

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 a.m. on February 4, 2004 in Room 527-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Legislative Research Department
Bruce Kinzie, Revisors of Statutes
Marian F. Holeman, Committee Secretary

Conferees appearing before the committee:

John Peterson, Enterprise Leasing
Senator Schmidt, Dist. #15
Chris Bauman, SE KS Tourism
Paul Bahnmaier, Lecompton Historical Society
David Church, KDOT
John & Judith Snavely
John Parisi, KS Trial Lawyers Assn.

Others attending:

See Attached List.

Introduction of bills

Mr. Peterson, representing Enterprise Leasing, requested introduction of a bill providing more definition to our current definitions of salvage and non-repairable vehicles. Senator Schodorf moved to introduce the bill. Senator Jackson seconded the motion. Motion carried.

SB 289: Governors of Kansas hometown heritage act

Senator Schmidt provided historical background and current conditions which to requesting this bill. The bill as written applies to statehood governors. There is interest in expanding it to include territorial governors. The town that appeared on the ballot with the candidate's name will be considered as the "hometown" (Attachment 1). Chris Bauman, Executive Vice-President, Neodesha Chamber of Commerce, spoke in support of the bill. He also stressed the importance of providing tools to promote the historical heritage of our State (Attachment 2). Two scheduled proponents of the bill; Lorraine Everett of the Parson Chamber of Commerce and Gwen Wilburn, Independence Chamber of Commerce were unable to get here today.

Paul Bahnmaier, Lecompton Historical Society, introduced Tim Ruiz, Director of Constitution Hall, Iona Spencer, genealogist, and Charlene Winter, Head Docent for Lecompton Historical Society. All wore period costume. He enthusiastically endorsed this bill. He presented historical background on the Territorial era and the Territorial Governors. He urged expanding the bill to include territorial governors (Attachment 3). Representative Sloan provided written testimony in support of **SB 289**. He also supports including the territorial governors (Attachment 4).

Dave Church, Chief, Bureau of Traffic Engineering, Kansas Department of Transportation (KDOT), presented information regarding federal and state requirements involved in the implementation of this bill (Attachment 5). Because of these requirements, he suggested consideration be given to a "stand alone sign" rather than the "combined sign." These would be considered commemorative guide signs. Members had several questions. Mr. Church talked about the difference in cost between wood and steel post construction, with the wood being considerably cheaper. The bill contains no specific language regarding maintenance. Chairman Donovan directed proponents of the bill to meet with appropriate KDOT staff to determine a basic uniform sign design, answer the maintenance question, and resolve any other potential problems with this bill. Final action will not be taken until this information is presented to the Committee. Senator Salmans moved to add territorial governors to the bill. Senator Schodorf seconded the motion. Motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE at 8:30 a.m. on February 4, 2004 in Room 527-S of the Capitol.

SB 330: Warning devices on garbage trucks

Senator Schmidt presented background information on a tragic accident that led to the request for this bill which would close a gap in current law. Through this gap, some garbage trucks are not required to activate backup alarms when backing and that particular gap applied in the circumstances involving Justin Snavely's death (Attachment 6). John and Judy Snavely's son, Justin Snavely, was killed by a garbage truck backing over him. The truck's backup alarms were not activated (Attachment 7).

John Parisi, Kansas Trial Lawyers Association spoke in support of **SB 330**. He provided some historical background and recommended this bill to close the gap in current law (Attachment 8). The bill consists of two parts: one that such trucks must be equipped with warning devices, and two that such device must be used when backing up. Penalty provisions in the bill would fall under "equipment infractions" and would be enough of a penalty to encourage following the law. Hearing closed. Time has run out for today so final action will be taken at a later date.

Approval of minutes

Senator Salmans moved to approve minutes of the January 28 meeting, Senator Goodwin seconded the motion. Motion carried.

The meeting adjourned at 9:30 a.m.

The next meeting is scheduled for February 5, 2004.

**SENATE TRANSPORTATION COMMITTEE
GUEST LIST**

DATE: February 4, 2004

NAME	REPRESENTING
DAVID Church	KDOT, Traffic Eng.
Jim Sullinger	KC STAR
Seann Stephens	Dept. of Commerce
Judge Smarely	Bill # 330 individual
John Smarely	" "
Andy Shaw	Write Mgmt of Ks.
Tom Whitaker	KDOT
Tom Whitaker	Ks Motor Carriers Assn.
John C. BOTTENBERG	DEFFENBAUGH IND.
Bark Covert	Ks Trial Lawyers Assoc.
Tim RUES	LeCompton Hsh. Soc
LONA SPENCER	" " "
ETC	DOB
Paul Behrman	Evangelical Bldg Soc
Sharon Winter	" " "
Dwight Caswell	Study of the (Smarely)
Don Hillman	Study of the Transportation
Gene & Arden Harris	KDOT Bill # 330
John M Parisi	KTLA

SB 330

Capitol Office

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Topeka, Kansas 66612
(785) 296-7398

District Office

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Independence, Kansas 67301
(620) 331-1800



Committee Assignments

Agriculture (Chairman)
Legislative Post Audit (Chairman)
Judiciary
Natural Resources
Elections and
Local Government

Message Only (800) 432-3924
During Session
e-mail: schmidt@senate.state.ks.us

Senator Derek Schmidt

15th District

Testimony in Support of Senate Bill 289

“Governors of Kansas Hometown Heritage Act”

Presented to the Senate Transportation Committee

By Senator Derek Schmidt

February 4, 2004

Chairman Donovan, members of the committee, thank you for the opportunity to testify today in support of Senate Bill 289.

Last year, while waiting in the front office for a meeting with Governor Sebelius, I began studying the photos of all our state’s governors displayed in the governor’s office. It occurred to me that we have never taken steps as a state to recognize and honor the hometown communities that produced our governors.

Those communities have stories to tell. By promoting the history of our governors’ hometowns, we can create a new focus on the history of their times and the forces that shaped them. That’s an exciting prospect.

Senate Bill 289 would create the Governors of Kansas Hometown Heritage Act. The requirements of the bill are simple: To provide that any community that is the hometown of one of our governors may request, by action of the community’s governing body, that the Kansas Department of Transportation replace the community’s existing “city limits” signs with specially designed Governor’s Hometown signs.

The cost of this replacement signage would be paid by private contributions.

This new signage would be designed by the Department of Transportation in consultation with other appropriate agencies. The sign would incorporate a governor’s hometown logo, developed by competition, that in some manner depicts the Capitol dome. While the final design would be determined later, the basics of the signage would be key. I would imagine these signs would say something like:

City Limits of Independence

Hometown Of

Alf M. Landon

26th Governor of Kansas (1933-1937)

Lyman U. Humphrey

11th Governor of Kansas (1889 – 1893)

SENATE TRANSPORTATION COMMITTEE

— DATE 2-4-04 —

ATTACHMENT: /

This initiative is about more than signs. The idea is to nudge communities to be proud of and promote their heritage as hometowns of our governors. This bill just provides a coordinated, statewide framework for doing that.

There are wonderful stories to tell. For example, Fredonia was home to Governor Ben Paulen. Local leaders in Fredonia have told me they hope if this legislation becomes law to use it as a springboard to create some additional local signage telling about Ben Paulen's Fredonia – perhaps even a walking tour. Governor Paulen, incidentally, has the distinction of being the only governor of Kansas to take his oath of office by telephone – because his ailing father, a veteran of the Civil War, could not travel to Topeka so Ben took the oath by telephone while standing at his father's side in Fredonia.

Governor John Leedy of LeRoy was one of our Populist governors during the 1890s. Citizens in Coffey County have expressed interest in restoring Governor Leedy's home and making it a tourist site, and they have indicated this legislation would help encourage that to happen. Governor Leedy was a peculiar fellow. His great nephew, Jay Leedy, is today mayor of Neosho Falls. Jay tells me that after Governor Leedy left office, he left Kansas permanently. He eventually died in Canada and was buried as a pauper in an unmarked grave – until a marker recently was placed at his gravesite.

There are other interesting facts:

- Governor Jonathan Davis of Bronson ran for governor in a total of 6 general elections.
- Governor Samuel Crawford of Garnett resigned the day after being elected to his second term to take command of the 19th regiment of Kansas.
- Governor George Docking of Lawrence became the first Democrat ever re-elected as governor.

The history of our governors – and of the times and hometown communities that shaped them – is a largely untold story. This legislation is an effort to encourage a better telling of that story. It promotes pride in our heritage, and perhaps just a bit of tourism interest.

Let me offer two final thoughts:

First, there are sometimes disputes about which town may claim to be a governor's hometown. To avoid those disputes, the bill proposes to use the official listing at the Secretary of State's office as the governor's hometowns. That would reflect the town that the candidate himself chose to list as his hometown when he filed for office and it would reflect the town that appeared on the ballot along with the candidate's name. A copy of that listing is attached.

Second, the bill as drafted applies only to statehood governors – not territorial governors. I believe there will be a request to expand the bill to include the territorial governors as well, and I believe that would be a favorable addition. We should ensure, however, that

the territorial signage is sufficiently distinct as to distinguish statehood governors from territorial governors. For example, we do not want one sign stating Lecompton is home of the 4th governor, John White Geary, and another sign stating Manhattan is home of the 4th governor, Nehemiah Green. Of course, the former is the 4th territorial governor while the latter is the 4th statehood governor. Perhaps it would be best to craft a new and separate section of the bill addressing only the territorial governors.

Thank you for considering this legislation. I encourage the committee to recommend it favorably, and I would stand for questions.

Kansas State Officers

(since statehood on January 29, 1861)

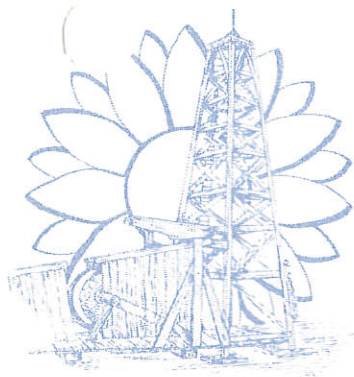
Political affiliation has been indicated by Republican, (R); Democrat, (D); Independent, (I); and People's party, (P). In 1890 the People's party was commonly known as the Alliance; later on it was better known as the Populist Party.

Governors

Robinson, Charles, Lawrence (R), Feb. 9, 1861 to Jan. 12, 1863.
Carney, Thomas, Leavenworth (R), Jan. 12, 1863 to Jan. 9, 1865.
Crawford, Samuel Johnson, Garnett (R), Jan. 9, 1865 to Nov. 4, 1868 (resigned to take command of the 19th regiment).
Green, Nehemiah, Manhattan (R), Nov. 4, 1868 to Jan. 11, 1869.
Harvey, James Madison, Fort Riley (R), Jan. 11, 1869 to Jan. 13, 1873.
Osborn, Thomas Andrew, Leavenworth (R), Jan. 13, 1873 to Jan. 8, 1877.
Anthony, George Tobey, Leavenworth (R), Jan. 8, 1877 to Jan. 13, 1879.
St. John, John Pierce, Olathe (R), Jan. 13, 1879 to Jan. 8, 1883.
Glick, George Washington, Atchison (D), Jan. 8, 1883 to Jan. 13, 1885.
Martin, John Alexander, Atchison (R), Jan. 12, 1885 to Jan. 14, 1889.
Humphrey, Lyman Underwood, Independence (R), Jan. 14, 1889 to Jan. 9, 1893.
Lewelling, Lorenzo Dow, Wichita (P), Jan. 9, 1893 to Jan. 14, 1895.
Morrill, Edmund Needham, Hiawatha (R), Jan. 14, 1895 to Jan. 11, 1897.
Leedy, John Whitnah, Le Roy (P), Jan. 11, 1897 to Jan. 9, 1899.
Stanley, William Eugene, Wichita (R), Jan. 9, 1899 to Jan. 12, 1903.
Bailey, Willis Joshua, Baileyville (R), Jan. 12, 1903 to Jan. 9, 1905.
Hoch, Edward Wallis, Marion (R), Jan. 9, 1905 to Jan. 11, 1909.
Stubbs, Walter Roscoe, Lawrence (R), Jan. 11, 1909 to Jan. 13, 1913.
Hodges, George Hartshorn, Olathe (D), Jan. 13, 1913 to Jan. 11, 1915.
Capper, Arthur, Topeka (R), Jan. 11, 1915 to Jan. 13, 1919.
Allen, Henry Justin, Wichita (R), Jan. 13, 1919 to Jan. 8, 1923.
Davis, Jonathan McMillan, Bronson (R), Jan. 8, 1923 to Jan. 12, 1925.
Paulen, Ben Sanford, Fredonia (R), Jan. 12, 1925 to Jan. 14, 1929.
Reed, Clyde Martin, Parsons (R), Jan. 14, 1929 to Jan. 12, 1931.
Woodring, Harry Hines, Neodesha (D), Jan. 12, 1931 to Jan. 9, 1933.
Landon, Alf Mossman, Independence (R), Jan. 9, 1933 to Jan. 11, 1937.
Huxman, Walter August, Hutchinson (D), Jan. 11, 1937 to Jan. 9, 1939.
Ratner, Payne, Parsons (R), Jan. 9, 1939 to Jan. 11, 1943.
Schoepfel, Andrew Frank, Ness City (R), Jan. 11, 1943 to Jan. 13, 1947.
Carlson, Frank, Concordia (R), Jan. 13, 1947 to Nov. 28, 1950, resigned; elected U.S. Senator.
Hagaman, Frank Lester, Fairway (R), vice Carlson; Nov. 28, 1950 to Jan. 8, 1951.
Arn, Edward Ferdinand, Wichita (R), Jan. 8, 1951 to Jan. 10, 1955.
Hall, Fred, Dodge City (R), Jan. 10, 1955 to Jan. 3, 1957, resigned; appointed Justice of Supreme Court.
McCuish, John, Newton (R), Jan. 3, 1957 to Jan. 14, 1957, succeeding Fred Hall.
Docking, George, Lawrence (D), Jan. 14, 1957 to Jan. 9, 1961.
Anderson, John, Jr., Olathe (R), Jan. 9, 1961 to Jan. 11, 1965.
Avery, Wm. H., Wakefield (R), Jan. 11, 1965 to Jan. 9, 1967.
Docking, Robert B., Arkansas City (D), Jan. 9, 1967 to Jan. 13, 1975.
Bennett, Robert F., Prairie Village (R), Jan. 13, 1975 to Jan. 8, 1979.
Carlin, John, Smolan (D), Jan. 8, 1979 to Jan. 12, 1987.
Hayden, Mike, Atwood (R), Jan. 12, 1987 to Jan. 14, 1991.
Finney, Joan, Topeka (D), Jan. 14, 1991 to Jan. 9, 1995.
Graves, Bill, Salina (R), Jan. 9, 1995 to Jan. 13, 2003.
Sebelius, Kathleen, Topeka (D), Jan. 13, 2003—.

Lieutenant Governors

1-4



**Neodesha
Chamber of Commerce, Inc.**

100 S. 1st • P.O. Box 266

Neodesha, Kansas 66757

620-325-2055

FAX: 620-325-3770

Re: SB No. 289, "Governors of Kansas Hometown Heritage Act"

I recently attended a quarterly training for Kansas Main Street held at the Kansas History Museum. You are all familiar with the wonderful Kansas exhibits being housed there. However, have you noticed the impressive photographic collection of former Kansas Governors? I am Chris Bauman, Executive Vice president of the Chamber of Commerce of Neodesha, the home of former Kansas Governor, Harry Hines Woodring.

Woodring, a Democrat and Neodesha banker, would serve only one term in the Governor's mansion. He had succeeded Clyde Reed, a Parsons Republican; only to find himself embattled in a face off election with another republican in the 1932 election. He was to lose the race to a relative political unknown, Alf Landon, from the small town south of Neodesha by the name of Independence.

Woodring's interest in politics went far beyond that of the state of Kansas. He became quite a notable figure in the presidential campaign of 1933 in support of Franklin Delano Roosevelt. His dedication and hard work would not go unnoticed, and Woodring was picked to be Undersecretary of War in 1933, elevated to the position of United States Secretary of War in 1936.

During the period of 1923 to 1943, the communities of southeast Kansas supplied the top level of leadership in the state for eighteen of twenty years. Much of the area was experiencing an oil boom and because of the rich deposits of the Mid Continent Oil Field, the site would soon become a rich source of our national energy. It is this story that allows us to tell a regional narrative of the development of our state.

You have reviewed the proposal put before you by Sen Derek Schmidt of that small town of Independence. Sen Schmidt rolled out his plans for the bill at a Southeast Kansas Tourism meeting in November and representatives of our region are excited to see the "Governors of Kansas Hometown Heritage Act" come about. Sen Schmidt's proposal of exhibiting special entrance signage that designates those hometown communities of our past Kansas Governors will help to bring about an additional note of pride. Pride in both our own community but in being a part of the bigger picture of Kansas politics. It is my belief that our chambers of commerce, our convention and visitors bureaus and our museums throughout the state will jump at the opportunity to support this bill. I am confident that they will quite willingly bear the expense of this signage to honor the significance that these individuals have brought to our respective communities.

The tourism industry documents *Heritage* as the number one draw for the weekend traveler. Let's give that traveler to our state an exposure outside the Kansas History Museum. Allow us to tell the story of the rise to power and political fame that came about for our native sons. In my hometown of Neodesha, the Harry Woodring home still stands in a neighborhood of prominence. In the downtown of Neodesha, there still exists an architectural panorama of what life might have been like in the twenties and thirties. The "Governors of Kansas Hometown Heritage Act" will honor those communities and the contribution that they played in the political history of our state.

Join me in support of Sen Derek Schmidt and Senate Bill No. 289 in endorsing the "Governors Hometown Heritage Act of Kansas".

Respectfully submitted Fe—
Chris Bauman, e-mail :

SENATE TRANSPORTATION COMMITTEE

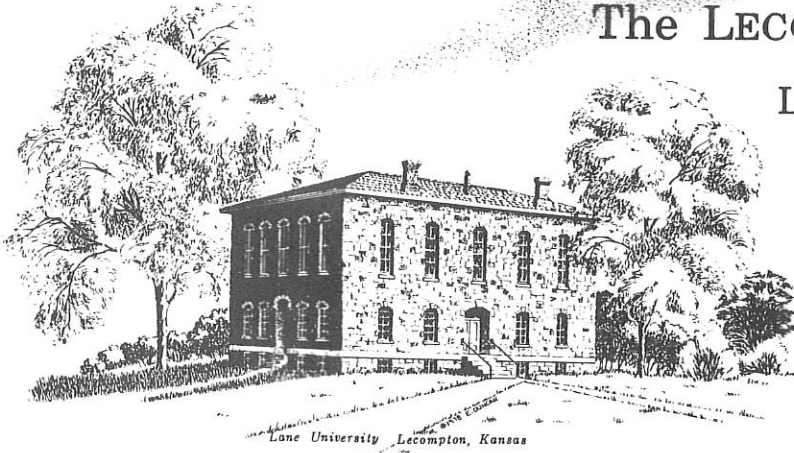
DATE 2-4-04

ATTACHMENT: 2

2-1

The Lecompton Historical Society

Lecompton, Kansas 66050



February 4, 2004

Honorable members of the Senate Transportation Committee:

The Lecompton Historical Society makes an enthusiastic endorsement of Senate Bill 289 as introduced by Senator Derek Schmidt. This bill allows communities to install historic signs honoring the Governors, including Territorial Governors of Kansas.

The Territorial Governors were very important not only to the State of Kansas but also to the nation. The role these Territorial Governors played during the Bleeding Kansas Era was a prelude to our nation's Civil War.

The atmosphere surrounding the writing of the Lecompton Constitution and its impact on the nation certainly gives credibility that the events in Lecompton were the political "Birthplace of the Civil War." The role each of the governors played varied, but subsequently their actions impacted the history of the State of Kansas as well as the United States.

The Territorial Governors are presently recognized with photos in the Governor's office and it would be appropriate to extend that recognition to the cities of their birth or where they held office.

The nine Governors or acting Governors in Lecompton were appointed by President Pierce or Buchanan and were from other states but their home while in Kansas was Lecompton.

Kansas will be celebrating the Sesquicentennial and the possibility exists that a portion of Eastern Kansas will be designated as a Bleeding Kansas National Heritage area by the United States Park Service. The addition of signs would certainly enhance tourist attractions in Lecompton, the official Territorial Capital of Kansas from 1855 to 1861.

3-1

SENATE TRANSPORTATION COMMITTEE
- DATE 2-4-04 -
ATTACHMENT: 3

The following list includes governors and acting governors that would appear on the sign:

Governors

Wilson Shannon

John Geary

Robert Walker

James Denver

Samuel Medary

Acting Governors

Daniel Woodson

Frederick Stanton

James Denver

Hugh Walsh

George Beebe

We hope you will recommend approval of Senator Schmidt's Bill 289. Thank-you for the opportunity to make this presentation.



Paul M. Bahnmaier

Lecompton Historical Society President

Historic Lecompton

the political birthplace of the american civil war

capital city of kansas territory

- !! upcoming events
- !! territorial capitol
- !! constitution wall
- !! democratic HQ
- !! lecture series
- !! constitution
- !! reactors
- !! contact
- !! history



!! home

!! facts !!

At the suggestion of Dr. Aristides Rodriguez, Lecompton was originally named "Bald Eagle."

!! links !!

KC to Kanorado

Governors of the Territory of Kansas



Andrew Horatio Reeder
Oct. 7, 1854 - Apr. 17, 1855;
June 23 - Aug. 16, 1855



Wilson Shannon
Sept. 7, 1855 - June 24, 1856;
July 7 - Aug. 18, 1856



John White Geary
Sept. 9, 1856 - Mar. 12, 1857



Robert Walker
May 27 - Nov. 16, 1857



James Denver
May 12 - July 3, 1858
July 30 - Oct. 10, 1858



Samuel Medary
Dec. 18, 1858 - Aug. 1, 1859;
Sept. 15, 1859 - Apr. 15, 1860;
June 16 - Sept 16, 1860;
Nov. 26 - Dec.17, 1860

Historical Information

- People
- Biographies
- Governors of Kansas Territory
- Acting Governors of Kansas Territory

- Places
- Historic Maps
- Camp Sackett
- Battle of Fort Titus
- Historic Walking Tour
- Democratic Headquarters

- Misc
- Bleeding Kansas Origin
- Lecompton Constitution
- Lecompton Trivia
- Bleeding Kansas Timeline

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3-3

TOM SLOAN
 REPRESENTATIVE, 45TH DISTRICT
 DOUGLAS COUNTY

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 (785) 296-7677
 1-800-432-3924

772 HWY 40
 LAWRENCE, KANSAS 66049-4174
 (785) 841-1526
 sloan@house.state.ks.us



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENT
 CHAIRMAN: HIGHER EDUCATION
 MEMBER: UTILITIES
 ENVIRONMENT
 GENERAL GOVERNMENT &
 HUMAN RESOURCES
 BUDGET

Testimony on SB 289—Governors of Kansas Hometown Heritage Act

Mr. Chairman, Members of the Committee: I support SB 289 as another means of bringing Kansas' rich historic heritage to the attention of our citizens.

Other conferees from Lecompton will ask that the committee expand the bill to recognize territorial governors. I encourage the committee to view this proposal favorably.

Lecompton's citizens have worked very hard to restore and promote Constitution Hall and Lane University. Their historical re-enactments, organization of presentations and exhibitions on "Bleeding Kansas," and continuous efforts to promote tourism, are a reflection of an entire community's determination to preserve and teach Kansas history. Recognizing Territorial Governors would be another low cost way in which the State and Lecompton can be partners.

It also is in keeping with the tradition of Kansas Senators to recognize the significance that Lecompton played in our history. Former Senators Wint Winter Sr. and Frank Gaines were ardent supports of Lecompton's historic preservation and promotion efforts.

I regret that committee responsibilities prevent my appearance before you today. Please do not hesitate to contact me if I can provide additional information or answer any questions you may have.

Tom Sloan
 45th District Representative

4-1

SENATE TRANSPORTATION COMMITTEE
 — DATE 2-4-04 —
 ATTACHMENT: 4

KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY BEFORE THE SENATE TRANSPORTATION COMMITTEE

RELATING TO SENATE BILL 289 GOVERNORS OF KANSAS HOMETOWN HERITAGE ACT

FEBRUARY 4, 2004

Mr. Chairman and Members of the Committee:

Good morning, my name is David Church, Chief of the Bureau of Traffic Engineering for the Kansas Department of Transportation (KDOT). On behalf of KDOT, I appreciate the opportunity to present information regarding Senate Bill 289. This bill would allow KDOT to install governor's hometown signs in place of city limit signs or unincorporated signs for cities that qualify as a "governor's hometown." The city would need to pass a resolution requesting such signs and KDOT would receive gifts and donations to reimburse them for the cost of installing such signs.

The existing bill requires the following information to be placed on the governor's hometown sign:

- a. The name of the city or unincorporated community
- b. An indication that the sign marks the city limits of the city or the edge of the unincorporated community
- c. The governor's hometown logo
- d. An indication that such city or unincorporated community is the hometown of one or more governors of Kansas, the name of each governor of Kansas whose hometown is such city or unincorporated community, the numerical designation of each such governor in the succession of governors of Kansas and the years each such governor served as governor of Kansas.

KDOT is required by the Manual on Uniform Traffic Control Devices (MUTCD) to meet minimum standards regarding text heights and widths on guide signs. These minimum text standards would need to be met if this additional information were added to a city limit or unincorporated sign. Adding this additional information to a city limit or unincorporated sign would require that existing sign be removed and replaced with a new larger sign. Due to the large size of the new sign, additional sign supports would most likely be needed. Also, the large

sign size would make it difficult to install this sign on a conventional road at a city's "city limit" due to right-of-way constraints. The larger the sign and the more sign supports that are needed, the higher the cost to the community to reimburse KDOT for installing the sign. It also makes the sign more difficult to fabricate, install, and maintain.

City limit and unincorporated signs are considered guide signs that mark a city boundary. The city boundary is typically where a speed limit will change along a highway. For this reason, we have many locations where speed limit signs are installed under a city limit or unincorporated sign. Many cities also install local ordinance signs underneath city limit and unincorporated signs. Combining the city limit and unincorporated sign as a part of the governor's hometown sign would be adding a lot of additional information to the sign assembly which could redirect the driver's attention from other important information (speed limit). We understand the good intentions of combining these signs into one, as it would not add more signs to the state highway system. There are, however, some potential drawbacks to requiring that the signs be combined.

A possible option that might be considered would be to modify the bill to include the following points:

1. The governor's hometown sign would be a "stand-alone" sign and not combined with a city limit or unincorporated sign. This would reduce the size of the sign and not add additional information to important information posted at a city boundary.
2. The governor's hometown sign would be installed within the city limit or unincorporated city boundary. Each location would be reviewed by KDOT and the city to find the best possible place to install the sign near the city limit or unincorporated city boundary.
3. The governor's hometown sign should be limited to one governor per sign to keep the size of the sign smaller and to reduce the amount of information on the sign. (Information regarding two governors could be placed on one sign, however, due to the large size of the sign and the amount of information, it is not recommended.)

If favorable considerations were given to the "stand-alone" option, the following benefits might be realized:

1. The drivers could focus their attention on the governor's hometown sign by itself versus all the information that would be presented to them on a combined city limit or unincorporated sign.
2. The reduced size of the sign would be more affordable for cities to reimburse KDOT for the cost of installation. The smaller size will also be easier to fabricate, install, and maintain.

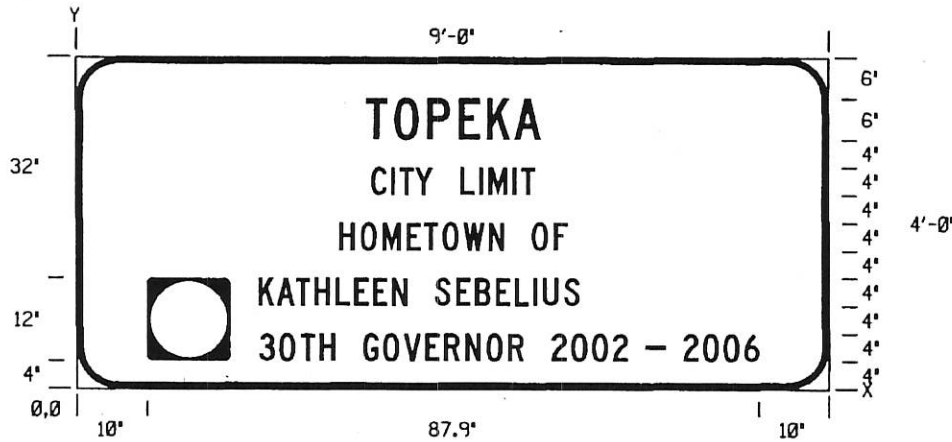
Attached for your information are example sign layouts (six) of an existing city limit sign, the currently proposed governor's hometown sign, and the new proposed governor's hometown sign (three for a conventional road (smaller) and three for a freeway / expressway (larger)).

5-2

5-4

CONVENTIONAL ROAD - COMBINED

SIGN DETAIL
SCALE 1:25



SIGN NUMBER	
WIDTH x HEIGHT	9'-0" x 4'-0"
BORDER WIDTH	1.0"
CORNER RADIUS	6.0"
MOUNTING	GROUND
BACKGROUND	TYPE: REFLECTIVE
	COLOR: GREEN
LEGEND/BORDER	TYPE: REFLECTIVE
	COLOR: WHITE

SYMBOL	X	Y	WID	HT
M1.6	10.0	4.0	12.0	12.0

DIMENSIONS IN INCHES

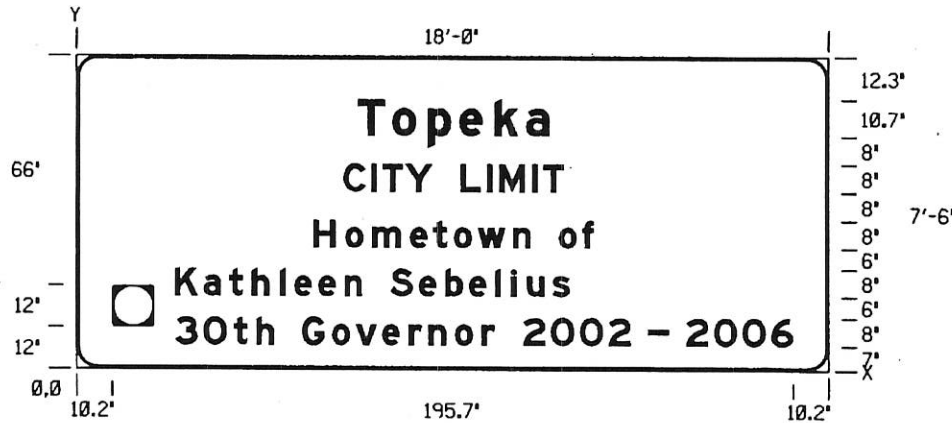
SPACINGS ARE TO START OF NEXT LETTER

Y FONT	LETTER SPACINGS																		HT LEN					
36.0 C	X	T	O	P	E	K	A	X												6.0				
	41.5	4.0	4.7	4.6	4.0	4.0	3.8	41.5												25.0				
28.0 C	X	C	I	T	Y	X	L	I	M	I	T	X								4.0				
	42.2	2.9	1.2	2.2	2.5	4.0	2.7	1.4	3.4	1.2	2.0	42.2								23.6				
20.0 C	X	H	O	M	E	T	O	W	N	X	O	F	X							4.0				
	37.6	3.0	3.2	3.4	2.5	2.7	3.0	3.7	2.2	4.0	3.2	2.0	37.6							32.8				
12.0 C	X	K	A	T	H	L	E	E	N	X	S	E	B	E	L	I	U	S	X	4.0				
	26.0	2.6	2.7	2.7	3.0	2.7	2.7	2.7	2.2	4.0	3.0	2.7	3.0	2.7	2.7	1.4	3.0	2.2	35.9	46.0				
4.0 C	X	3	O	T	H	X	G	O	V	E	R	N	O	R	X	2	0	0	2	-	2	0	0	4.0
	26.0	2.9	3.2	2.7	2.2	4.0	2.9	3.0	3.1	2.7	3.0	3.0	3.2	2.2	4.0	2.9	3.0	3.0	4.7	5.5	2.9	3.0	3.0	10.0

FREEWAY/EXPRESSWAY - COMBINED

5-7

SIGN DETAIL
SCALE 1:50



SIGN NUMBER	
WIDTH x HEIGHT	18'-0" x 7'-6"
BORDER WIDTH	1.0"
CORNER RADIUS	6.0"
MOUNTING	GROUND
BACKGROUND	TYPE: REFLECTIVE COLOR: GREEN
LEGEND/BORDER	TYPE: REFLECTIVE COLOR: WHITE

SYMBOL	X	Y	WID	HT
ML6	10.2	12.0	12.0	12.0

DIMENSIONS IN INCHES

SPACINGS ARE TO START OF NEXT LETTER

Y FONT	LETTER SPACINGS																		HT LEN					
67.0 EM	80.5	9.8	10.3	9.1	10.1	9.1	6.7	80.5												10.7 8.0 55.1				
51.0 EM	76.3	8.0	3.2	6.4	8.0	8.0	7.5	3.6	9.4	3.2	5.9	76.3								8.0 63.4				
35.0 EM	67.7	9.1	7.7	10.9	6.7	5.8	6.9	10.2	5.1	8.0	6.9	3.3	67.7							8.0 6.0 80.6				
21.0 EM	28.2	8.1	7.3	6.5	8.1	4.0	6.9	7.6	5.1	8.0	8.2	7.6	6.8	7.6	4.6	4.6	7.3	5.1	74.6	8.0 6.0 113.3				
7.0 EM	28.2	8.0	8.7	6.5	5.1	8.0	8.5	6.8	7.6	7.6	5.8	7.5	7.7	3.9	8.0	8.0	8.3	8.3	11.4	11.0	8.0	8.3	8.3	167.47

10.2

Capitol Office
State Capitol, Room 143-N
Topeka, Kansas 66612
(785) 296-7398

District Office
304 North Sixth Street
P.O. Box 747
Independence, Kansas 67301
(620) 331-1800



Senator Derek Schmidt
15th District

Committee Assignments
Agriculture (Chairman)
Legislative Post Audit (Chairman)
Judiciary
Natural Resources
Elections and
Local Government

Message Only (800) 432-3924
During Session
e-mail: schmidt@senate.state.ks.us

Testimony in Support of Senate Bill 330
Presented to the Senate Transportation Committee
by Senator Derek Schmidt

February 4, 2004

Chairman Donovan, members of the committee, thank you for conducting this hearing on Senate Bill 330.

In 2001, a recent college graduate named Justin Snavely was working in a new subdivision in Johnson County. He was focused on his work in laying out the area and did not hear the garbage truck that backed over him and killed him.

Justin's parents, who live in Iola, have spent the past three years not only working through their personal loss but coming to understand the law in this area. They are here today, as is their attorney, and they can share their story.

But the bottom line is that there is a gap in the law. Through that gap, there is a category of garbage trucks that are required by neither federal nor state law to activate backup alarms when backing. Justin's parents are here today to ask us to close that gap so that the tragedy that befell their son is not repeated.

This strikes me as good common sense. I had assumed that garbage trucks were already required to use backup alarms. Certainly, those I have been around do so.

The terrible irony is that the truck that killed Justin Snavely was equipped with a backup alarm. Whatever minimal expense or inconvenience might have been caused to the owners of that truck from installing the backup alarm had already been borne. But the alarm had been turned off the morning Justin was killed. The law permitted that to happen.

Senate Bill 330 would prohibit that from happening in the future.

I would stand for questions.

6-1

SENATE TRANSPORTATION COMMITTEE
- DATE 2-4-04 -
ATTACHMENT: 6

February 4, 2004

State of Kansas Senate Transportation Commission:

Our son, JUSTIN SNAVELY, was killed on March 28, 2001 by a garbage truck backing over him. There were no back-up alarms activated. Garbage trucks operate in both residential and commercial areas. Both areas have high pedestrian traffic including many elderly adults and small children.

With over thirty-five (35) years experience working on city streets as a heavy equipment operator and on garbage trucks, Justin's father, John testifies to the necessity for mandatory operating back-up alarms.

We feel the mandatory requirement of back-up alarms to be used while backing would have saved Justin's life. We hope and pray that with the passing of bill #330, lives will be saved.

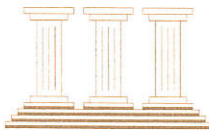
We pray that no other Father, Mother, brothers or any family go through what we have in the tragic death of our son and brother, JUSTIN.

John and Judy Snavely

Jason and James Snavely (brothers)

7-1

SENATE TRANSPORTATION COMMITTEE
- DATE 2-4-04 -
ATTACHMENT: 7



KANSAS TRIAL LAWYERS ASSOCIATION

Lawyers Representing Consumers

TO: Members of the Senate Commerce Committee

FROM: John Parisi, Kansas Trial Lawyers Association

RE: SB 330

DATE: Feb. 3, 2004

Sen. Donovan and members of the Senate Transportation Committee; I am John Parisi and I am here today on behalf of Kansas Trial Lawyers' Association in support of SB 330. KTLA is a statewide, nonprofit organization of lawyers who represent consumers and advocate for the safety of families and the preservation of the civil justice system. We appreciate the opportunity to appear before you today in support of this important safety legislation

SB 330 would amend K.S.A. 8-173(8), requiring refuse trucks "be equipped with a whistle, bell, or other signal" when the driver is backing the truck. As the committee is well aware, trash trucks operate in communities throughout Kansas and the operation of a trash truck involves frequent loading and unloading of refuse which requires frequent backing up of the vehicle. Most trash trucks, by their nature of their design, have blind spots immediately behind the vehicle. As a consequence, the driver of the vehicle is unable to see what is directly behind him. Even with the conscientious use of side mirrors, the blind spot nonetheless persists. It is the fact that there is a blind spot behind trash trucks that poses as a danger to those behind the vehicle as the driver backs up. Therefore, it is not only prudent, but essential for the safety of Kansas citizens, that an operable backup alarm be placed on the every trash truck operating in the state. It is also necessary that the backup alarm be operable each and every time the vehicle backs up to warn those behind the vehicle to enable them to take evasive action to get out of the path of the vehicle.

I reside in Johnson County in a neighborhood where there are numerous children. Many of them ride the bus to school and wait for their bus right outside my house, which is located immediately across the street

8-1

SENATE TRANSPORTATION COMMITTEE

DATE 2-4-04

ATTACHMENT: 8

Terry Humphrey, Executive

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from a cul-de-sac. I have witnessed a trash truck back up the cul-de-sac with the children waiting at the bus stop immediately in the truck's path. Fortunately, the truck was equipped with a working backup alarm, and the kids were alerted to the fact the truck was backing up and able to move out of the way. I hate to think what could have happened had an audible warning alarm not been on the truck as it backed up the street.

Unfortunately tragedies involving trash trucks backing over pedestrians do occur in our state. I recently represented a Kansas family whose son was killed by a trash truck that backed across an intersection where he was working as a surveyor. The trash truck backed across the intersection with no operating backup alarm. There is no question in my mind that had there been an operating backup alarm on the truck, this tragedy would have been avoided and my client's son would still be alive.

Current Kansas law does not require backup alarms on trash trucks, regardless of where they are operated. OSHA does require trucks involved in construction activities to be equipped with backup alarms. Thus if a trash truck is operating on a construction job it has to have a backup alarm. However, if the same truck is operating in a residential area, no alarm is required. Kansas families and their children deserve no less protection from being run over by a trash truck than those working at a construction site. SB 330 would rectify this anomalous situation by requiring backup alarms on all trash trucks operating in the state of Kansas to provide an audible warning to those behind the truck that it is backing up.

Back up alarms can easily be placed on trash trucks at a low cost. The minimal cost of this essential safety feature is more than reasonable given the potential magnitude of harm to those injured, maimed, or even killed by trash trucks backing up without operating alarms. The bottom line is that if enacted SB 330 will go a long way toward insuring that no other family in Kansas will have to endure the tragedy of losing a son, daughter or other loved as a result of being backed over by a trash truck.

On behalf of my former clients, and all Kansas citizens, I urge the committee to pass SB 330 to require that all trash trucks operating in the State of Kansas be equipped with operable back up alarms that will give an audible warning to those behind the vehicle that is in the process of backing up

8-2