.

Mr. Dierdorff reviewed the schedule for Wednesday, March 10 and asked Mr. Morse of the Highway Department to come back on House Bill 1602.

The meeting was adjourned.

Fran Stafford, Recording Secretary

APPROVED:


ARDEN DIERDORFF, CHAIRMAN

March 10, 1971

See map exhibit

February 15, 1971

Subject: H.B. 1236 - State 61 - Hutchinson to Pratt

This bill simply provides for the inclusion of that segment of State Highway 61 from Hutchinson to Pratt in the Kansas Express Highways and Freeways System. This segment of Highway 61 covers a distance of 55 miles and is a very important cross-over of traffic moving through Salina and destined to southwest Kansas, southwestern states, as well as the South Pacific coast. This traffic moves south at Salina on I 35 to McPherson, thence State Highway 61 to Pratt, thence Highway 54 to the southwest.

State 61 from McPherson to Hutchinson is in the state system. Hutchinson to Pratt is not. A study of the State Highway system traffic flow map shows that traffic on the Hutchinson to Pratt segment is quite heavy. In fact, it is heavier than some of the state Highways in adjacent areas. This fact provides the necessity of including this segment of State 61 in the State Express Highways and Freeways program, because of its importance as a feeder line into Highway 54 at Pratt. Actually it should expedite the conclusions of the requirements of KSA 1970, Sept. 68-2301.

Wilfred Bush, Representative
District 121

WB: jm

Mr. Chairman, Mr. Vice-Chairman, Members of the Committee on
Roads and Highways:

I am Harry H. Roberts, president of Roberts Enterprises, Inc.
a Kansas corporation located in Baxter Springs, Kansas. Our
company is devoted exclusively to the manufacture, leasing and
maintenance of highway advertising signs. We have twenty-one
full-time employees with an annual payroll in excess of \$100,000.00.
There are many such sign companies in the state of Kansas, some
smaller, some larger.

To be brief, House Bill No. 1600 is murder; murder to the sign
companies of Kansas, to the farmers and landowners from whom we
lease sites for our signs, and to our advertisers, who are
partially or totally dependent upon highway advertising for
their continued existence. I refer to the motels, hotels,
restaurants and others who must depend upon road signs for much
or all of their patronage.

The Kansas outdoor advertising act now in the statute book is
a reasonably good act. That is, it is one the landowners, the
sign companies, and their customers can live with. Frankly, I
do not understand this present effort to amend it into a totally
destructive act. But, if I may make a guess, I suspect that the
amendments were largely dictated by a bureau of the Department of
Transportation in Washington through our own State Highway Depart-
ment.

The above guess is not an idle one. My company operates in seven
states and, since 1965 when the original Federal Highway Beautif-



National Sign Company, Inc.

P. O. BOX 25

Ottawa, Kansas

CHerry 2-4111

March 9, 1971

Honorable Arden Deardorf, Chairman
Committee on Roads and Highways
Kansas House of Representatives
State House
Topeka, Kansas

Dear Sir:

National Sign Company, Inc. of Ottawa, Kansas submits this statement in opposition to House Bill #1600, pending in your Committee and set for consideration at a hearing at 2:45 PM today.

You will recall that this company as a participant in the Kansas Sign Association, Inc. has appeared before your Committee in general opposition to adoption of legislation concerning control of outdoor advertising adjacent to interstate and primary highways. Through our efforts - as well as others - the Legislature has seen fit to refuse to "rubber stamp" the federal recommendations concerning legislation in this area and has instead asserted the rights of citizens of the State of Kansas to determine the extent of regulation needed within this state. In general, the statutes that have been enacted concerning control of outdoor advertising adjacent to highways has met all current requirements of the federal law. We understand - and are in fact in sympathy with - the legislative position to the effect that Kansas cannot afford to be penalized in allocation of federal highway funds by reason of non-compliance with the Federal Beautification statutes.

In this regard, it is our position that no further legislation appears to be required at this time in order to protect Kansas allocation of federal highway funds. The federal congress has never seen fit to provide the funds necessary to implement the vast program of sign regulation envisioned in the Federal Beautification Act of 1965 as amended, and we see no need to apply any further squeeze to the outdoor advertising industry in Kansas than is absolutely necessary by the federal act.

The thrust of the previous legislation, which appears as K.S.A. 1970 Supp. 68-2217, is to the effect that Kansas will do its part in the program when the federal government makes funds available to fully implement the program. As we read the provisions of House Bill 1600, it seems that the legislation represents a step on the part of Kansas toward implementation of the Federal Beautification Act without a corresponding step on the part of the

federal government toward funding the project. The proposed amendments include in Sec. 1 (j) a substantial change in the unzoned commercial or industrial area to closely comply with the recommendations of the federal government. It is our position that the restrictive language as recommended by the federal government and proposed in the amendment is not logically applicable to the rural areas of Kansas and would in fact be a substantial burden to the advertising industry in and near our lesser populated communities. We think the proposed definition is unrelated to highway beautification or safety or welfare in the State of Kansas.

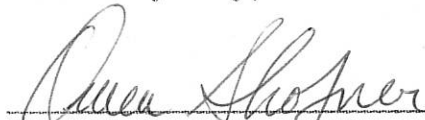
We submit that the suggested changes in the spacing provisions in Sec. 3 (c) are similarly uninspired and unapplicable in the State of Kansas.

The most serious amendment proposed in House Bill 1600 insofar as National Sign Company is concerned relates to the permit fees in Sec. 4 (b) and (c) and in Sec. 5. National Sign Company of Ottawa had in excess of 3,000 small sign structures along primary and secondary highways in the State of Kansas on the effective date of K. S. A. 68-2217. As we read House Bill 1600, it is proposed to apply a \$5.00 per sign permit fee to each of those signs. It is possible that the large billboard operators throughout the State can absorb a \$5.00 per sign permit fee; however, we want the Committee to be aware that companies engaged in erecting and maintaining smaller advertising structures cannot absorb such costs. The \$5.00 permit fee if applied to the National Sign Company would effectively put us out of business in the State of Kansas. Our most common advertising structure is a blackboard sign placed usually in a farmer's front yard adjacent to the highway, which bears the farmer's name, small advertising copy and blackboard space for use by the farmer in advertising any products he may have for sale. Our charges for the advertising space on such signs are as low as \$6.00 per sign per year, and it can be readily seen that we could not absorb a \$5.00 permit fee in addition to the administrative work and the plating required within that pricing schedule.

Again, it is our position that if we are to be put out of business by federal legislation which provides for compensation for the taking of property, then the Kansas Legislature should go no further than is absolutely necessary to comply with the federal legislation and that we should resist forcing the highway advertising industry out of business until such time as the federal government sees fit to properly fund the implementation of the highway beautification program.

We hope that your Committee will not recommend House Bill 1600 for passage.

Yours very truly,



Owen Shofner, General Manager
National Sign Company, Inc.



Telegram

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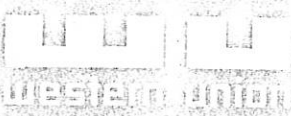
HON ARDEN DIERDORFF, CHAIRMAN

HOUSE OF REP STATE CAPITOL TOPEKA KANS

WE URGE THAT YOU OPPOSE AMENDMENT HB 1600 THIS WILL CREATE
A HARDSHIP ON US ROADSIGNS ARE 40 PERCENT OF OUR BUSINESS IT
WILL HURT OUR TOURIST BUSINESS AND ALL SMALL TOWNS WE COLLECT
AND PAY ALL SALES TAX ON ALL RENTAL ROAD SIGNS MONTHLY AMENDMENT
WILL RUIN US

MORRIS E CANNON CANNON SIGN CO

HB 1600 40.



935P CST MAR 8 71 KA227

K WZA436 AC NL PDB DODGE CITY KANS 8

HON ARDEN DIE DORFF, CHAIRMAN

HOUSE OF REP STATE CAPITAL TOPEKA KANS

I ASK THAT YOU VOTE AGAINST HB1600 WE DEPEND ON ROAD SIGNS
TO A GREAT EXTENT IN OUR MOTEL BUSINESS THIS AMENDMENT WOULD
CRIPPLE OUR ADVERTISING PROGRAM THUS HURTING OUR TOURIST BUSINESS

JOHN E KOEPKE SILVER SPUR MOTEL.